

SUMMARY OF ISSUES DISCUSSED IN AMC STAFF STUDY OF INTERNATIONAL
ANTIDUMPING CODE

The U.S. Antidumping Act, 1921, as amended, as the law of the land, should prevail in areas of conflict with the International Antidumping Code, which is only in the nature of an executive international agreement. Yet, conformity with the Code of domestic law, regulations and administration is pledged by all signatory governments. Thus, endless arguments can be expected first, over whether conflicts exist, and second, over whether present U.S. law or the Code should prevail. Approximately 35 out of 60 major points of substance are mandatory. [see Appendix A.] It is difficult to believe that the remaining permissive criteria will not also be asserted as controlling in U.S. antidumping proceedings.

Areas of conflict go to the heart of whether or not the U.S. will have an effective deterrent to injurious dumping of foreign products. At stake are such issues as:

(1) the amount and type of injurious activity which must be shown [see Article 3(a)1].

(2) the scope of the market area in which the impact of injury may be measured [see Article 4(a)].

(3) whether injury determinations are to be undertaken without a knowledge of the margin of dumping involved and whether Treasury is, in effect, going to take portions of such determinations out of the Tariff Commission's hands contrary to the intent of Congress in the 1954 amendment [see Article 5(b)].

(4) whether the finality of dumping cases is going to be eroded by discretionary administration [see Article 8(a)].

(5) whether a "basic price" concept in certain exporter countries will circumvent the margin of dumping concept [see Article 8(d)].

(6) whether importers may dump in one regional market, stop, and then dump in another, and thereby elude the reach of U.S. law [see Article 8(e)].

(7) whether by redesigning the time-limits and retroactive features of provisional measures the effectiveness of the U.S. Antidumping Act will be irreparably diluted [see Articles 9, 10 and 11].