

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/479/Add.3

13 June 1956

Limited Distribution

Original: English

ANTI-DUMPING AND COUNTERVAILING DUTIES

Submission of Laws and Regulations

The following statements have been received from the Governments of Austria and Japan:

AUSTRIA

"The Austrian legal provisions on anti-dumping and countervailing duties are contained in Paragraph 4 of the Federal Law of 5 September 1924 concerning the Introduction of a new tariff (Tariff Act BGBl. No. 145/1924). Paragraph 4 of this Act reads as follows:

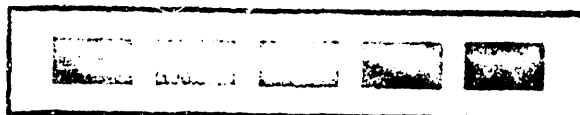
"Subject to approval by the Principal Parliamentary Committee, the Federal Government is hereby empowered to impose by decree duty or a customs surcharge on goods which are granted direct or indirect export subsidies in the export country, such duty or surcharge to be equivalent to the subsidy granted.

"The Federal Government is further empowered to raise the tariffs for manufactured goods, up to the extent of one third of the amount fixed by the tariff, imported from countries which have not ratified the 1919 Washington Convention on Working Hours and whose existing laws on working hours remain substantially behind the provisions of that Convention."

"These provisions have, however, never been applied so that no experience can be quoted in this field."

JAPAN

"I have the honour to enclose herewith extracts in English of the Japanese laws and regulations providing for the levy of anti-dumping and countervailing duties and other supplementary duties and charges intended to protect domestic production against the competition of low-priced imports. The relevant provisions, namely, Articles 8 and 9 of the Customs Tariff Law, 1910, have never been acted upon, nor the Cabinet Orders referred to therein instituted."



"(Countervailing duty)

Article 8. If the importation of any goods benefiting from the bounty or subsidy granted, directly or indirectly, in any foreign country, on their production or exportation, causes material injury to or threatens an established domestic industry, or retards materially the establishment of a domestic industry, in addition to the applicable duty according to the Annexed Tariff, there may be levied on such goods a customs duty not exceeding the amount of such bounty or subsidy, in accordance with a Cabinet Order, specifying the applicable goods and country.

"(Anti-dumping duty)

Article 9. If, upon complaints that the importation of dumped goods or the dumping of imported goods causes material injury to or threatens an established domestic industry, or retards materially the establishment of a domestic industry, the facts of such dumping are shown to the satisfaction of the Government, which deems it necessary to take actions for the protection of such industry, in addition to the applicable customs duty computed on the basis of the fair price of such goods, there may be levied on such goods a customs duty equivalent to the difference between the fair price and the dumping price of such goods, in accordance with a Cabinet Order, specifying the applicable goods and period, in addition to the customs duty computed on the basis of the fair price of such goods with regard to the ad valorem duty goods, or to the normal customs duty with regard to the specific duty goods.

"With regard to goods designated under the provisions of the preceding paragraph, which have already been imported and are owned by or in possession of an importer or dumper of such goods or his agent, or any other person having such a close relation with the importer or the dumper as may be prescribed by a Cabinet Order, there may be collected, in accordance with the provisions of the said paragraph with necessary modifications, a customs duty equivalent to the total amount of customs duty chargeable under the provisions of the said paragraph, minus the amount of customs duty paid on such goods, from the importer or dumper, his agent, or any other person having such a close relation with the importer or the dumper as may be prescribed by a Cabinet Order."

