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GLOBALISATION OF ANTI-DUMPING AND THE EU

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1. INTRODUCTION

As the next round of WTO negotiations approaches, the issue of antidumping is beginning to take on additional salience. Traditional targets of industrial countries' anti-dumping actions are becoming more vocal in their demands for a restriction on the use of anti-dumping by the EU and the US in particular. The government of Hong Kong has been prominent in this debate, while China has raised it repeatedly in bilateral discussions with the EU. The issue has been given additional salience by the EU's call for new rules on international competition policy, which have led many commentators to call for a re-examination of the link between trade and competition policy. So far existing users of anti-dumping have resisted these pressures.

This paper addresses the issue of anti-dumping from a different perspective which may ultimately have a bearing on the willingness of the established trading powers to tighten the anti-dumping regime. We focus on a little studied phenomenon, namely the increasing use of anti-dumping instruments by countries that have not in the past used this policy. We will show that there has been a rapid increase in the number of "new users", and a sharp decline in the share of anti-dumping actions put in place by traditional users such as the EU, US, Canada and Australia, and many of the new users are traditional targets. Whilst we cannot yet speak of an explosion of world-wide anti-dumping we can see that the issues for negotiation are not as simple as they seem at first sight.

Anti-Dumping action is provided for under Article VI of the GATT and the WTO Anti-Dumping Agreement. The basic criteria required under the terms of the GATT for action to be taken are that a product is being 'dumped' and that this dumping is causing injury to domestic producers of the like product. Although exporters are not prohibited from dumping *per se*, the importing country is entitled to take action as long as these criteria are met.

For these purposes, dumping is essentially defined as selling a good for export at a price which is lower than it is sold on the exporters' domestic market (its 'normal value'). Certain other provisions apply if no such domestic price exists because not enough sales are made in what is known as the 'ordinary course of trade' (principally where substantial sales are made in the domestic market below cost of production). Such provisions therefore allow for the export price to be compared with another figure - usually the price of sales to a third country, or a constructed

price taking into account the cost of production.ⁱ The purpose of the present paper is to analyse the global use of the anti-dumping instrument, in particular in so far as it affects the European Union and the individual member states of the EU.ⁱⁱ The principal focus therefore is the statistical evidence of which countries have anti-dumping legislation in place, and what patterns are emerging as regards which of these countries are using the instrument, who they are using it against and in which sectors. In particular this will comprise a comparison with the EU's use of the instrument in terms of who the EU is targeting, which products / sectors and, where possible, where the driving force for these measures is coming from.

The structure of the paper is as follows: section 2 provides a short historical background to the use of anti-dumping legislation around the world. Section 3 considers the recent developments in the use of anti-dumping, which countries have been most prominent in this and why we may have seen some of the trends we have. Section 4 provides the detailed statistics on worldwide anti-dumping activity in the last two years whilst section 5 focuses principally on the EU and how it has been a user and a target of the instrument. Finally, section 6 draws a few conclusions from the preceding data.

Unless otherwise stated, the basic statistics throughout this paper are our own data which has been calculated from notifications on anti-dumping activity made by WTO members to the WTO secretariat.

2. HISTORY

Anti-dumping rules started to develop in the early part of this century with the adoption of legislation by firstly Canada in 1904, and subsequently New Zealand (1905), Australia (1906) and the United States (1916). In 1921 the US adopted an amended Act which forms the basis for the current US legislation (although as the recent European Union complaint to the WTO shows, the US 1916 Act is still in place and occasionally used). In 1921 the UK also adopted its first anti-dumping

ⁱ The US for example tends to use the price of sales to a third country. By comparison the EU uses a constructed price. It should also be noted that in the case of non-market economies other provisions apply. The EU would usually use the normal value in a third 'analogue' country. In such instances the US, on the other hand, constructs a normal value based on the actual inputs in the country concerned with imputed market economy values for each.

ⁱⁱ For convenience and to avoid confusion we use the term European Union (EU) throughout. Technically, however, it should be noted that anti-dumping comes under the EC Treaty and is thus a piece of European *Community* legislation.

legislation whilst Canada, New Zealand and Australia substantially amended their acts.

Notwithstanding these developments, anti-dumping remained a relatively infrequently used instrument until well after the advent of the GATT, despite the fact that Article VI of the 1947 GATT provided the basic conditions for adopting anti-dumping measures. In the immediate post-war period only South Africa, Canada and Australia were using anti-dumping as an important trade instrument. In 1958 when the GATT countries first analysed the number of cases, 37 anti-dumping measures were in force (excluding Canada and New Zealand from which no figures were collected) of which 22 were adopted by South Africa.

During the Kennedy Round of trade negotiations, discussions took place for the first time on Article VI of the GATT in order to secure a more standardised approach to anti-dumping. This led to the 'Agreement on Implementation of Article VI of the GATT' which, in turn, formed the basis for the first European Community anti-dumping legislation, adopted in 1968. Subsequent trade rounds have more precisely defined the rules and procedures which WTO members are expected to adhere to in operating their anti-dumping legislation although even the most recent Uruguay Round Agreement still allows the countries certain leeway in their behaviour.ⁱⁱⁱ

3. RECENT DEVELOPMENTS IN USAGE

3.1 THE INCREASE IN NON-TRADITIONAL USERS

Although concerns have recently been expressed about the growth in the overall numbers of anti-dumping cases,^{iv} the evidence of the last few years suggests that, in fact, the total number of cases being opened throughout the world is not increasing very dramatically, if at all. Whilst the figures for the last four years show a fairly steady increase, and there is certainly a significant increase over the 1980's these do not reflect a large growth as compared with the figures for the early part of the 1990's.^v

ⁱⁱⁱ For more details on the evolution of anti-dumping activity see e.g. J.M. Finger 'The Origins and Evolution of Antidumping Regulation' World Bank PRE Working Paper 783, October 1991

^{iv} See, for example, The Economist 7.11.98; Financial Times 7.9.98

^v It should be noted that in all of these statistics, the cases are counted by the countries being targeted rather by product. For example, the investigation initiated by the EU in November 1997 (and concluded in February 1999) against hardboard from Brazil, Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia thus counts in the total statistics as seven cases.

Table 1: All cases opened world-wide 1995-1998^{vi}

1995	156
1996	221
1997	242
1998	231

Table 2: Average number of anti-dumping cases initiated per annum

1987-1990	126
1991-1994	270
1995-1998	213

What these bare figures disguise, however, is the question of *who* is carrying out the investigations and how these total figures are constituted. The table below shows that there has been a massive shift away from the 'traditional' big users of anti-dumping in the 1970's (principally the US, the EU, Australia and Canada) towards other new users.

Table 3: % of Anti-Dumping actions initiated

	1985-1989	1990-1994	1995-1997	1998
EU	21	15	17	10
US	30	24	9	15
Canada	15	8	5	3
Australia	24	23	11	6
	90%	70%	42%	34%

In 1993, new users of anti-dumping were, for the first time, responsible for initiating over half of the anti-dumping cases initiated world-wide. This trend has continued right up to the period for which the most recent figures are obtainable (i.e. 1998) in which these four traditional users account for only 34% of all the anti-dumping cases which were opened.

3.2 COUNTRIES ADOPTING ANTI-DUMPING LEGISLATION

There is of course no obligation for members of the WTO to adopt anti-dumping legislation (indeed many economists would argue that they should not). However, at present (August 1999) there are fifty four countries in the WTO which have adopted anti-dumping legislation of some form and notified it to the WTO secretariat. These countries are listed in annex 1. The detail and quality of the legislation of these fifty three countries varies enormously.

^{vi} NB Tables 1-4, sources : own data (derived from WTO member reports notified up to August 1999) and J. Miranda, R. Torres & M. Ruiz "The International Use of Antidumping 1987-1997" Journal of World Trade Vol. 32(5), October 1998

Whilst there may be fifty four countries which have some form of anti-dumping legislation in place this does not necessarily mean that they all use it. Indeed, the most recent figures show that over the two years 1997 and 1998, just 29 of these 54 countries actually opened up an anti-dumping investigation. This is not an unusual statistic. Going further back, only 35 countries have opened anti-dumping investigations in the period since the beginning of 1987. Of these 35, three now form part of the EU (Austria, Finland and Sweden) and therefore do not have their own anti-dumping legislation.

3.3 NON-WTO MEMBERS

The fact that a country is not a member of the WTO does not of course stop it adopting anti-dumping rules. Indeed, within the last two years, three of the most important trading nations remaining outside the WTO, Taiwan, China and Russia have all adopted anti-dumping legislation. However, these countries are consequently not bound by the WTO rules (although given that all three are in the process of attempting to join the WTO, it would seem counter-productive for them to adopt clearly incompatible legislation).^{vii}

In the case of Russia, no anti-dumping cases have yet been opened, although Russia is in the process of redrafting its AD legislation and increasing the staffing levels in its anti-dumping unit.

China has had one anti-dumping case which has resulted in measures (newsprint from the US, South Korea and Canada) and has opened others against steel products from Russia and polyester film from Korea. However, the Chinese authorities report that they have been receiving a large number of anti-dumping complaints, but are being very strict about the standards of evidence required. This relatively low number of actual cases thus far is also likely to reflect the lack of resources available to deal with a large number of anti-dumping cases.

Taiwan has also received much attention recently in its decision to investigate dumping claims against US D-Rams, at the same time as the US is already started an anti-dumping investigation against Taiwanese imports of exactly the same product. Taiwan has also imposed anti-dumping duties on various steel products from India, Korea, Poland and Russia.

3.4 EXPLANATION OF TRENDS IN THE ADOPTION OF ANTI-DUMPING LEGISLATION

The clear trend is that a growing number of members are adopting anti-dumping rules (including some of the central and east European countries) and the figures over recent years suggest that the current figure of 53 countries will continue to increase.

These 54 countries in 1997 accounted for nearly 85% of world imports. Given that, as described above, the three largest non-WTO trading nations now have anti-dumping legislation (China, Russia and Taiwan), around 90% of total world imports are now entering countries in which anti-dumping laws are in place.

^{vii} This said, both the Chinese and Russian legislation have articles stating that they can take into account the anti-dumping actions of other countries against them in making their decisions. Such a discriminatory clause is clearly against the letter and spirit of the WTO rules.

This growth is a reflection of a number of things. In the first place, the number of countries in the WTO itself is continuing to grow. It can thus be expected that these new members may well adopt a number of the rules and procedures which are amongst the core articles of the GATT/WTO Agreement.

Paradoxically, the adoption (and use) of anti-dumping rules goes hand in hand with what are otherwise strong liberalising tendencies in world trade. As such, a number of countries which have recently been liberalising trade quite considerably and lowering tariffs have insisted on retaining and in some cases introducing some instruments of trade protection in order to avoid some of the adverse effects of liberalisation and in order to reassure domestic political interests that some form of 'safety net' remains in place. Some would argue as a consequence that the significant liberalisation which occurred as a result of the Uruguay Round would not have been possible without the retention of the anti-dumping instrument.

A further explanation may arise from the articles found in the Chinese and Russian legislation i.e. that the growth in the adoption and use of anti-dumping measures reflects a defensive reaction by those countries which have themselves been targets of the instrument in the past. There is no clear evidence of this and the general liberalisation which has taken place would appear a far more convincing conclusion.

However, when considering the extent to which recent users of anti-dumping have been past targets, some interesting, if inconclusive, figures emerge. The table below shows the countries which were opening anti-dumping investigations and were on the receiving end of them over two six-year periods: the last six (i.e. 1993-1998) and the six before that (1987-1992). Although not all major targets increased their use of it (especially the US, EU and Canada which tend to be high users and targets, and Japan, which is a low user) many of the other major targets in the first period increased their use of the instrument in the second (e.g. Korea, Mexico, India, Thailand, Argentina, Malaysia, Turkey, Indonesia and Venezuela) whilst others such as China and Taiwan adopted anti-dumping legislation in the latter period. Moreover almost all of the countries which have adopted or significantly increased their use of anti-dumping legislation in the last six years are ones which were to a greater or lesser degree targets of it in the previous six. This does not show of course that the sole or even the main cause of the increase in new users' anti-dumping is simply their experience as targets, as in reality an increased involvement in international trade for a country is likely to bring with it both more targeting of its exports and a greater sensitivity by home producers.

Table 4: Targets and Users of Anti-Dumping 1987-1992 and 1993-1998

	TARGETS	USERS	
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	87-92	87-92	93-98
EU ^{viii}	227	192	185
US	96	259	166
Japan	92	3	1
Korea	74	12	44
China	69		adopted legislation
Taiwan	56		adopted legislation
Brazil	50	20	93
Thailand	25	0	6
Canada	23	131	65
Mexico	22	82	116
India	21	8	77
Hong Kong	21	n/a	n/a
Romania	20	n/a	n/a
Singapore	19	0	2
Poland	19	24	1
Argentina	16	15	114
Malaysia	15	0	14
Turkey	12	0	33
Indonesia	11	0	19
Venezuela	11	0	19
Russia	10		adopted legislation
Ukraine	7	n/a	n/a
South Africa	5	0	129

There is not, as yet, an explosion in the number of anti-dumping actions being taken by developing countries. As touched on in the earlier comment on the Chinese legislation, one explanation for this is the lack of necessary resources. Conducting a full anti-dumping investigation requires, from the point of view of the investigating authorities, the commitment of much time, resources and labour. For developing countries in particular this may not be available and is likely to deter the use of the instrument.

An example of this can be seen in the cases of India, which is becoming an increasingly significant user of anti-dumping, and Russia. In 1998 both countries still had fewer than ten officials working on cases in their respective anti-dumping units. This compares to a figure of around 200 in the EU anti-dumping services. These pressures in terms of resources mean not only that fewer cases are likely to be opened by the developing countries, but may also raise questions about how thorough they can be in those investigations which they do conduct. Some developing countries, for example, unlike most other anti-dumping jurisdictions we are aware of, do not carry out on-site verifications at the premises of the exporters accused of dumping in every case, but restrict themselves to using the

^{viii} The figure for EU targets has been taken as the cumulation of all cases opened against the individual member states.

questionnaires they complete. This itself largely reflects the expense of such on-site verifications and clearly illustrates some of the serious issues which could face developing countries in starting to make more considerable use of the anti-dumping instrument.

4. DETAILED STATISTICS ON THE INITIATORS AND TARGETS OF ANTI-DUMPING ACTIONS

4.1 INITIATORS

In this section we will investigate how this anti-dumping legislation is used in practice. In particular this will focus on the number of measures in place, especially in so far as they affect the EU or its member states.

The following table shows the WTO members which initiated anti-dumping investigations in 1997 and 1998 and the numbers of cases involved. The figures show somewhat unexpectedly that South Africa has taken over as the country initiating the highest number of anti-dumping cases. This follows a dramatic increase in the number of cases it opened in 1998. The EU continues to be a leading user, and over the last decade has been one of the three big users (with US and Australia).

Table 5: Anti-Dumping Initiations 1997 and 1998

	1997	1998	Total
South Africa	23	41	64
EU	41	22	63
Australia	42	13	55
US	16	34	50
India	13	30	43
Brazil	11	16	27
Canada	14	8	22
Argentina	14	6	20
Korea	15	3	18
Mexico	6	10	16
Venezuela	6	7	13
Indonesia	4	6	10
Israel	3	7	10
Malaysia	8	1	9
Egypt	7	0	7
Colombia	0	6	6
New Zealand	5	1	6
Peru	3	3	6
Turkey	5	1	6
Philippines	2	3	5
Trinidad & Tobago	0	3	3
Chile	0	2	2
Costa Rica	1	1	2
Czech Rep.	0	2	2
Nicaragua	0	2	2
Panama	0	2	2
Thailand	2	0	2
Ecuador	0	1	1
Poland	1	0	1
TOTAL	242	231	473

An interesting trend which this shows is that, as noted earlier, a certain shift is occurring in the countries which are the most frequent users of the anti-dumping instrument. Whilst in the past it was restricted to relatively few users (and most notably the US, the EU and Australia) other countries are now moving up the table. This is a fairly recent but rapidly occurring phenomenon. In the comparable two year period 1987-1988 the four main users, Australia, Canada, the EU and the US, were responsible for 80% of the anti-dumping cases which were opened (and 99% in the very early 1980s). Throughout 1997 and 1998, on the other hand, these four major users only accounted for 41% of the anti-dumping cases opened.

4.2 WHO IS BEING TARGETED?

The following table shows the targets of the 473 cases in the tables above which were opened in 1997 and 1998. In the case of the EU, it should be noted here that although in a few cases investigations were opened against the EU as a whole, many more instances of anti-dumping cases are against the individual member states.^{ix} Once this is taken into account, it can be seen that the EU and its member states are most heavily targeted, with 3 cases against the EU as a whole and a further 98 against the member states.

Table 6: Countries having Anti-Dumping cases initiated against them 1997 and 1998

	1997	1998	Total
China	34	24	58
Korea	15	22	37
US	15	12	27
Taiwan	17	8	25
Germany	13	8	21
Japan	12	9	21
Russia	7	12	19
India	7	11	18
Indonesia	9	5	14
Spain	7	6	13
Ukraine	4	9	13
Brazil	5	6	11
France	4	7	11
Mexico	2	9	11
UK	6	5	11
Italy	5	4	9
Malaysia	5	4	9
South Africa	4	5	9
Netherlands	5	3	8
Belgium	3	4	7
Canada	3	4	7
Thailand	5	2	7
Kazakhstan	2	4	6
Poland	3	3	6
Hong Kong	2	3	5
Romania	1	4	5
Sweden	5	0	5
Chile	2	2	4
Hungary	2	2	4

^{ix} Note that the opening of a case against the EU in theory requires information to be obtained on exporters' 'domestic sales' across all 15 member states.

	1997	1998	Total
Singapore	4	0	4
Turkey	1	3	4
Venezuela	1	3	4
Australia	1	2	3
Austria	3	0	3
Colombia	1	2	3
EU	2	1	3
Egypt	1	2	3
Greece	3	0	3
Israel	2	1	3
Saudi Arabia	0	3	3
Bulgaria	1	1	2
Costa Rica	0	2	2
Czech Rep.	0	2	2
Denmark	0	2	2
Finland	1	1	2
Iran	2	0	2
Ireland	1	1	2
Latvia	2	0	2
Macedonia	1	1	2
Slovak Rep	1	1	2
Argentina	0	1	1
Croatia	0	1	1
Estonia	1	0	1
Honduras	0	1	1
Liechtenstein	1	0	1
Lithuania	1	0	1
Mozambique	1	0	1
Pakistan	1	0	1
Paraguay	1	0	1
Portugal	0	1	1
Slovenia	0	1	1
Switzerland	1	0	1
Trinidad & Tobago	1	0	1
UAE	1	0	1
Vietnam	1	0	1
Zimbabwe	0	1	1
Total	242	231	473

The above statistics show that individually China is comfortably the biggest target of anti-dumping action. However, as noted there were 3 cases against the EU and 98 against individual member states, with Germany, the UK and Spain being the most frequently targeted.

4.3 WEIGHTED INDICES OF USERS AND TARGETS

The following tables show, for 1997, an index comparing the proportion of world trade accounted for by the users and targets of anti-dumping measures with the proportion of anti-dumping measures for which they are responsible.

The first shows the proportion of world imports for each country and the proportion of global anti-dumping cases they initiated. From this an index has been created. As such, were a country to have initiated five per cent of the total number of anti-dumping cases and to have imported five per cent of total world imports, they would have an Anti-Dumping index of 1. Similarly, should a country have initiated ten per cent of all anti-dumping cases in 1997, yet only have imported five per cent of world imports their AD index would be 2.

Table 7: Weighted Initiations by importing country 1997

	Initiations	Imports \$ billion	% initiations	% world trade	AD Index
South Africa	23	32.94	9.54	0.76	12.51
Australia	40	65.88	16.74	1.53	10.97
Egypt	7	13.17	2.93	0.31	9.60
Venezuela	6	11.47	2.51	0.27	9.45
Argentina	14	30.35	5.86	0.70	8.33
New Zealand	5	14.52	2.09	0.34	6.22
India	13	40.36	5.44	0.94	5.82
Peru	3	10.28	1.26	0.24	5.27
Brazil	11	65.01	4.60	1.51	3.06
Israel	4	30.78	1.67	0.71	2.35
Korea	15	144.62	6.28	3.35	1.87
Malaysia	8	79.04	3.35	1.83	1.83
Indonesia	4	42.00	1.67	0.97	1.72
Turkey	5	75.96	2.09	1.76	1.19
Canada	12	200.93	5.02	4.65	1.08
EU	42	786.97	17.57	18.23	0.96
Mexico	6	113.26	2.51	2.62	0.96
Philippines	2	38.03	0.84	0.88	0.95
Thailand	2	63.59	0.84	1.47	0.57
Poland	1	42.31	0.42	0.98	0.43
US	16	899.02	6.69	20.83	0.32
TOTAL	239	2800.49	100		

The figures show that the EU, for example, has a very similar proportion of anti-dumping initiations to its share of world imports. Those with the highest index, South Africa and Australia, are also amongst the highest users of the anti-dumping instrument in absolute terms. It is notable that there is a low index (0.32) for the US, arguably suggesting that whilst it may be a fairly widespread user of anti-dumping, it is not using it in a disproportionately high manner. It all depends of course on what

would be “proportionate”. Our index is highly imperfect. A South African index of 12 compared to the EU's 1 does *not* mean South Africa is 12 times as protectionist as the EU. A measure imposed by the EU or the US clearly affects more trade than measures imposed by smaller partners. Nevertheless if a country with 1% of trade accounts for over 10% of worldwide anti-dumping measures we are entitled to conclude it is in some sense relatively protectionist.

The table for the exporting countries works in the same way but shows the proportion of anti-dumping cases in which a country was the target as compared to their share of total world exports. In the case of EU member states the figure for exports is their total of extra-EU trade.

It is interesting to note here that Spain appears at the top of the list, alongside India and China, suggesting that it is somewhat disproportionately affected in relation to its share of world exports. However, it is still subject to a relatively small number of initiations. China, on the other hand, is targeted in the largest number of cases *and* has a fairly high anti-dumping index. Of the larger trading nations such as the US, Japan and the EU, although they are the targets of a high number of measures, they have relatively low anti-dumping indices.

Table 8: Weighted Initiations ranked by target country 1997

	Initiations	\$ bn exports	% initiations	% exports	AD Index
Spain	7	32.64	4.05	0.78	5.19
India	7	33.90	4.05	0.81	4.99
China	34	182.70	19.65	4.37	4.50
Indonesia	8	53.54	4.62	1.28	3.61
Taiwan	17	121.85	9.83	2.91	3.37
Sweden	5	36.72	2.89	0.88	3.29
Netherlands	5	40.90	2.89	0.98	2.96
Korea	15	136.16	8.67	3.25	2.66
Thailand	6	57.39	3.47	1.37	2.53
Brazil	5	52.99	2.89	1.27	2.28
Russia	6	66.28	3.47	1.58	2.19
Malaysia	5	78.45	2.89	1.87	1.54
Germany	14	227.70	8.09	5.44	1.49
UK	6	125.01	3.47	2.99	1.16
Italy	5	108.15	2.89	2.58	1.12
Japan	12	421.02	6.94	10.06	0.69
US	16	688.70	9.25	16.46	0.56
Total	173	2464.11	100.00	58.89	
EU	59	825.64	24.48	19.73	1.24

Source : WTO and Eurostat (NB the figures for total world trade exclude intra-EU trade which by definition cannot be subject to an anti-dumping investigation. The EU countries' statistics therefore show only their extra-EU exports)

4.4 MEASURES CONCLUDED

The figures above on cases being initiated, of course, give no indication as to what the final result of the case was. Whilst it may be true that once a case is opened, the majority conclude with the imposition of measures, it is very important to note that nearly half are still terminated without any action being taken and this can vary between jurisdictions. An illustration of this is provided by the following table which shows the number of cases over the same two year period in which measures were actually imposed (either in the form of definitive measures or price undertakings):

Table 9: Cases concluded 1997- 1998

	Concluded with measures	Concluded without measures	Total	% Concluded with measures
EU	49	25	74	66
Australia	8	53	61	13
Argentina	27	31	58	47
South Africa	29	23	52	56
US	19	14	33	58
Brazil	16	14	30	53
Korea	18	4	22	82
India	20	0	20	100
Canada	17	2	19	89
Indonesia	6	7	13	46
Israel	6	7	13	46
Mexico	10	1	11	91
Malaysia	7	3	10	70
Egypt	5	2	7	29
Peru	3	4	7	43
Philippines	2	4	6	33
New Zealand	1	5	6	17
Costa Rica	0	5	5	0
Turkey	1	4	5	20
Colombia	3	0	3	100
Thailand	3	0	3	100
Chile	2	0	2	100
Venezuela	2	0	2	100
Guatemala	1	0	1	100
Trinidad&Tobago	1	0	1	100
Poland	1	0	1	100
TOTAL	258	208	466	55

That such a high proportion of cases do not result in final measures does not mean that we should not be concerned about them. The fact that measures may not ultimately be imposed does not alter the fact that the exporter will have had to face considerable disruption to its trade, as well as the time and expense of defending itself even if the case is terminated without measures.

Furthermore, as the WTO dispute between Guatemala and Mexico would appear to have illustrated, in those cases where no final measures are imposed, the targeted country has no recourse to the WTO dispute settlement procedures. By extension, it would therefore be possible for countries to open anti-dumping investigations which have little or no foundation but as long as no final measure was adopted they would not be subject to censure before the WTO. Nonetheless, the exporter may well still have suffered the costs and adverse effects on trade referred to above.^x

The statistics below are a 'balance sheet' providing information on those countries imposing and targeted by anti-dumping measures. They show, not surprisingly given those for initiations, that the EU imposed the most measures and China was the biggest target. The figures cannot be automatically compared with those for openings of course since the table for initiations will include a number which had not been concluded as at the end of 1998 (as would be case for example with a number of those opened by South Africa), whilst those for conclusions will similarly include a number which were opened in the preceding period.

^x In November 1998, the WTO Appellate Body produced its report on this case in which Guatemala had opened an investigation and subsequently imposed measures against imports of Portland cement from Mexico. Amongst other things, it highlighted that whilst the exporting country was entitled to request a panel about the actual *opening* of an investigation, there would not be any such entitlement in instances where no final measures were adopted, since the problem would have been removed.

Table 10: Balance Sheet of Measures imposed 1997-1998

Country Imposing	Measures	Target Country	Measures
EU	49	China	52
South Africa	29	<i>EU (total)</i>	36
Argentina	27	US	18
India	20	Taiwan	17
US	19	Brazil	12
Korea	18	Japan	12
Canada	17	Korea	12
Brazil	16	India	11
Mexico	10	Russia	11
Australia	8	Indonesia	9
Malaysia	7	Malaysia	7
Indonesia	6	Thailand	7
Israel	6	Germany	6
Egypt	5	Italy	6
Peru	3	Ukraine	6
Colombia	3	France	5
Thailand	3	Chile	4
Philippines	2	Kazakhstan	4
Chile	2	Poland	4
Venezuela	2	UK	4
New Zealand	1	Mexico	3
Turkey	1	Romania	3
Poland	1	Singapore	3
Guatemala	1	South Africa	3
Trinidad & Tobago	1	Spain	3
		Sweden	3
		Turkey	3
		EU, Egypt, Greece, Hong Kong, Portugal	2
		Australia, Austria, Belgium, Bulgaria, Canada, Czech Rep., Finland, Latvia, Liechtenstein, Netherlands, New Zealand, Norway, Pakistan, Philippines, Slovak Rep., Switzerland, Trinidad & Tobago, Venezuela	1
TOTAL	258	Total	258

The figure for EU (total) in the list of targets comprises the total of measures against all the individual EU member states and the EU as a whole.

4.5 MEASURES IN FORCE WORLDWIDE

The last tables in this section show the number of measures which were actually in force at the end of 1998 (i.e. where imports of the product in question were still subject to anti-dumping duties or undertakings in December 1998).

Of the 949 measures which were in force, the figure for the US is far and away the largest, with the EU comfortably having the second largest number of measures in force. Not surprisingly for these statistics, the ratio of 'traditional' users to new users is that much higher (nearly 60%) reflecting the fact that many of the measures may have been in effect for a number of years. This is particularly the case with the US which is only now reviewing and removing a number of measures further to the Uruguay Round's introduction of a sunset provision into the Anti-Dumping Agreement stating that anti-dumping duties should be terminated five years after their imposition.^{xi} As can be seen, there were only twenty four countries with measures in force as at the end of 1998, although ,again, this figure is likely to increase over time. A number of 'new' users opened cases during 1998 which had not been concluded by the end of the year. Although it cannot be guaranteed that they would all end in the imposition of measures, it is clear that some of them would.

^{xi} The EU, on the other hand, already had such a sunset clause in place.

Table 11: Countries with anti-dumping measures in force end-1998

Country	Measures in Force
US	309
EU	139
Mexico	85
Canada	77
South Africa	60
India	41
Australia	40
Argentina	39
Turkey	34
Brazil	28
Korea	28
New Zealand	26
Malaysia	8
Israel	7
Peru	6
Egypt	5
Venezuela	5
Thailand	4
Chile	2
Singapore	2
Guatemala	1
Japan	1
Poland	1
Trinidad & Tobago	1
Total	949

The following table shows who is on the receiving end of these 949 anti-dumping measures. Whilst it illustrates that a large number of countries are affected by anti-dumping measures in some form, there are clearly some countries which are principally affected. The top six most targeted countries out of 75 account for half of the measures in force. As one would expect from the earlier statistics, China is by some distance the major target of anti-dumping action world-wide, and nearly 20% of all anti-dumping measures in force at the end of 1998 were against China. By comparison, as shown in table 8 above, China in 1997 accounted for little more than 4% of total world exports. Japan and the US, on the other hand, as two of the largest exporters in the world might be expected to be on the receiving end of a reasonably significant number of anti-dumping measures.

Table 12: Targets of anti-dumping measures in force end 1998

Country	No. of measures
China	185
Japan	73
US	61
Taiwan	53
Brazil, Korea	47
Thailand	34
Russia	31
Germany	30
France, Italy	22
India	21
Ukraine	19
Canada	18
Indonesia	17
Malaysia	16
Mexico, UK	15
Singapore	14
Romania	13
Venezuela	12
Spain	11
Netherlands, Poland, South Africa, Sweden	10
Hong Kong	9
Argentina, Kazakhstan, Turkey	7
Australia, Belgium, Chile	6
Belarus, Finland, Hungary	5
Austria, Bulgaria, Greece, New Zealand	4
Denmark, Egypt, Philippines, Yugoslavia	3
Bangladesh, Croatia, Czech Rep., EU, Israel, Latvia, Lithuania, Moldova, Norway, Pakistan, Portugal	2
Armenia, Azerbaijan, Bosnia, Colombia, Czechoslovakia, Ecuador, Estonia, FYROM, Georgia, Iran, Kenya, Kyrgystan, Liechtenstein, Slovak Rep., Slovenia, Tajikstan, Turkmenistan, Uzbekistan, Vietnam, Zimbabwe	1

5. THE EU AS A USER / TARGET OF ANTI-DUMPING ACTION

Whilst the previous sections have considered the global use of anti-dumping over the last two years, this section focuses in more detail on the European Community and the cases being brought by and against the EU.

5.1 THE EU AS A USER OF ANTI-DUMPING

5.1.1 Cases initiated by the EU

In this section we analyse the relationship country by country between the EU as a user and a target of anti-dumping actions. We therefore first briefly summarise the EU experience as a user. Annex 2 gives the bare facts of the cases which were opened by the EU over the 1997-98 period in terms of the products concerned and the countries being targeted.

The overall breakdown of these cases in terms of the countries which the EU is targeting is as follows:

Table 13: Targets of cases initiated by EU 1997-1998

Country	No. of cases
China	7
India	7
Korea	7
Taiwan	4
US	3
Poland	3
Ukraine	3
Brazil	2
Japan	2
Malaysia	2
Russia	2
Thailand	2
Hungary	2
South Africa	2
Bulgaria	1
Croatia	1
Czech Rep.	1
Egypt	1
Estonia	1
Indonesia	1
Latvia	1
Lithuania	1
Mexico	1
Pakistan	1
Saudi Arabia	1
Singapore	1
Slovenia	1
Turkey	1
Vietnam	1
	63

Over the years, certain broad patterns have emerged in terms of the countries being targeted by the EU. For periods during the early 1980s the countries of central and east Europe were generally the most frequently targeted. During the mid to late 1980s these were to a large extent replaced by Asian countries, initially Japan and then, in turn, South Korea, Thailand, Indonesia, Malaysia and so on. At present, it is India and China which are facing the largest number of complaints. Indeed, over the six year period 1993-1998, China has been the major target of EU anti-dumping cases with 26, followed by India (22), Korea (17) and Thailand (14). Such trends are perhaps not surprising - whilst there are a number of factors determining who is targeted (and of course the European Commission can essentially only respond to a complaint from the domestic industry), it is clear that these country trends largely reflect the current sources of strong import competition in the types of industries which are likely to be suffering enough injury to warrant an anti-dumping complaint. Indeed, the sectoral breakdown of these cases illustrates this :

Table 14: Sectoral Breakdown of EU cases initiated 1997-98

Sector	No. of cases opened 97-98
Steel & other metals	19
Electronics	14
Textiles and allied	13
Chemicals and allied	7
Wood and Paper	7
Other	3
Total	63

5.1.2 Measures Imposed by the EU 1997-98

The following section gives the figures for definitive measures were imposed by the EU in 1997 and 1998. Annex 3 contains a list of all the cases in which action was taken by the Community.

By country breakdown, the figures are as follows :

Table 15: EU measures imposed 1997-1998 by target country

Country	No. of cases
China	9
India	5
Malaysia	4
Thailand	4
Indonesia	4
Taiwan	2
Japan	2
Korea	2
Poland	2
Russia	2
Brazil	1
Czech Rep.	1
Egypt	1
Mexico	1
Norway	1
Pakistan	1
Philippines	1
Romania	1
Singapore	1
Slovak Rep.	1
Ukraine	1
US	1
Vietnam	1
Total	49

Over the 1997-98 period, the EU had 37 cases in which definitive measures were imposed against it. By comparison the EU imposed 49 cases against other countries.

Annex 4 (table 26) provides an index of the propensity of the EU to open anti-dumping cases against third countries. This compares the proportion of EU anti-dumping cases which are opened against particular third countries with the proportion of EU imports coming from these countries in order to produce an index showing which ones are relatively heavily targeted.

5.2 THE EU AS A TARGET OF ANTI-DUMPING

5.2.1 Initiations against the EU

In 1997 and 1998 a total of 101 cases were opened against the EU or its individual member states. A full list of these cases with the precise product concerned, the importing country and the targeted country in the EU is provided in annex 5.

The numbers for each of the individual importing countries which opened cases against the Community members are shown below :

Table 16: Countries initiating cases against the EU and individual EU member states

Country	No. of cases
Australia	21
South Africa	18
US	12
Canada	9
Brazil	8
Israel	6
Argentina	6
India	4
Korea	4
Czech Rep.	2
Egypt	2
Mexico	2
Venezuela	1
Turkey	1
Colombia	1
Indonesia	1
Malaysia	1
New Zealand	1
Peru	1
Total	101

The total figures show, therefore, that over the period in question the EU, or individual member states, had more cases opened against them than the EU opened (101 opened against as opposed to 63 opened by). This, to some extent, is perhaps a reflection of the simple fact that the EU exports more than it imports and as such, everything else being equal, one might expect the ratios of user / target of anti-dumping to be quite similar. However, it is interesting to note that, as shown above, this contrasts with the figures for impositions over the same period where the EU had 37 definitive measures imposed against it and yet imposed 49 cases against other countries.

As can be seen, the principal users of anti-dumping against the EU are still the 'old' users such as Australia, the US and Canada, as well as South Africa. To some extent this is not very surprising reflecting, as it does the fact that large proportions

of EU exports are going to these countries. After all, in 1996, 22% of EU exports by value went to North America, Australia and New Zealand.

The member states targeted by these anti-dumping initiations are spread throughout the Community. Given that Germany is far and away the largest exporter of the EU member states, it is perhaps not surprising that it is most frequently affected by third country anti-dumping initiations. On this basis, Spain (as has already been seen in table 8) is hit fairly hard by such third country actions as it was the second most heavily targeted of the EU member states, and yet only the seventh largest exporter in the EU in 1997.

Table 17: Who in the EU is being targeted?

Country	Cases
Germany	21
Spain	13
France	11
UK	11
Italy	9
Netherlands	8
Belgium	7
Sweden	5
Austria	3
EU	3
Greece	3
Ireland	2
Denmark	2
Finland	2
Total	101

In terms of the sectors which are the most frequently targeted, it is clear that a number of them are the same, or similar, to those which the EU is itself targeting such as steel and chemicals (see table 14). Obviously these are very large sectors so the products may in fact be quite different although it is indicative of the general willingness to recourse to anti-dumping in these sectors on both sides. In the case of wood and paper too, there are a number of cases in both directions. Although those by the EU at present are primarily on more basic wood products, whilst those against are in the paper sector, traditionally there have been cases in paper too where the EU has been the investigating party.

Table 18: Cases against the EU by sector

Sector^{xii}	No. of cases
Steel	25
Wood & Paper	20
Chemicals	14
Medical Equipment/apparatus	12
Glass, Ceramics and allied	8
Mechanical, engineering/appliances	7
Textiles and allied	7
Foodstuffs	6
Other	2
Total	101

5.2.2 Measures Imposed Against EU 1997-98

The following tables show the numerical breakdown of cases in which anti-dumping measures were actually imposed against EU countries for the 1997-98 period. Annex 6 list all the cases in which measures were imposed over the relevant period. The numbers below tell a slightly different story from the simple figures on initiations, with South Africa having been the most active user against the Community and the US and Australia not figuring. Again this suggests that whilst a number of cases may be opened by these jurisdictions, it is perhaps less of a foregone conclusion that they will ultimately result in measures.

^{xii} NB In most of these cases, the precise CN codes of the products were unavailable. These are therefore our categorisations.

Table 19: Countries imposing measures against the EU 1997-98

Country	Measures imposed
South Africa	7
Canada	6
Korea	5
Israel	4
US	3
Egypt	2
Malaysia	2
Australia	2
Argentina	1
Brazil	1
Colombia	1
India	1
New Zealand	1
Philippines	1
Total	37

As regards the targets of these impositions, although nearly all member states were targeted to some degree, again it is the larger member states, who in turn conduct more trade with the rest of the world, which were the most heavily hit.

Table 20: EU countries hit by the imposition of measures 1997-98

Country	Cases against
Germany	6
Italy	6
France	5
UK	4
Spain	3
Sweden	3
EU	2
Greece	2
Portugal	2
Netherlands	1
Austria	1
Belgium	1
Finland	1
Netherlands	1
Total	37

5.2.3 Measures In Force Against the EU

This section looks at the actual measures in force against the EU. Whilst the previous sections focused on current activity in the anti-dumping area, this takes into account the more historical aspects by looking at exactly how many EU products are liable to pay anti-dumping duties at the moment and, in particular, in which countries.

This table shows the number of cases which third countries have in force against the EU or individual member states as at 31st December 1998 :

Table 21: Measures in force against EU by Complainant Country

Country	Measures in force
US	69
Canada	17
South Africa	14
Australia	8
India	7
Mexico	6
New Zealand	6
Korea	5
Argentina	3
Turkey	2
Egypt	2
Malaysia	2
Total	146

The US is clearly far and away the leader in this with 69 cases. This combines a number of factors : the fact that the US is the EU's main trading partner, the fact that it has traditionally been one of, if not the, largest user of the anti-dumping instrument, and, importantly, the fact that until the completion of the Uruguay Round, the US has not had a sunset clause on its anti-dumping measures and, as such, any measures which were imposed lasted indefinitely. As such, there are Community companies this year which have been challenging before review anti-dumping measures in the US which have been in place since as far back as 1973. The individual member states facing these measures in force are shown over:

Table 22: Measures in force against EU by targeted country

Country	Measures in force
Germany	30
France	22
Italy	22
UK	15
Netherlands	10
Spain	11
Sweden	10
Belgium	6
Finland	5
Austria	4
Greece	4
Denmark	3
EU	2
Portugal	2
Total	146

As with the figures for initiations and measures being imposed, Germany is again the principal target, accounting for over 20% of the total.

5.3 THE BALANCE FOR THE EU AS USER AND TARGET: MEASURES IN FORCE AS AT JUNE 1998

We are now in a position to see how the EU's position as a user of measures relates to its status as a target, and some interesting patterns emerge. The figures below show the countries which the EU has measures against as at the end of 1998. It also, where possible, shows how many measures these countries in turn have against the EU in order to examine any possible symmetries.

Table 23: Measures in force by and against EU

Country	EU Measures against	Measures against EU
China	32	0
Russia	12	0
Thailand	10	0
Korea	8	5
Malaysia	8	2
Japan	7	0
Taiwan	7	0
Ukraine	7	0
Indonesia	6	0
Poland	6	0
India	5	7
Belarus	3	0
Singapore	3	0
US	3	69
Brazil	2	1
Egypt	2	2
Kazakhstan	2	0
Mexico	2	6
Norway	1	0
Bulgaria	1	0
Croatia	1	0
Czech Rep	1	0
Hong Kong	1	0
Hungary	1	0
Lithuania	1	0
Pakistan	1	0
Philippines	1	0
Romania	1	0
Slovak Rep.	1	0
South Africa	1	14
Turkey	1	2
Venezuela	1	0
Australia	0	8
Canada	0	17
New Zealand	0	6
Argentina	0	3
Israel	0	4
Total	139	146

It is notable here that in contrast to the figures for initiations or measures imposed, the EU had in force a very similar number of cases against third countries as there were in force against it. What is clear, however, is that the principal targets of the EU's actions are not at the moment the countries which are most frequently targeting the EU.

It is difficult to have precise figures in these cases as some of the major targets of the EU are countries which are not members of the WTO and as such reliable information is not available. Furthermore, as in the case of China and Russia, for

example, several countries do not, or only very recently have, anti-dumping legislation of their own.

With respect to some of the Community's major trading partners such as the US, Canada, Australia and South Africa, there is a considerable imbalance between the measures the EU has in force against them and those in force against it. However, it should be noted that, as shown discussed above, the first three have not actually been *imposing* many measures in recent times even if they seem to be still opening a reasonable number of cases.

Another area which might warrant concern are those countries which are major targets of the EU's anti-dumping measures but as yet have few against the EU and as such the imbalance works the other way. It should be noted in this instance that several of these (e.g. India, Malaysia, South Africa, Indonesia, Thailand, Mexico) are amongst the countries starting to rapidly increase their use of the anti-dumping instrument globally. This is in addition to the concerns raised by the advent of anti-dumping legislation in China and Russia.

As such, this would suggest that the anti-dumping instrument is not as yet obviously being used in a retaliatory manner by third countries, although the statistics show a few instances where this could arguably be the case.

There is also some anecdotal evidence which might lead one in this direction. It is reliably reported that in the case of at least one Asian country with extensive exports to the EU, the official dealing with one anti-dumping action against an EU firm had prominently displayed on his office wall a list of cases by the EU against his country.

6. CONCLUSION

The basic conclusions to be drawn from the above data are the following. There has been a proliferation of new users of AD, notably including India, Malaysia, Korea and South Africa (though the latter is not entirely new). On the other hand the total number of anti-dumping cases in the world is not yet showing a major rise. This has partly been due to apparent restraint on the part of the EU and US who have historically accounted for most cases. However, in the case of these measures, the figures for initiations can often vary quite widely from year to year, so firm conclusions are difficult to draw.^{xiii}

The industries targeted by the new users are in most cases similar to the traditional users, though EU processed foods have been targeted in a significant number of cases, whilst food has not tended to be an area in which the Community has tended

^{xiii} Indeed, as at the end of July 1999, the EU had already opened 39 anti-dumping investigations, compared to the 22 opened in the while of 1998.

to use the anti-dumping instrument (presumably because the provisions of the Common Agricultural Policy make such defensive measures unnecessary). The EU is now facing as many cases against member states (usually targeted individually) as it has itself in place against others. The countries targeting the EU are in fact more often than not the traditional users (US etc.), but the growth of measures against the EU seems to be fastest in those countries targeted by the EU. It is notable that a number of the fastest growing users of the instrument have tended to be those who have been amongst the largest targets in the past. This, however, is not surprising given their increasing exposure to international trade and the trade liberalisation which has led to the removal of other forms of trade protection - in particular a significant reduction in tariff levels.

Potentially one of the major concerns could be the growing number of cases which are being opened and yet are not resulting in final measures. In some ways this could be construed as a positive development in that measures are not being unnecessarily applied and authorities are willing to terminate cases where they find that measures are unwarranted. However, it is alarming that so many cases are being opened which turn out not to require measures. As described in section 3.2 above, being the target of an anti-dumping investigation can be an expensive event and can have a significant disruptive effect on trade even if it does not ultimately result in measures. This is perhaps particularly relevant in the context of the 1998 Guatemala-Mexico WTO dispute in which the findings confirm that the opening of an anti-dumping investigation cannot in itself be disputed before the WTO mechanisms unless there are provisional or definitive measures in place.

We conclude that there is no immediate case for alarm in this area but there is no doubt that the risk of proliferation is a real one, and it may be most acute in the case of an emerging third generation of users. This fact may not be enough to lead the traditional users of anti-dumping to adopt a radically different stance in the forthcoming negotiations. The US is still the main country which targets the EU; and in general the main targets of EU action are not the same countries which hit the EU. Nevertheless with the EU actually being subject in 1998 to more actions than has in place itself, it is becoming clear that the ability of WTO members to use anti-dumping action with a high degree of freedom is becoming a double edged weapon and this could have an impact on the dynamics of negotiations.

ANNEX 1

WTO members with Anti-Dumping legislation notified to the secretariat (as at end August 1999)

Argentina	Mauritius
Australia	Mexico
Barbados	New Zealand
Bolivia	Norway
Brazil	Panama
Bulgaria	Paraguay
Canada	Peru
Chile	Philippines
Colombia	Poland
Costa Rica	Romania
Cuba	St. Lucia
Czech Republic	Senegal
Dominica	Singapore
Ecuador	Slovak Republic
European Communities	Slovenia
Fiji	South Africa
Guatemala	Thailand
Iceland	Trinidad and Tobago
India	Tunisia
Indonesia	Turkey
Israel	Uganda
Jamaica	United States
Japan	Uruguay
Kenya	Venezuela
Korea	Zambia
Kyrgyz Republic	Zimbabwe
Malawi	
Malaysia	

Total : 54 members

ANNEX 2

Table 24: Cases initiated by the EU 1997 and 1998

Product	Target Country	Date Initiated
Glutamic Acid (monosodium glutamate)	Brazil	5/7/97
Hardboard	Brazil	7/11/97
Hardboard	Bulgaria	7/11/97
Fax Machines	China	1/2/97
Cotton Fabric (unbleached)	China	11/7/97
Unwrought Magnesium	China	21/8/97
Thiourea Dioxide	China	24/10/97
Laser Optical Reading Systems	China	25/10/97
Steel Wire Ropes	China	20/5/98
Magnesite (caustic-burned)	China	18/6/98
Seamless Pipes and Tubes	Croatia	19/11/98
Binder and Baler twine	Czech Rep.	28/2/98
Cotton Fabric (unbleached)	Egypt	11/7/97
Hardboard	Estonia	7/11/97
Binder and Baler twine	Hungary	28/2/98
Steel Stranded Ropes and Cables	Hungary	30/7/98
Potassium Permanganate	India	26/4/97
Synthetic Fibre Ropes	India	1/7/97
Cotton Fabric (unbleached)	India	11/7/97
Stainless Steel Bright Bars	India	30/8/97
Steel Wire Ropes	India	20/5/98
Stainless Steel Big Wire	India	25/6/98
Polyester Textured Filament Yarn	India	21/8/98
Cotton Fabric (unbleached)	Indonesia	11/7/97
Fax Machines	Japan	1/2/97
Laser Optical Reading Systems	Japan	25/10/97
Fax Machines	Korea	1/2/97
Synthetic Fibre Ropes	Korea	31/7/97
Laser Optical Reading Systems	Korea	25/10/97
Steel Wire Ropes	Korea	20/5/98
Stainless Steel Fine Wire	Korea	25/6/98
Stainless Steel Big Wire	Korea	20/5/98
Polyester Textured Filament Yarn	Korea	21/8/98
Hardboard	Latvia	7/11/97
Hardboard	Lithuania	7/11/97
Fax Machines	Malaysia	1/2/97
Laser Optical Reading Systems	Malaysia	25/10/97
Steel Stranded Ropes and Cables	Mexico	30/7/98
Cotton Fabric (unbleached)	Pakistan	11/7/97

Continued...

Product	Target Country	Date Initiated
Hardboard	Poland	7/11/97
Binder and Baler twine	Poland	3/1/98
Narrow Steel Strips	Russia	12/7/97
Hardboard	Russia	7/11/97
Binder and Baler Twine	Saudi Arabia	28/2/98
Fax Machines	Singapore	1/2/97
Stainless Steel Heavy Plates	Slovenia	17/9/98
Steel Wire Ropes	South Africa	20/5/98
Stainless Steel Heavy Plates	South Africa	17/9/98
Fax Machines	Taiwan	1/2/97
Laser Optical Reading Systems	Taiwan	25/10/97
Bicycles	Taiwan	26/11/97
Woven glass fibre	Taiwan	4/12/97
Fax Machines	Thailand	1/2/97
Electrolytic Capacitors	Thailand	29/11/97
Cotton Fabric (unbleached)	Turkey	11/7/97
Potassium Permanganate	Ukraine	26/4/97
Steel Wire Ropes	Ukraine	20/5/98
Seamless Pipes and Tubes	Ukraine	19/11/98
Polysulphide Polymers	US	19/6/97
Glutamic Acid (monosodium glutamate)	US	5/7/97
Electrolytic Capacitors	US	29/11/97
Glutamic Acid (monosodium glutamate)	Vietnam	5/7/97

ANNEX 3

Table 25: EU Measures Imposed 1997-98

Product	Country	Date
Monosodium Glutamate	Brazil	29/9/98
Fax Machines	China	30/4/98
Glyphosate	China	18/2/98
Ferro-Silicon-Manganese	China	3/3/98
Footwear (textile)	China	29/10/97
Footwear (leather)	China	28/2/98
Ring Binder Mechanisms	China	20/1/97
Handbags (leather)	China	1/8/97
Fasteners (stainless steel)	China	20/2/98
Unwrought Magnesium	China	7/11/98
Seamless steel pipes and tubes	Czech Republic	17/11/97
Bed Linen (cotton)	Egypt	28/11/97
Synthetic Fibre Ropes	India	26/6/98
Polyethylene / polypropylene sacks	India	6/10/97
Bed Linen (cotton)	India	28/11/97
Fasteners (stainless steel)	India	20/2/98
Potassium Permanganate	India	16/7/98
Polyethylene / polypropylene sacks	Indonesia	6/10/97
Footwear (textile)	Indonesia	29/10/97
Footwear (leather)	Indonesia	28/2/98
Magnetic Disks	Indonesia	22/8/98
Fax Machines	Japan	30/4/98
Advertising Matches	Japan	15/10/97
Fax Machines	Korea	30/4/98
Fasteners (stainless steel)	Korea	20/2/98
Fax Machines	Malaysia	30/4/98
Polyester Yarn	Malaysia	2/6/97
Ring Binder Mechanisms	Malaysia	20/1/97
Fasteners (stainless steel)	Malaysia	20/2/98
Lighters (disposable)	Mexico	3/3/97
Salmon	Norway	26/9/97
Bed Linen (cotton)	Pakistan	28/11/97
Lighters (disposable)	Philippines	3/3/97
Flat Pallets of Wood	Poland	24/11/97
Zinc (Unwrought unalloyed)	Poland	22/9/97
Seamless steel pipes and tubes	Romania	17/11/97
Seamless steel pipes and tubes	Russia	17/11/97
Zinc (Unwrought unalloyed)	Russia	22/9/97
Fax Machines	Singapore	30/4/98
Seamless steel pipes and tubes	Slovak Republic	17/11/97
Fax Machines	Taiwan	30/4/98

Continued...

Product	Country	Date
Fasteners (stainless steel)	Taiwan	20/2/98
Fax Machines	Thailand	30/4/98
Polyethylene / polypropylene sacks	Thailand	6/10/97
Footwear (leather)	Thailand	28/2/98
Fasteners (stainless steel)	Thailand	20/2/98
Potassium Permanganate	Ukraine	16/7/98
Polysulphide Polymers	US	17/9/98
Monosodium Glutamate	Vietnam	29/9/98

ANNEX 4

Table 26: EU propensity to open cases against 3rd countries.

		EU Imports 1993-mid 1998			
% of AD cases (min. 2 cases)			total imports (000 ecus)	% of trade	AD Index
		Extra- EU	3190499		
2.9		Ukraine	8292	0.3	10.9
1.1		Kazakhstan	3331	0.1	10.9
3.4		Pakistan	11114	0.3	9.8
1.1		Lithuania	5453	0.2	6.7
8.0		Thailand	39240	1.2	6.5
8.5		India	43849	1.4	6.2
5.7		Indonesia	36857	1.2	4.9
1.1		Bulgaria	9073	0.3	4.0
7.4		S. Korea	59118	1.9	4.0
1.7		Egypt	14084	0.4	3.9
1.7		Slovakia	16039	0.5	3.4
5.1		Malaysia	48808	1.5	3.3
15.3		China	155956	4.9	3.1
1.1		Mexico	16989	0.5	2.1
2.8		Czech Rep.	48794	1.5	1.9
2.8		Turkey	52078	1.6	1.7
3.4		Poland	63235	2.0	1.7
3.4		Taiwan	70125	2.2	1.6
4.6		Russia	117519	3.7	1.2
1.7		Brazil	59096	1.9	0.9
1.1		Hungary	43709	1.4	0.8
1.1		South Africa	45443	1.4	0.8
1.1		Singapore	49832	1.6	0.7
2.8		Japan	295670	9.3	0.3
1.1		Norway	143890	4.5	0.3
2.8		US	610358	19.1	0.2

Sources: Eurostat, Commission of the European Communities Annual Anti-Dumping Reports, own data.

ANNEX 5

Table 27: Cases initiated against EU member states 1997 and 1998

Country	Product	EU member	Date
Argentina	Straight bi-metal saw blades	UK	11/08/97
Argentina	Lined bristol board	Germany	27/08/97
Argentina	Ceramic flags and paving	Italy	25/09/98
Argentina	Spiral Drills	Italy	21/02/97
Argentina	Optical fibre cables	Spain	21/02/97
Argentina	straight bi-metal saw blades	Sweden	11/08/97
Australia	Coated woodfree paper in sheets	Austria	09/07/97
Australia	Carpet backing woven polypropylene primary fabric	Belgium	09/07/98
Australia	Coated woodfree paper in sheets	Belgium	09/07/97
Australia	Paper, uncoated white cut ream copy	Finland	26/08/98
Australia	Coated woodfree paper in sheets	Finland	09/07/97
Australia	Wound skin/closure strips	France	03/04/98
Australia	Coated woodfree paper in sheets	France	09/07/97
Australia	Wound skin/closure strips	Germany	03/04/98
Australia	Potato Harvesters	Germany	06/01/97
Australia	Polyvinyl chloride resin	Germany	07/01/97
Australia	Coated woodfree paper in sheets	Germany	09/07/97
Australia	Polyvinyl chloride homopolymer resin	Germany	10/07/97
Australia	Coated woodfree paper in sheets	Italy	09/07/97
Australia	Polyvinyl chloride resin	Netherlands	07/01/97
Australia	Polyvinyl chloride homopolymer resin	Netherlands	10/07/97
Australia	coated woodfree paper in sheets	Netherlands	09/07/97
Australia	Fibreglass gun rovings	Spain	13/02/97
Australia	Di-octyl phthalate	Sweden	14/02/97
Australia	Coated woodfree paper in sheets	Sweden	09/07/97

Continued...

Country	Product	EU member	Date
Australia	Carpet backing woven polypropylene primary fabric	UK	09/07/98
Australia	Polymeric Plasticisers of Saturated Adipate Type	UK	06/04/98
Brazil	Vacuum Blood Containers	UK	15/09/97
Brazil	Laboratory Reagents	UK	15/09/97
Brazil	Cold-rolled flat stainless steel	France	19/10/98
Brazil	Hot and cold-rolled flat stainless steel	Germany	19/10/98
Brazil	Polycarbonate Resins	Germany	12/02/98
Brazil	Cold-rolled flat stainless steel	Italy	19/10/98
Brazil	Hydroxyethylcellulose	Netherlands	19/10/98
Brazil	Cold-rolled flat stainless steel	Spain	19/10/98
Canada	Hot-rolled steel sheet	France	03/12/98
Canada	Cigarette tubes	France	19/10/98
Canada	Stainless Steel Round Bar	France	23/12/97
Canada	Cigarette tubes	Germany	19/10/98
Canada	Stainless Steel Round Bar	Germany	23/12/97
Canada	Stainless Steel Round Bar	Italy	23/12/97
Canada	Stainless Steel Round Bar	Spain	23/12/97
Canada	Stainless Steel Round Bar	Sweden	23/12/97
Canada	Stainless Steel Round Bar	UK	23/12/97
Colombia	Orthophosphoric Acid	Belgium	26/01/98
Czech Republic	Infant milk formula	Netherlands	02/09/98
Czech Republic	Infant milk formula	Denmark	02/09/98
Egypt	Stainless steel kitchen sinks (inset)	Greece	30/01/97
Egypt	Stainless steel kitchen sinks (inset)	Spain	30/01/97
India	P-Tert Butyl Calcol	France	19/02/98
India	Industrial Sewing Needles	Germany	16/01/98
India	B&W resin coated photographic paper	UK	07/05/98
India	B&W resin coated photographic paper	France	07/05/98
Indonesia	Newsprint white	France	31/11/97
Israel	Certain Glass Jars	Germany	13/08/98
Israel	Recycled polyethylene HDPE & LDPE	Germany	06/03/97
Israel	Certain Glass Jars	Portugal	13/08/98

Continued...

Country	Product	EU member	Date
Israel	Certain Glass Jars	Spain	13/08/98
Israel	Woven Pile Weather Stripping	Spain	26/05/98
Israel	Woven Pile Weather Stripping	UK	26/05/98
Korea, Rep	Electric irons	France	23/10/97
Korea, Rep	Hydroxypropylmethylcellulose (HPMC)	Germany	18/06/97
Korea, Rep	Carbonless self copy paper	Germany	18/06/97
Korea, Rep.	Carbonless self-copy paper	UK	18/06/97
Malaysia	Corrugating medium paper	EU	08/07/97
Mexico	Crystal Polystyrene	EU	10/06/98
Mexico	Peach halves in syrup, canned	Greece	26/05/97
New Zealand	Canned Peaches	Greece	11/09/97
Peru	Evaporated Milk	Netherlands	23/08/97
South Africa	Glass microspheres	Austria	23/05/97
South Africa	Paperboard	Austria	27/03/97
South Africa	Needles	Belgium	16/01/98
South Africa	Glass microspheres	Belgium	23/05/97
South Africa	Glass microspheres	UK	23/05/97
South Africa	Syringes	Belgium	24/12/97
South Africa	Acetaminolphenol	France	24/07/98
South Africa	Needles	Germany	16/01/98
South Africa	Paperboard	Germany	27/03/97
South Africa	Syringes	Germany	24/12/97
South Africa	Needles	Ireland	16/01/98
South Africa	Syringes	Ireland	24/12/97
South Africa	Rockwool	Netherlands	15/05/98
South Africa	Paperboard	Netherlands	27/03/97
South Africa	Steel Bolts and Nuts	Spain	24/07/98
South Africa	Needles	Spain	16/01/98
South Africa	Paperboard	Spain	27/03/97
South Africa	Syringes	Spain	24/12/97
Turkey	Ball bearings	EU	29/06/97
US	Stainless Steel Plate in Coils	Belgium	27/04/98
US	Butter Cookies in Tins	Denmark	05/03/98
US	Stainless Steel Sheet & Strip in Coils	Germany	13/07/98
US	Steel wire rod	Germany	24/03/97
US	Stainless steel wire rod	Germany	26/08/97

Continued...

Country	Product	EU member	Date
US	Stainless Steel Sheet & Strip in Coils	Italy	13/07/98
US	Stainless Steel Plate in Coils	Italy	27/04/98
US	Stainless steel wire rod	Italy	26/08/97
US	Stainless Steel Round Wire	Spain	12/05/98
US	Stainless steel wire rod	Spain	26/08/97
US	Stainless steel wire rod	Sweden	26/08/97
US	Stainless Steel Sheet & Strip in coils	UK	13/07/98
Venezuela	Syringes with/without needle	Italy	04/12/97

ANNEX 6

Table 28: Measures imposed against the EU 1997-98

Importer	Product	Target Country	date measures imposed
South Africa	Glass Microspheres	Austria	27/02/98
Colombia	Orthophosphoric Acid	Belgium	13/07/98
Malaysia	Corrugating Medium Paper	EU	03/04/98
Malaysia	Self-copy paper	EU	20/04/97
Australia	Coated woodfree Paper	Finland	16/09/98
Australia	Wound/Skin Closure Strips	France	16/12/98
Canada	Stainless Steel Round Bar	France	04/09/98
Korea	Electric Smoothing Irons	France	06/08/98
South Africa	Circuit Breakers	France	08/08/97
South Africa	Suspension PVC	France	27/03/97
Canada	Stainless Steel Round Bar	Germany	04/09/98
India	Acrylonitrile butadiene rubber (NBR)	Germany	30/07/97
Israel	Medium Density Fibre Boards	Germany	17/12/98
Korea	Carbonless Self-Copy Paper	Germany	30/01/98
Korea, Rep	Electric shavers	Germany	30/04/97
Philippines	Magnesite-based refractory bricks	Germany	09/07/98
Egypt	Stainless Steel Kitchen Sinks-Inset	Greece	28/06/98
New Zealand	Canned Peaches	Greece	09/03/98
Argentina	Spinal Drill Bits	Italy	11/09/98
Canada	Stainless Steel Round Bar	Italy	04/09/98
Israel	Medium Density Fibre Boards	Italy	17/12/98
Israel	Reinforced Steel Rounds (deformed)	Italy	25/06/98
South Africa	Circuit Breakers	Italy	08/08/97
US	Stainless Steel Wire Rod	Italy	15/09/98
Korea, Rep	Electric shavers	Netherlands	30/04/97
Israel	Medium Density Fibre Boards	Portugal	17/12/98
South Africa	Acrylic fibre	Portugal	24/12/97
Canada	Stainless Steel Round Bar	Spain	04/09/98
Egypt	Stainless Steel Kitchen Sinks - Inset	Spain	28/06/98
US	Stainless Steel Wire Rod	Spain	15/09/98

Continued...

Importer	Product	Target Country	date measures imposed
Canada	Stainless Steel round Bar	Sweden	04/09/98
South Africa	Uncoated Woodfree Paper	Sweden	13/02/98
US	Stainless Steel Wire Rod	Sweden	15/09/98
Brazil	Sodium Tripolyphosphate	UK	05/08/97
Canada	Stainless Steel Round Bar	UK	04/09/98
Korea	Carbonless Self-Copy Paper	UK	10/03/98
South Africa	Suspension PVC	UK	27/03/97