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ANTI-DUMPING AND COUNTERVALING MEASURES AND DEVELOPING COUNTRIES: RECENT DEVELOPMENT

by

Adanna A. Pam*

Introduction

Antidumping (AD) and Countervailing (CV) measures have become popular substitutes for traditional trade barriers, which are gradually being reduced in the course of regional and multi-lateral trade liberalization. Designed as a corrective mechanism, antidumping has been hijacked for protectionist purposes. Gradually replacing the conventional tariff-based trade barriers, the advancement of these practices jeopardizes the benefits of tariff reduction and growing economic integration.¹ Developing countries establish their position as new players on the AD and CV field, but also continue to be the main target for those practices.

The paper analyses the WTO Agreements and finds that many of the negative effects of AD and CV measures are not adequately addressed. Loopholes and ambiguities in their provisions open doors for practices constituting abuse rather than use of those instruments. Reforms of the Agreements are urgently required. They should focus on clarifying certain provisions and on the

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Anti-dumping and Countervailing Measures R. K. Gupta,1996 World Trade Organization Agreement on Anti-dumping K. D. Raju,2008-01-01 The WTO Secretariat reports that during the period from 1995 to June 30 2007 WTO members initiated 3097 anti dumping investigations Of these 474 were put forward by India which made it the largest user of this measure among WTO Members The traditional argument of developing countries was that loopholes or absence of clear definitions in the anti dumping rules have increased the possibility of abuses and discretionary practices against them Now many developing countries like India have become frequent users of this measure For a better understanding of the various provisions of the WTO s Anti dumping Agreement ADA a critical investigation of the resulting jurisprudence is a necessity To that end this timely work has a fivefold aim and To explore the jurisprudence that has emerged around the anti dumping regime and how it affected developing countries and To assess how effectively and to what extent the WTO s Dispute Settlement Body DSB is able to analyze the violations of ADA provisions and To examine domestic compliance with DSB decisions and To study the Indian cases which come before the nation s Customs Excise andamp Sales Tax Appellate Tribunal various High Courts and the Supreme Court of India and and To offer recommendations for the improvement of the anti dumping regime from a developing country perspective

Anti-dumping and Countervailing Procedures Inge Nora Neufeld,United Nations Conference on Trade and Development,2001 Analyzes antidumping and countervailing duty investigations particularly as they impact developing countries This study also scrutinizes WTO agreements and finds that many of the negative effects of antidumping and countervailing measures are not adequately addressed

WTO - Trade Remedies Peter-Tobias Stoll,Michael Koebel,2008-06-25 In the decade since the establishment of the WTO the great majority of disputes between member states resolved and decided through the dispute settlement system of the WTO arose in the field of trade remedies law a fact which clearly shows the high demand by the trade community for the rule of law in this area Responsive to such needs the fourth volume encompasses the whole range of trade remedies regulation under the auspices of the WTO in the respective articles of the General Agreement on Tariffs and Trade GATT and the related multilateral agreements on trade in goods i e Articles VI XII XIX GATT 1994 the Understanding on the Balance of Payments the Agreement on Implementation of Article VI GATT 1994 Anti Dumping Agreement the Agreement on Subsidies and Countervailing Duties and the Agreement on Safeguards Leading practitioners and scholars have gathered to provide an invaluable insight and easy access to the law on trade remedies in an article by article commentary approach As such it will be an essential work not only for trade remedies practitioners but to persons interested in trade remedies be they scholars academics international and domestic lawyers political scientists and economists or NGO representatives

Beyond the Transition Phase of WTO Dipankar Sengupta,Debashis Chakraborty,Pritam Banerjee,2006 Contributed articles on commercial policy and trade regulation in India in light of WTO policy

A Concise Guide to the EU

Anti-dumping/anti-subsidies Procedures Themistoklis K. Giannakopoulos,2006-01-01 Unfair trading practices such as dumping and the granting of subsidies have long been identified as threats to open markets Yet despite decades of international trading rules global markets are still jeopardized by practices which can cause material injury to industries and put employment at risk The European Union has been a leader in its determination to ensure that its industries are not disadvantaged by such practices that Community interests are defended and that fair competition is restored where needed The basic texts which form the legal basis of anti dumping and anti subsidy investigations in the Community entered into force in 1996 and 1997 The procedures developed in these texts as amended and in their corresponding regulations are the subject of this extremely helpful guide Practitioners who must follow these often complex procedures will find precise guidelines for the substantive determinations that must be made such as calculating the material injury determining the cause of injury and applying the Community interest test and then be able to move confidently through every procedural step including the following Initial complaintQuestionnairesConfrontation meetings and oral hearingsInvestigations by Commission official Offer and acceptance rejection of undertaking Commenting on the Commission s provisional decisionRequesting review of measures and refunds andJudicial review Throughout the presentation the author describes relevant cases and actual measures taken Tables of cases and measures as well as a bibliography are included Business people and their counsel whether engaged in trade within the EU or between any country and an EU Member State will benefit enormously from the detailed guidance offered in this incomparable volume The book will also be invaluable to academics and policymakers as an unclouded analysis of anti dumping anti subsidies procedures under EC law

Towards a Universal Justice? Putting International Courts and Jurisdictions into Perspective Dário Moura Vicente,2016-04-08

The recent proliferation of international courts and jurisdictions raises a number of important issues ranging from the redefinition of the role of the International Court of Justice to the recent emergence of domestic courts as international jurisdictions Towards a Universal Justice Putting International Courts and Jurisdictions into Perspective containing edited articles presented at the International Law Association s Regional Conference held in Lisbon offers a comprehensive overview of those issues and outlines challenges ahead for every branch of international law

United States Investment and Business Guide Volume 1 Strategic and Practical Information IBP USA,2013-08 United States Investment and Business Guide Strategic and Practical Information

Croatia Investment and Business Guide Volume 1 Strategic and Practical Information IBP, Inc.,2015-09-11 Croatia Investment and Business Guide Volume 1 Strategic and Practical Information

Dispute Settlement Reports 2004:1 World Trade Organization,2006-05-04 The authorized paginated WTO Dispute Settlement Reports in English cases for 2004

Doing Business and Investing in Indonesia Guide Volume 1 Strategic and Practical Information IBP, Inc.,2012-05-13 2011 Updated Reprint Updated Annually Doing Business and Investing in Indonesia Guide

The International Politics of Surplus Capacity (Routledge Revivals) Susan Strange,Roger

Tooze,2009-11-02 This important survey first published in 1981 presents some different and often contending perceptions of the problem of surplus capacity as it re emerged in the world of the 1980s an economic climate with many parallels to the current era Susan Strange and Roger Tooze deliberately assembled writers of many different nationalities professional backgrounds and ideological convictions and asked them to make the case for their version of the problem Some even doubt if there really is much of a problem at all Others see it as fundamentally political or monetary as inherent in the capitalist system or as the product of short sighted pressure groups and perverse politicians To help readers judge for themselves there are specialist contributions on surplus capacity as it has shown up in different sectors of the world economy shipbuilding textiles steel petrochemicals insurance and banking and on the responses of different actors in the international system including the European Community and multinational corporations [Guide to the WTO and GATT](#) Autar Krishen Koul,2018-11-19 This book analyzes how today s system of international trade law and international economic relations has evolved over the last six decades Focusing on the major innovations that came with the inception of the World Trade Organization WTO with its various agreements in 1994 it also provides in depth commentary on the intense debate over important matters that remain unsettled Topics covered include the WTO dispute settlement mechanism the General Agreement on Trade in Services GATS the Agreement on Trade Related Investment Measures TRIMs intellectual property rights the Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS areas still covered by the General Agreement on Tariffs and Trade GATT 1947 the Most Favoured Nation MFN concept special provisions relating to agriculture and textiles sanitary and phytosanitary measures technical barriers to trade pre shipment inspection and import licensing procedures The book would be an excellent resource for scholars as well as practitioners working in the field of international arbitration and trade laws

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European Union Ian Bond,Dick Leonard,Robert Taylor,2025-06-30 Written by experts this long established and definitive guide to the workings of the European Union provides comprehensive straightforward and readable coverage of this sometimes misunderstood and complex institution This fully revised second edition explains not only what happens but why analysing the EU s strengths and weaknesses as well as opportunities for it to be more effective With the EU s very existence under pressure due to Euroscepticism continued crises with migration and borders the re emergence of the far right and renewed great power competition in Europe and the world it specifically outlines How the EU has evolved over the last 70 years How it works the institutions the mechanisms Every area of EU competence from agriculture to defence The effects of the single market a single currency and the successes and stresses of the eurozone The impact of the enlargement of the EU prospects for further enlargement and closer political integration Reforming the EU s decision making and defending the rule of law The EU s place in an ever more disorderly world The Routledge Guide to the European Union is well established

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China's Influence on Non-Trade Concerns in International Economic Law Paolo Farah,Elena Cima,2016-10-14 This volume examines the range of Non Trade Concerns NTCs that may conflict with international economic rules and proposes ways to protect them within international law and international economic law Globalization without local concerns can endanger relevant issues such as good governance human rights right to water right to food social economic cultural and environmental rights labor rights access to knowledge public health social welfare consumer interests and animal welfare climate change energy environmental protection and sustainable development product safety food safety and security Focusing on China the book shows the current trends of Chinese law and policy towards international standards The authors argue that China can play a leading role in this context not only has China adopted several reforms and new regulations to address NTCs but it has started to play a very relevant role in international negotiations on NTCs such as climate change energy and culture among others While China is still considered a developing country in particular from the NTCs point of view it promises to be a key actor in international law in general and more specifically in international economic law in this respect This volume assesses taking into consideration its special context China s behavior internally and externally to understand its role and influence in shaping NTCs in the context of international economic law

Review of Trade and Investment Liberalization Measures

by Mexico and Prospects for Future United States-Mexican Relations United States International Trade

Commission,1990

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Table of Contents Anti Dumping And Countervailing Measures The Complete Reference

1. Understanding the eBook Anti Dumping And Countervailing Measures The Complete Reference
 - The Rise of Digital Reading Anti Dumping And Countervailing Measures The Complete Reference
 - Advantages of eBooks Over Traditional Books
2. Identifying Anti Dumping And Countervailing Measures The Complete Reference
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Anti Dumping And Countervailing Measures The Complete Reference
 - User-Friendly Interface
4. Exploring eBook Recommendations from Anti Dumping And Countervailing Measures The Complete Reference
 - Personalized Recommendations
 - Anti Dumping And Countervailing Measures The Complete Reference User Reviews and Ratings
 - Anti Dumping And Countervailing Measures The Complete Reference and Bestseller Lists
5. Accessing Anti Dumping And Countervailing Measures The Complete Reference Free and Paid eBooks
 - Anti Dumping And Countervailing Measures The Complete Reference Public Domain eBooks
 - Anti Dumping And Countervailing Measures The Complete Reference eBook Subscription Services

- Anti Dumping And Countervailing Measures The Complete Reference Budget-Friendly Options
- 6. Navigating Anti Dumping And Countervailing Measures The Complete Reference eBook Formats
 - ePUB, PDF, MOBI, and More
 - Anti Dumping And Countervailing Measures The Complete Reference Compatibility with Devices
 - Anti Dumping And Countervailing Measures The Complete Reference Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Anti Dumping And Countervailing Measures The Complete Reference
 - Highlighting and Note-Taking Anti Dumping And Countervailing Measures The Complete Reference
 - Interactive Elements Anti Dumping And Countervailing Measures The Complete Reference
- 8. Staying Engaged with Anti Dumping And Countervailing Measures The Complete Reference
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Anti Dumping And Countervailing Measures The Complete Reference
- 9. Balancing eBooks and Physical Books Anti Dumping And Countervailing Measures The Complete Reference
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Anti Dumping And Countervailing Measures The Complete Reference
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Anti Dumping And Countervailing Measures The Complete Reference
 - Setting Reading Goals Anti Dumping And Countervailing Measures The Complete Reference
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Anti Dumping And Countervailing Measures The Complete Reference
 - Fact-Checking eBook Content of Anti Dumping And Countervailing Measures The Complete Reference
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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