

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

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ANTI-DUMPING AND COUNTERVAILING DUTIES

Submission of Laws and Regulations

The following statements have been received from the Governments of New Zealand and the United Kingdom:

NEW ZEALAND

"Section 11 of the Customs Amendment Act, 1921, provides for the imposition of anti-dumping and countervailing duties. There are no regulations or other legislative provisions on this subject.

"11. Special duty for protection of local industries

"(1) In any of the cases hereinafter specified in this section there may, in addition to any other duties of customs, be imposed on goods imported into New Zealand a special duty of customs (herein referred to as a dumping duty).

"(2) A dumping duty as aforesaid may be levied in any of the cases following, namely: -

- (a) In the case of goods imported into New Zealand of a class or kind produced in New Zealand if the actual selling-price of the goods to an importer in New Zealand is less than the current domestic value of such goods determined in accordance with the provisions of the principal Act;
- (b) In the case of goods imported into New Zealand if the actual selling-price of the goods to an importer in New Zealand is, in the opinion of the Minister, less than the cost of production (including a reasonable profit) of similar goods in the country of origin or the country of exportation to New Zealand as at the time of such exportation;
- (c) In the case of goods imported into New Zealand of a class or kind produced in New Zealand, or in the case of goods of a class or kind produced in some other part of the British dominions and imported from a country not being part of the British dominions, if the Minister is satisfied that any special concession (whether by way of railway or shipping freight, subsidy, special bounty, rebate, or otherwise) has been or is to be allowed, taken, or granted, and if such concession will, in the opinion of the Minister, have an effect prejudicial or

injurious to any industry or business established or carried on in New Zealand, or in such other part of the British dominions as aforesaid. For the purposes of this section the determination by the Minister of the amount of any such concession shall be final.

"(3) The rate or amount of dumping duty levied under this section shall be determined as follows: -

- (a) In the case of goods to which paragraph (a) of the last preceding subsection applies, the dumping duty shall be an amount to be determined by the Minister, not exceeding the difference between the actual selling-price of the goods and the current domestic value of such goods;
- (b) In the case of goods to which paragraph (b) of the last preceding subsection applies, the dumping duty shall be an amount, to be determined by the Minister, not exceeding the difference between the actual selling price of the goods and the cost of production (including a reasonable profit) of similar goods in the country of origin or the country of exportation to New Zealand as at the time of such exportation;
- (c) In the case of goods to which paragraph (c) of the last preceding subsection applies, the dumping duty shall be an amount, to be determined by the Minister, not exceeding the amount of the special concession referred to in the said paragraph.

"(4) For the purposes of this section the actual selling-price of any goods shall be deemed not to exceed the amount payable in accordance with usual commercial practice by the importer or purchaser in respect of those goods, exclusive of any charges that are not taken into account in determining the current domestic value of goods in accordance with the principal Act. In every such case the amount payable as aforesaid in respect of any goods shall be ascertained as if the parties had agreed that payment for those goods should be made in New Zealand. If in relation to this section any question arises as to whether or not any payment is in accordance with usual commercial practice, it shall be determined by the Minister."/

"(5) If at any time it appears to the Minister that the payment of any dumping duty is being evaded or avoided by the importation of any goods otherwise than on sale or in any other manner, he may determine, for the purposes of this section, the actual selling-price of the goods, the cost of production, or the current domestic value thereof, and dumping duty may be levied accordingly.

"(6) The Governor-General may for the purpose of giving full effect to the provisions of this section make, pursuant to section three hundred and nine of the principal Act, all such regulations as he deems necessary.

"(7) Such regulations may provide for the exemption from dumping duty of any goods or class of goods in cases where it is shown to the satisfaction of the Minister that such goods, or goods of such class, are not made or sold in substantial quantities in New Zealand or other part of the British dominions, as the case may be, or that such goods are not offered for sale in New Zealand, or such other part of the British dominions as aforesaid, to all purchasers on equal terms under like conditions.

"(8) In all cases where dumping duty may be levied under this section such duty shall be levied, collected and paid, save where the Minister may otherwise specially direct on the ground that the imposition of such duty is not required in the public interest."

UNITED KINGDOM

"No legislation or regulations to permit the imposition of anti-dumping or countervailing duties are as yet in force in the United Kingdom. It is however the intention of Her Majesty's Government to introduce such legislation as soon as possible."

