

“Pre-competitive development activity” is the translation of industrial research findings into a plan, blueprint or design for new, modified or improved products, processes or services whether intended for sale or use or not, including the creation of the first prototype. It may further include the conceptual formulation and design of products, processes or services alternatives and initial demonstration or pilot projects, provided that these same projects cannot be converted or used for industrial application or commercial exploitation. It does not include routine or periodic alterations to existing products, production line(e)-1.7(137c97(a)-18(nuf acupring prn)-5.9ocesne(ses))TI854821 0 TD.0041 Tc.0089 Tw[pr]8.1voether n-g oic

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PART TWO

CONDITIONS AND PROCEDURES FOR ISSUANCE OF A LICENSE

Control List

Article 3

(1) Export, import and transit licenses are issued for the goods under the licensing regime established by the Decision on Control List for Export, Import and Transit of Goods.

(2) Provisions on licensing procedures of import and/or export of goods of this Regulation shall apply mutatis mutandis to issuance of licenses for transit of goods which are under the licensing regime.

Competent authority for issuance of a license

Article 4

An application for issuance of export, import or transit license shall be submitted in written form to the administrative body competent for foreign trade affairs, and/or other competent administrative bodies in accordance with Article 22, paragraph 3 of the Law [hereinafter referred to as: the competent authority].

Content of application for issuance of a license

Article 5

(1) Application for issuance of a license for export, import and transit of goods shall contain data on the applicant and goods, including the following:

1. name and type of goods;
2. tariff code, and/or tariff codes of goods;
3. quantity of goods in measurement units;
4. value of goods expressed in euros (total and singular);
5. nomination of the exporting country;
6. nomination of the country of origin of goods;
7. information on person being an exporter and/or importer of goods (name, firm, address, person identification number and/or registration number, work permit in accordance with special regulation of competent ministries and phone number) and
8. proof on title on art, cultural, historical or archeological treasures, as well as proof that the author and/or holder of copyright is informed of the destination of the exported artifact.

- (2) Evaluation of value of goods which represent art, cultural, historical or archeological treasures shall be conducted by special expert commission which shall be established by the ministry of culture.
- (3) The applicant shall pay a fee for evaluation of value of goods representing art, cultural, historical or archeological treasures.
- (4) The amount of fees to be paid for evaluation of value of goods representing art, cultural, historical or archeological treasures shall be determined by the ministry of culture.
- (5) The application for issuance of a license for export, import and transit of goods may contain other data and facts that applicant considers important for making a decision.
- (6) An application for issuance of a license shall be accompanied with the proof that administrative fee has been paid.

Additional data

Article 6

- (1) The competent authority may request the applicant to supply additional data or documents, depending on the type of goods and conditions which such goods need to fulfill.
- (2) If the applicant has been issues a license for import of goods in question in the previous term, the competent authority may request that proof on the usage of previously issued license and/or license be submitted.

Form of issuance of a license

Article 7

- (1) The license shall be issued by the competent authority.
- (2) The competent authority shall decide on the application for issuance of a license in a form of decision.
- (3) Decision on request for issuance of an automatic license can be issued as a note on the sample of the request submitted.

PART THREE
PROCEDURES FOR APPLICATION OF PROTECTIVE MEASURES
CHAPTER ONE
ANTIDUMPING AND COUNTERVAILING MEASURES

Determination of dumping

Article 8

Determination of dumping shall be conducted if the goods are imported in the Republic at the price lower than its normal value.

Normal value of goods

Article 9

Normal value is the price paid for product assigned to free trade at the exporting country market, or other value determined according to relevant WTO agreements and EU regulations.

When the product subject to examination according to this Decree is not sold at the exporting country market within the free trade framework, or when such a sale, due to market size or low sale volume, does not provide for objective comparison, normal value is determined comparing to sale of a similar product assigned to the representative third country market or based on production costs based value of goods in the country of origin, increased for the actual amount of profit, as well as administrative, general and sale costs.

Minimum level of sale

Article 10

- (3) In cases where there is no export price or where it appears to the Competent Authority that the export price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed on the basis of:
- 1) The price at which the imported goods are first resold in the condition as imported to an independent buyer, or
 - 2) On any other reasonable basis, if the products are not resold to an independent buyer or are not resold in the condition as imported, taking into account costs of import, including duties and taxes incurred between importation and resale at the market of the Republic, as well as profits accrued by the importer.

Determination of the margin of dumping

Article 13

- (1) Export price and normal value shall be compared for the purposes of determination of dumping, taking into account the same level of trade and with respect to sales made at as nearly as possible the same time.
- (2) Comparison of export price and normal value shall be conducted in accordance with basic characteristics of the export procedure in question, and especially taking into account the following:
 1. Physical characteristics;
 2. Import charges and indirect taxes;
 3. Terms of sale, discounts, rebates and quantities;
 4. Level of trade;
 5. Transport, insurance, handling, loading and ancillary costs;
 6. Packing costs;
 7. The amount of credit granted for the sale, provided that it is a factor taken into account in the determination of the sale price;
 8. After-sales costs (guarantees, technical assistance and maintenance);
 9. Commissions paid in respect of the sales;
 10. Currency conversions (using the rate of exchange on the date of sale);
 11. Profit gained..

(3)

Article 15

- (1) Countervailing measures for offsetting the effects of subsidies with respect to imported goods in questions may be applied only with respect to specific subsidies, i.e. subsidies intended to a specific enterprise or industry or group of enterprises (hereinafter referred to: as “certain enterprises”).
- (2) Subsidies contingent, in law or in fact, whether solely or as one of several other conditions, upon export performance, including those illustrated in Annex 1 to the WTO Agreement on Subsidies and Countervailing Measures, and the subsidies, without having been made legally contingent upon export performance, is in fact tied to actual or anticipated exportation or export earnings as well as subsidies contingent upon the use of domestic over imported goods, shall always be considered specific.
- (3) Competent authority, when determining specific subsidies, may on its own judgment investigate other factors, and especially:
 - a) use of a subsidy program by a limited number of certain enterprises;
 - b)

- (2) If data referred to in paragraph 1 of this Article are not available, the basis for calculation may represent other available financial or relevant data, for the period not shorter than six month before initiation of investigation procedure.
- (3) The amount of subsidy shall be determined per unit of the subsidized product exported to the Republic.
- (4) The amount of subsidy may be deduced for the amount of:
 - 1) costs necessarily incurred in order to qualify for, or to obtain, the subsidy;
 - 2) export taxes, duties or other charges levied on the export of the product to the Republic specifically intended to offset the subsidy;
- (5) Where the subsidy is not granted by reference to the quantities manufactured, produced, exported or transported the amount of subsidy shall be determined by allocating the value of the subsidy, as appropriate, over the level of production, sales or exports of the products concerned during the investigation period for subsidization.

Determination and application of antidumping and countervailing measures

Examination of the impact on the industry

Article 19

The examination of the impact of the dumped and subsidized imports on the industry suffering damage from such import shall include an evaluation of all relevant economic factors having a bearing on the state of the industry, including *inter alia*:

- 1) The fact that an industry is still in the process of recovering from the effects of past subsidization or dumping

- (1) A determination of a threat of material injury shall be based on facts, and/or change in circumstances which are clearly predictable, or which will certainly follow ~~koje se jasno mogu predvidjeti, odnosno koje će nesumnjivo nastupiti~~ unquestionable and direct.
- (2) Činoci na osnovu kojih ~~Factors based on which risk from serious damage is determined also include se utvrđuje postojanje opasnosti od nastanka znatne štete~~ uključuju i:
- 1) Significant acceleration of dumped or subsidized import, ~~znatno ubrzanje dampinškog ili subvencionisanog uvoza~~ which indicates probability of significantly increased import in the Republic ~~koje ukazuje na vjerovatnoću značajno povećanog uvoza u Republiku;~~
 - 2) Sufficiently available capacities ~~dovoljne slobodno raspoložive kapacitete, or forthcoming and certain significant increase of the exporter's capacity which indicates ili predstojeće i nesumnjivo znatno povećanje kapaciteta izvoznika~~ koje ukazuje probability of significantly increased import in the Republic, ~~na vjerovatnoću~~

|

3) Impact of dumped and/or subsidized imports to prices, especially if it

~~Competent authority rejects the request for initiation of the examination procedure. Nadležni organ odbija zahtjev za pokretanje postupka ispitivanja when it is determined that there are no enough evidence of dumping or subsidies, kada utvrdi da nema dovoljno dokaza o postojanju davanja ili subvencije, i.e. damage caused by dumping or subsidization, odnosno štete prouzrokovane davanjem ili subvencijom.~~

~~(1)(2)~~

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Termination of the proceedings

Article 24

- (1) The competent authority shall not propose to the Government the application of anti-dumping and/or countervailing duty if in the investigation procedure it is determined that that the margin of dumping or the amount of subsidy is *de minimis*, or where the volume of dumped and/or subsidized imports, actual or potential, or the injury, is negligible.
- (2) The margin of dumping shall be considered to be *de minimis* if this margin is less than 2 per cent, expressed as a percentage of the export price, whereas the amount of the subsidy shall be considered to be *de minimis* if the subsidy is less than 1 per cent *ad valorem*.

Conditions for termination and/or continuation of proceedings

Article 25

If the competent authority determines in the investigation procedure that exports of dumped products from one particular country constitute less than 3% of the total imports of the like product in the Republic, it shall not propose to the Government the application of anti-dumping and/or countervailing duty, except where the imports from more country collectively account for more than 7% of the total import of the like product in the Republic.

Notification of initiation of the proceedings

Article 26

(1) The notification of initiation of the proceedings for investigation of the existence of dumped or subsidized imports, shall contain:

- 1) The name of the exporting country or countries and the product involved;

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~~Competent authority Nadležni organ will prepare summary of the data on the result of the activities referred to in paragraphs 1 and 2 of this article which, će o rezultatima aktivnosti iz st. 1 i 2 ovog člana pripremiti sažete prikaze podataka koji, in addition to restrictions referred to in article 8 of the Law uz ograničenja iz člana 8 Zakona nijesu povjerljivog karaktera are not confidential for the persons to which the data refer, za lica na koje se podaci odnose, and which can be made available to applicant. može ih učiniti dostupnim i podnosiocu zahtjeva.~~

Restrictions on Investigation Procedure

Article 29

~~As a rule, competent authority defines individual dumping margin Nadležni organ, po pravilu, utvrđuje individualnu dampinšku maržu, i.e. amount of subsidy for each exporter identified, or manufacturer of the product subject to examination. odnosno iznos subvencije za svakog poznatog izvoznika, odnosno proizvođača proizvoda koji je predmet postupka ispitivanja.~~

~~In cases when the requests, exporters or importers, product types or transactions are so numerous that U slučajevima kada je broj zahtjeva, izvoznika ili uvoznika, vrsta proizvoda ili transakcija veliki, tako da makes determination of an individual dumping margin, i.e. amount of subsidy from paragraph 1 of this article practically impossible, utrdivanje individualne dampinške marže, odnosno iznosa subvencije iz stava 1 ovog člana čini praktično nemogućim, competent authorities may, upon consultations and approval of the interested exporters, producers or importers, restrict examination procedure to nadležni organ može, uz konsultacije i saglasnost zainteresovanih izvoznika, proizvođača odnosno uvoznika, da postupak ispitivanja ograniči na:~~

- ~~1. realistic number of interested persons or products realan broj zainteresovanih lica ili proizvođača using statistically appropriate sample, obtained based on the data available within sample selection period, or korišćenjem statistički valjanog uzorka, dobijenog na osnovu~~

~~to examination for any reason if a specific export has not been the subject of an investigation or if, for any reason, he refused to cooperate or is not entitled to be determined an individual countervailing duty. In cases where the number of applications, exporters or importers, types of product or transactions is large, the competent authority may, taking into account the opinion of interested persons, limit the investigation to:~~

- ~~1) A reasonable number of persons, products or transactions by using samples which are statistically valid on the basis of information available or;~~
- ~~2) The volume of the production, sales or exports which can reasonably be investigated within the time limit available.~~

~~(2) In cases where the examination has been limited under the provisions of paragraph 1 of this Article, an individual amount of subsidy or dumping margin shall be calculated for any exporter or producer not initially selected who submits the necessary information within the time limits provided for in this Regulation. 2)~~

devoljno pojedinosti za razumijevanje suštine podataka koji su označeni kao povjerljivi designated as confidential.

Exceptionally from the provision of the paragraph 1 of this article, participants in the examination procedure may specify that such data are not suitable for brief presentation, izuzetno od odredbe stava 1 ovog člana, učesnici u postupku ispitivanja mogu naznačiti da takve podatke nije moguće sažeto prikazati, uz navođenje razloga indicating the reasons due to which such presentation is not feasible zbog kojih sačinjavanje sažetog prikaza nije moguće.

If a competent authority estimates that the request for respecting data confidentiality Ako nadležni organ ocijeni da zahtjev za poštovanje povjerljivosti podataka nije is not justifiable, and participant in the procedure opravdan, a uč

In addition to restriction referred to in the article 8 of the Law, competent authority is Nadležni organ dužan je da, uz ograničenje iz č

- the government of the country of export agrees to eliminate or limit the subsidy or take other measures concerning its effects; or
- the exporter undertakes to raise its prices so that the Competent Authority is satisfied that the injurious effect of the subsidy is eliminated in such manner.

| —Price increases under paragraph 1 shall not exceed an amount of dumping margin or the amount of subsidies respectively, but can be less, if such lesser increases would be adequate to remove the injury.

| (2)

| (3)

1)