[Basic Price System]

International Antidumping Code:

8 (d) Within a basic price system, the following rules shall apply, provided that their application is consistent with the other provisions of this Code:

> If several suppliers from one or more countries are involved, antidumping duties may be imposed on imports of the product in question found to have been dumped and to be causing injury from the country or countries concerned, the duty being equivalent to the amount by which the export price is less than the basic price established for this purpose, not exceeding the lowest normal price in the supplying country or countries where normal conditions of competition are prevailing. It is understood that for products which are sold below this already established basic price a new antidumping investigation shall be carried out in each particular case, when so demanded by the interested parties and the demand is supported by relevant evidence. In cases where no dumping is found, antidumping duties collected shall be reimbursed as quickly as possible. Furthermore, if it can be found that the duty so collected exceeds the actual dumping margin, the amount in excess of the margin shall be reimbursed as quickly as possible.

Antidumping Act, 1921, As Amended:

Section 202 (a) requires the special dumping duty in an amount equal to the difference between purchase price or exporter's sales price and foreign market value (or, in the absence of such value, the constructed value, which are defined in sections 203, 204, 205 and 206 of the Antidumping Act, 1921, as amended, respectively.

Comment:

Neither U.S. Antidumping Act, 1921, as amended, nor Treasury Regulations contain any "basic price system" concept for finding the amount of the special dumping duty. If the Secretary of the Treasury were to incorporate this into the Treasury Regulations it is quite probable that it would create an anomalous situation in which sales at less than fair value are found by Treasury on the basis of one price [the actual price], but any special dumping duty is assessed on the basis of an entirely different price, [the base price], e.g., where the particular supplier's home market price is higher than the "lowest normal price" which Article 8 (d) requires to be the basic