

Law
No. 8466, dt. 24.03.1999-04-22

“On Antidumping”

In compliance to the articles 78 and 83/1 of the constitution, upon the proposal of the Council of Ministers,

The Parliament of the Republic of Albania

DECIDED

PART I
Object, Definitions and Principles

Article 1
Object

This law intends to protect the domestic product, when it is injured or prevented by unfair practices of international trade through dumping.

Article 2
Definitions

In the meaning of this law:

- a) "dumping" shall mean the introduction of a product into the commerce of another country at a price which is less than its normal value;
- b) "dumping margin" shall mean the difference between the export price and the normal value as it results from the comparison of the two in accordance with the provisions of the law;
- c) "injury" shall mean material injury to a domestic industry, threat of material injury to a domestic industry or material retardation of the establishment of a domestic industry;
- ç) "domestic industry" shall mean the albanian producers as a whole of the like products or those of them whose collective output of the products constitutes a majunshall mean th

e) "Anti-dumping office" shall mean the state organ charged to investigate and to put the anti-dumping duties;

ë) "investigation" shall mean the examination to define the existence, extension and effect of the dumping;

f) "interested parties" shall mean:

- the exporters or foreign producers of the investigated product;
- the importers of the investigated product;
- trade or business associations, a majority of members of which are producers, exporters or importers of the investigated product;
- the government of the exporting countries;
- the domestic producers of the like product;
- trade and business associations, a majority of the members of which produce the domestic like product.

Article 3 Principles

1. A product is considered as being dumped if the export

be acceptable where the evidence demonstrates that domestic sales at such lower ratio can provide for a proper comparison.

3. When there are no sales of the like product in the ordinary course of trade in the domestic market of the exporting country, or when, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, such sales do not permit such lower ratio

1. The export price is the price actually paid or payable for the product when sold for export from the exporting country to the Republic of Albania.
2. In cases where there is no export price or where the export price is considered unreliable by the antidumping office because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed
 - a) on the basis of the price at which the imported products are first resold to an independent buyer, or,
 - b) if the products are not resold to an independent buyer, or not resold in the condition as imported, on such reasonable basis as the antidumping office may determine.

Article 7

The essential factors to realize the comparison

1. The essential factors, which determine the price comparison are: sale conditions, taxation, levels of trade, quantities, physical characteristics, and any other differences which are also demonstrated by interested

Chapter II
Determination of injury and causal link

Article 10
Determination of Injury

A determination of injury shall be based on positive evidence and involve an objective examination of:

- a) the volume of dumped imports;
- b) the effect of the dumped imports on prices in the domestic market for like products;
- c) the consequent impact of these imports on domestic producers of such products.

Article 11
Determination of the volume of dumped imports

With regard to the volume of the dumped imports, the antidumping office shall consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in the Republic of Albania.

Article 12
Effects of the dumped imports on prices in the domestic market

1. With regard to the effects of the dumped imports on prices in the market of the Republic of Albania, the antidumping office shall consider:

- whether there has been a significant price undercutting by the dumped imports as compared with the price of a like product of the Republic of Albania;
- whether the effects of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

2. When imports of a like product from more than one country are simultaneously subject to anti-dumping investigations, the antidumping office may cumulatively assess the effects of such imports only if it determines that:

- a) the margin of dumping established in relation to the imports from each country is more than de minimis and the volume of imports from each country is not negligible as specified in article 18/6 of this law;
- b) a cumulative assessment of the effects of the imports is appropriate in the light of the conditions of competition between the imported product and the like domestic product.

Article 13
Impact of the dumped imports on the Albanian Industry

1. The examination of the impact of the dumped imports on the Albanian industry concerned shall include an evaluation by the antidumping office of all relevant economic factors and indices having a bearing on the state of the industry, including:

will be guided by one General Director, who is appointed and dismissed by the Prime Minister. The antidumping office is composed of investigating and decision-making structures. The Antidumping Commission, which is composed of seven members, makes the decisions on impose of anti-

5. Any application may be withdrawn prior to initiation of the investigation, in which case it shall be considered not to have been made.

6. The antidumping office shall not initiate an investigation with respect to given allegedly dumped product, if, from information reasonably available, they determine that the margin of dumping is less than two per cent, or that the volume of dumped imports, actual or potential, is negligible.

The volume of data import shall be regarded as negligible if the volume of the imports from a particular country represents a market-share of below 3% of Albanian consumption, unless countries whose individual imports represent a market-share of below 3% of the Albanian consumption, collectively account for a market-share of less than 7% of the Albanian consumption.

Article 19

Application made "by or on behalf of the domestic industry"

For purposes of this law, an application shall be considered to have been made "by or on behalf of the domestic industry" only if:

a) it is supported by those Albanian producers whose collective output constitutes more than 50% of the total production of the like product produced by the portion of the Albanian industry expressing either s

1. The antidumping office shall, except in special circumstances, conclude antidumping investigations within one year, and in no case more than 18 months, after their initiation.
2. An anti-dumping procedure shall not hinder the procedures of customs clearance. Once measures are adopted, no additional formalities other than those required for the application of these measures shall be applied.
3. Any information which is by nature confidential, shall, upon good cause shown, be treated as such by the antidumping office.

Article 23

The right of the interested parties to be informed

The anti dumping office shall establish and maintain a public file relating to each investigation or review. The public file shall be available to the general public for review and copying.

Article 24

Gathering the information

1. Upon initiation of the investigation, the antidumping office shall send questionnaires to any person they believe may have information relevant to the investigation, including known domestic producers, importers, exporters and foreign producers.

The exporters and foreign producers receiving questionnaires, must answer in written within 40 days from the date on which the questionnaire was sent to the appropriate diplomatic or official representative of the exporting country.

2. In order to verify information provided or to obtain further details, the antidumping office may carry out investigations in the territory of other countries as required, provided that the firms concerned and the government of the country in question, previously officially notified, give their consent.

Article 25

Hearings

1. There shall be no obligation on any interested party to attend a hearing, and failure

organizations in cases where the product is commonly sold at the retail level in the Republic of Albania, to provide information or submit arguments concerning matters relevant to the investigation, inclosing interest of the Republic of Albania in imposing measures. Information and arguments shall be provided in writing.

The antidumping office shall allow industrial users of the investigated product and representative consumer organizations to make oral presentations at any hearing held during the course of the investigation.

Article 27

Final determination

1. The antidumping office shall, at least 30 days before the final determination is made, inform all interested parties in writing, subject to the requirement to protect confidential information, of the essential facts under consideration which form the basis for the decision whether to apply definitive measures.

Interested parties shall submit comments in writing within 15 days of the communication.

2. An investigation shall be concluded by a final determination, whether affirmative or negative. The antidumping office shall issue a public notice of the final determination. The notice shall include all relevant information on the matters of fact and law and reasons that have led to the determination, due regard being given to the requirement for the protection of confidential information.

The notice shall be published in the daily written media and/or in the Official Journal of the Republic of Albania and shall be forwarded to the Country the products of which are subject to such determination reasoqu of .9(a)1.7(t8(allhin 15 days of the))Tlic oJ18.2166

3. Provisional measures shall not be applied sooner than 60 days from the date of the initiation of investigation.

4. Provisional measures shall be applied for a period not longer than six (6) months from the date of the initiation of investigation.

The antidumping office may, upon request by exporters representing a significant percentage of the trade involved, extend the period of application of provisional duties to a period not exceeding nine months.

5. The provisions of Article 32 shall be followed in the application of provisional measures.

Article 29 Undertakings

1. The antidumping office may suspend an investigation without the imposition of provisional measures of anti-dumping duties upon receipt of satisfactory voluntary undertakings from any exporter to revise its prices or to cease exports to the area in question at dumped

definitive duties may be levied in accordance with this law on goods entered for consumption not more than ni

levied retroactively for the period for which provisional measures, if any, have been applied.

If the definitive anti-dumping duty, is higher or lower than the amount estimated for

the antidumping office determine that the anti-dumping duty, is no longer warranted, it shall be terminated immediately.

Article 37
Refunds

1. An importer shall be granted a refund of duties collected by customs authorities if the antidumping office determine that the dumping margin, on the basis of which duties were paid, has been eliminated or reduced to a level which is below the level of the duty in force.
2. The importer shall submit an application for the refund of antidumping duties

Any interested party who participated in an investigation, review or refund procedure may seek, through discussions, a prompt review of decisions taken by the antidumping office relating to final determinations, reviews of determinations and refund determinations and if in the end of the negotiations, the party judges its request has not been taken into account unreasonably, it has the right to address to the competent court, according to the provisions of the Civil Procedure Code.

Article 39
Sanctions

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