

# GENERAL AGREEMENT ON

## TARIFFS AND TRADE

RESTRICTED

ADP/1/Add.3/Rev.4/Corr.1  
SCM/1/Add.3/Rev.3/Corr.1  
8 May 1989

Special Distribution

Committee on Anti-Dumping Practices

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Countervailing Measures

### INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

#### Legislation of the United States

##### Corrigendum

As noted in the introduction to the text of the amendments to the US anti-dumping and countervailing duty legislation which were enacted in the Omnibus Trade and Competitiveness Act of 1988 and distributed in ADP/1/Add.3/Rev.4 and SCM/1/Add.3/Rev.3 of 24 February 1989, the notified text was prepared expressly for the purpose of facilitating the Committees' review and does not represent an official consolidation of Title VII of the Tariff Act of 1930. In this regard, the United States has identified the following passages which were inadvertently omitted from the text submitted:

On Page 2, replace reference to Third-Country Dumping with --

"SEC. 1317. THIRD-COUNTRY DUMPING.

(a) DEFINITIONS. -- For purposes of this section:

- (1) The term "Agreement" means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (relating to anti-dumping measures).
- (2) The term "Agreement country" means a foreign country that has accepted the Agreement.
- (3) The term "Trade Representative" means the United States Trade Representative.

(b) PETITION BY DOMESTIC INDUSTRY. --

- (1) A domestic industry that produces a product that is like or directly competitive with merchandise produced by a foreign country (whether or not an Agreement country) may, if it has reason to believe that --

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(A) such merchandise is being dumped in an Agreement country;  
and

(B) such domestic industry is being materially injured, or  
threatened with material injury, by reason of such dumping;

submit a petition to the Trade Representative that alleges the  
elements referred to in subparagraphs (A) and (B) and requests  
the Trade Representative to take action under subsection (c) on  
behalf of the domestic industry.

(2) A petition submitted under paragraph (1) shall contain such  
detailed information as the Trade Representative may require in  
support of the allegations in the petition.

(c) APPLICATION FOR ANTI-DUMPING ACTION ON BEHALF OF THE DOMESTIC  
INDUSTRY. --

(1) If the Trade Representative, on the basis of the information  
contained in a petition submitted under paragraph (1), determines  
that there is a reasonable basis for the allegations in the  
petition, the Trade Representative shall submit to the  
appropriate authority of the Agreement country where the alleged  
dumping is occurring an application pursuant to Article 12 of the  
Agreement which requests that appropriate anti-dumping action  
under the law of that country be taken, on behalf of the United  
States, with respect to imports into that country of the  
merchandise concerned.

(2) At the request of the Trade Representative, the appropriate  
officers of the Department of Commerce and the United States  
International Trade Commission shall assist the Trade  
Representative in preparing the application under paragraph (1).

(d) CONSULTATION AFTER SUBMISSION OF APPLICATION. --

After submitting an application under subsection (c) (1), the Trade  
Representative shall seek consultations with the appropriate authority of  
the Agreement country regarding the request for anti-dumping action.

(e) ACTION UPON REFUSAL OF AGREEMENT COUNTRY TO ACT. --

If the appropriate authority of an Agreement country refuses to  
undertake anti-dumping measures in response to a request made therefor by  
the Trade Representative under subsection (c), the Trade Representative  
shall promptly consult with the domestic industry on whether action under  
any other law of the United States is appropriate."

On Page 93, insert at the beginning of section 781 (b)(1)(D) --

"the administering authority determines that action is appropriate  
under this paragraph to prevent evasion of such order or finding, ..."