

ORDINANCE
ON ANTI-DUMPING OF IMPORTED PRODUCTS INTO VIETNAM

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam dated 5 July 1993 and by the Law (to 1radTS lee asDI on Amendments and Additions to the Law on Export and Import Duties dated 20 May 1998;

Pursuant to Resolution No. 21-2003-QH11 dated 26 November 2003 of Legislature XI of the National Assembly at its 4th Session on the program for formulation of laws and ordinances in year 2004;

This Ordinance regulates anti-dumping applicable to imported products from any one country does not exceed

- (a) The volume, quantity or value of products dumped from any one country does not exceed 3% of the total volume, quantity or value of like products imported into Vietnam;

- (b) The total volume, quantity or value of products dumped from a number of countries satisfying the condition stipulated in sub-clause (a) of this clause does not exceed 7% of the total volume, quantity or value of like products imported into Vietnam.
- 5. *A domestic industry* means an assembly of domestic manufacturers or their representatives with a volume, quantity or value of manufactured products which is a major ratio of the total volume, quantity or value of like products which are manufactured domestically on condition that such manufacturers do not import and do not have a direct relationship with any organization or individual exporting or importing the products subject to the request to apply anti-dumping measures.
- 6. *Like products* means products with all the same features

1. Anti-dumping measures shall only be applied at the necessary and appropriate level, aimed at preventing or restricting material injury to a domestic industry.
2. Anti-dumping measures shall only be applied after there has been an investigation, and application must be based on the conclusions of the investigation prescribed in Chapter II of this Ordinance.
3. Anti-dumping measures shall only be applied directly to products which are dumped into Vietnam as stipulated in this Ordinance.
4. Application of anti-dumping measures must not cause harm to domestic socio-economic interests.

Article 6 *Conditions for applicability of anti-dumping measures*

Anti-dumping measures shall only be applied to products dumped into Vietnam when the following two conditions are satisfied:

1. What products are dumped into Vietnam and the dumping margin must be specifically determined.
2. The dumping of products prescribed in clause 1 of this article must be the reason causing, or

1. An investigation in order to apply anti-dumping measures shall be held when there is a file requesting the application of anti-dumping measures from an organization or individual

- (i) Request for application of specific anti-dumping measures, with duration and level of applicability.
- 2. Other data and information considered necessary by the organization or individual requesting the application of anti-dumping measures.

7. The labour union organization or other organizations representing the interests of employees in the domestic industry.
8. The consumer protection organization.
9. The competent State agency of Vietnam.
10. The competent agency of the country or territory exporting the products subject to the request to apply anti-dumping measures.
11. Other organizations and individuals with rights and interests effected by the investigation process.

Article 12 *Contents of an investigation into the application of anti-dumping measures*

1. Determination of what products are being dumped into Vietnam and the dumping margin.
2. Determination of what material injury is caused or is threatened to be caused to a domestic

process [i.e. to maintain confidentiality], and [the investigating agency] requests such parties to provide a summary of information which needs to be kept confidential.

2. Parties concerned in an investigation process shall be permitted to access information provided to the investigating agency, except for information which needs to be kept confidential.

Article 16 *Duration of an investigation*

1. The duration of an investigation into the app

3. The duration of applicability of anti-dumping duty shall not exceed five years as from the date of issuance of the decision to apply anti-dumping measures.
4. The duration of applicability of anti-dumping duty may be extended if the Minister of Trade

On behalf of the Standing Committee of the National Assembly
Chairman

NGUYEN VAN AN