

[Trans-Shipments]

International Antidumping Code:

- 2 (c) In the case where products are not imported directly from the country of origin but are exported to the country of importation from an intermediate country, the price at which the products are sold from the country of export to the country of importation shall normally be compared with the comparable price in the country of export. However, comparison may be made with the price in the country of origin, if, for example, the products are merely trans-shipped through the country of export, or such products are not produced in the country of export, or there is no comparable price for them in the country of export.

Article VI. GATT:

1. "...For the purposes of this Article, a product is to be considered as being introduced into the commerce of an importing country at less than its normal value, if the price of the product exported from one country to another

- (a)...is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or..."

Antidumping Act, 1921, As Amended:

Antidumping Act, 1921 has no such intermediate country concept.

U.S. Treasury Regulations:

Not covered by Treasury Regulations.

Comment:

Article 2 (c) is permissive, not mandatory, so that U.S. need not adopt such procedure. Thus, Treasury could continue to use country of export on trans-shipments, and go to 3rd country prices rather than to country of origin. If Treasury wanted to use country of origin, a change in Treasury Regulations would be required and Sec. 205 (Foreign Market Value) of the U.S. law would have to be amended to bypass the parenthetical requirement in Sec. 205 to use 3rd country sales.