

# Annexure

## China's Protocol of Accession to the WTO, 2001

### Section 15

- (a) In determining price comparability under Article VI of the GATT 1994 and the Anti-Dumping Agreement, the importing WTO Member shall use either Chinese prices or costs for the industry under investigation or a methodology that is not based on a strict comparison with domestic prices or costs in China based on the following rules:
- (i) If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;
  - (ii) The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.
- ...
- (d) Once China has established, under the national law of the importing WTO Member, that it is a market economy, the provisions of subparagraph (a) shall be terminated provided that the importing Member's national law contains market economy criteria as of the date of accession. In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non-market economy provisions of subparagraph (a) shall no longer apply to that industry or sector.

## Australia

### 1. Customs Act, 1901

#### §269TAC

(4) Subject to subsections (6) and (8), where the Minister is satisfied that it is inappropriate to ascertain the normal value of goods in accordance with the preceding subsections because the Government of the country of export:

- (a) has a monopoly, or substantial monopoly, of the trade of the country; and
- (b) determines or substantially influences the domestic price of goods in that country;

The normal value of the goods for the purposes of this Part is to be a value ascertained in accordance with whichever of the following paragraphs the Minister determines having regard to what is appropriate and reasonable in the circumstances of the case:

- (c) a value equal to the price of like goods produced or manufactured in a country determined by the Minister and sold for home consumption in the ordinary course of trade in that country, being sales that are arms length transactions;
- (d) a value equal to the price determined by the Minister to be the price of like goods produced or manufactured in a country determined by the Minister and sold in the ordinary course of trade in arms length transactions for exportation from that country to a third country determined by the Minister to be an appropriate third country;
- (e) a value equal to the sum of the following amounts ascertained in respect of like goods produced or manufactured in a country determined by the Minister and sold for home consumption in the ordinary course of trade in that country:
  - (i) such amount as the Minister determines to be the cost of production or manufacture of the like goods in that country;
  - (ii) such amounts as the Minister determines to be the administrative, selling and general costs associated with the sale of like goods in that country and the profit on that sale;
- (f) a value equal to the price payable for like goods produced or manufactured in Australia and sold for home consumption in the ordinary course of trade in Australia, being sales that are arms length transactions.

(5C) Without limiting the generality of the matters that may be taken into account by the Minister in determining whether a third country is an appropriate third country for the purposes of paragraph (2)(d) or (4)(d), the Minister may have regard to the following matters:

- (a) Whether the volume of trade from the country of export referred to in paragraph (2)(d) or the country first-mentioned in paragraph (4)(d) is similar to the volume of trade from the country of export to Australia; and

- (b) Whether the nature of the trade in goods concerned between the country of export referred to in paragraph (2)(d) or the country first-mentioned in paragraph (4)(d) is similar to the nature of trade between the country of export and Australia.

(5D) The normal value of goods (the *exported goods*) is the amount determined by the Minister, having regard to all relevant information, if the exported goods are exported to Australia and the Minister is satisfied that the country of export has an economy in transition and that at least one of the following paragraphs applies:

- (a) both of the following conditions exist:
- (i) the exporter of the exported goods sells like goods in the country of export;
  - (ii) market conditions do not prevail in that country in respect of the domestic selling price of those like goods;
- (b) both of the following conditions exist:
- (i) the exporter of the exported goods does not sell like goods in the country of export but others do;
  - (ii) market conditions do not prevail in that country in respect of the domestic selling price of those like goods;
- (c) the exporter of the exported goods does not answer questions in a questionnaire given to the exporter by the Commissioner under subsection 269TC(8) within the period described in that subsection or subsection 269TC(9) for answering questions;
- (d) the answers given within the period mentioned in subsection 269TC(8), or the period mentioned in subsection 269TC(9), by the exporter of the exported goods to a questionnaire given to the exporter under subsection 269TC(8) do not provide a reasonable basis for determining that paragraphs (a) and (b) of this subsection do not apply.

Note: Subsection 269TC(8) deals with the Commissioner giving an exporter of goods to Australia a questionnaire about evidence of whether or not paragraphs (a) and (b) of this subsection apply, with a specified period of at least 30 days for the exporter to answer the questions. Under subsection 269TC(9) the Commissioner may allow the exporter a further period for answering the questions.

## **Brazil**

### **Brazil's Decree No. 1602, 1995**

#### **Article 7**

When difficulties occur in determining a comparable price as in the case of imports originating in a country that is not predominantly oriented toward a market economy, where domestic prices are for the most part established by the State, the normal value may be determined based on the price charged or on the value determined for the like product in a third country that has a market economy, or on the price charged by the latter country for its exports to other countries, excluding Brazil, or, whenever this is not possible, based on any other reasonable price,

including the price paid or to be paid for the like product in the Brazilian market, duly adjusted, if necessary, to include a reasonable margin of profit.

- 7.1 The choice of the third country with an adequate market economy shall take into account any reliable information presented at the time of selection.
- 7.2 The time frames of the investigation shall be taken into account and, whenever feasible, recourse shall be had to a third country with a market economy that is the object of the same investigation.
- 7.3 The interested parties shall be notified, immediately after the initiation of the investigation, regarding the third country with a market economy that is to be used, and a period of time shall be established for returning the respective questionnaires mentioned in the lead paragraph of Art. 27.

## Canada

### 1. Special Imports Measures Act, 1985

#### §20

- (1) Where goods sold to an importer in Canada are shipped directly to Canada
  - (a) from a prescribed country where, in the opinion of the President, domestic prices are substantially determined by the government of that country and there is sufficient reason to believe that they are not substantially the same as they would be if they were determined in a competitive market, or
  - (b) from any other country where, in the opinion of the President,
    - (i) the government of that country has a monopoly or substantial monopoly of its export trade, and
    - (ii) domestic prices are substantially determined by the government of that country and there is sufficient reason to believe that they are not substantially the same as they would be if they were determined in a competitive market,

the normal value of the goods is:
  - (c) where like goods are sold by producers in any country other than Canada designated by the President for use in that country,
    - (i) the price of the like goods at the time of the sale of the goods to the importer in Canada, adjusted in the prescribed manner and circumstances to reflect the differences in terms and conditions of sale, in taxation and other differences relating to price comparability between the goods sold to the importer in Canada and the like goods sold by producers in the country other than Canada designated by the President for use in that country, or
    - (ii) the aggregate of:
      - (A) the cost of production of the like goods,
      - (B) a reasonable amount for administrative, selling and all other costs, and

- (C) a reasonable amount for profits, whichever of the price or aggregate the President designates for any case or class of cases; or
- (d) where, in the opinion of the President, sufficient information has not been furnished or is not available to enable the normal value of the goods to be determined as provided in paragraph (c), the price of like goods
  - (i) produced in any country designated by the President, other than Canada or the country from which the goods were shipped directly to Canada, and
  - (ii) imported into Canada and sold by the importer thereof in the condition in which they were imported to a person with whom, at the time of the sale, the importer was not associated, such price to be adjusted in the prescribed manner and circumstances to reflect the differences in terms and conditions of sale, in taxation and other differences relating to price comparability between the goods sold to the importer and the imported like goods in relation to their sale by the importer thereof.

**Marginal note: Limitation**

- (2) The President may not designate a country under paragraph (1)(d) if
  - (a) the like goods of that country are also the subject of investigation under this Act, unless the President is of the opinion that those goods are not dumped goods; or
  - (b) in the opinion of the President, the price of the like goods imported into Canada has been significantly influenced by a country described in paragraphs (1)(a) and (b).

## **2. Special Import Measures Regulation, 1985**

### **Normal Value and Export Price**

#### **Quantitative Adjustments**

##### **Section 3**

For the purposes of sections 15, 19 and 20 of the Act, the price of like goods shall be adjusted to reflect the quantity discount generally granted in connection with a sale of like goods in the same or substantially the same quantities as the quantities of the goods sold to the importer in Canada.

##### **Section 4**

Where the quantity discount referred to in section 3 cannot be ascertained, the price of like goods shall be adjusted by

- (a) adding thereto the amount that would reflect the costs that would be incurred by the exporter, or
- (b) deducting there from the amount that would reflect the savings that would accrue to the exporter,

if the like goods were sold by the exporter in the same or substantially the same quantities as the quantities of goods sold to the importer in Canada.

### **Qualitative Differences**

#### **Section 5**

For the purposes of sections 15, 19 and 20 of the Act, where the goods sold to the importer in Canada and the like goods differ

- (a) in their quality, structure, design or material,
- (b) in their warranty against defect or guarantee of performance,
- (c) in the time permitted from their date of order to the date of their scheduled shipment, or
- (d) in their conditions of sale, other than the conditions referred to in paragraphs (b) or (c) or any conditions that result in any adjustment being made pursuant to any other section of these Regulations,

and that difference would be reflected in a difference between the price of the like goods and the price at which goods that are identical in all respects, including conditions of sale, to the goods sold to the importer in Canada would be sold in the country of export, the price of the like goods shall be adjusted

- (e) where the price of the like goods is greater than the price of the identical goods, by deducting therefrom the estimated difference between those prices; and
- (f) where the price of the like goods is less than the price of the identical goods, by adding thereto the estimated difference between those prices.

### **Discounts**

#### **Section 6**

For the purposes of sections 15, 19 and 20 of the Act, where any rebate, deferred discount or discount for cash is generally granted in relation to the sale of like goods in the country of export, the price of the like goods shall be adjusted by deducting there from the amount of any such generally granted rebate or discount for which the sale of the goods to the importer in Canada would qualify if that sale occurred in the country of export.

## **European Union**

### **1. European Union's Regulation 2016/1036 of the European Parliament and the Council on Protection Against Dumped Imports from Countries not Members of the European Union, 2016**

#### **Article 2.3**

When there are no or insufficient sales of the like product in the ordinary course of trade, or where, because of the particular market situation, such sales do not permit a proper comparison, the normal value of the like product shall be calculated on the

basis of the cost of production in the country of origin plus a reasonable amount for selling, general and administrative costs and for profits, or on the basis of the export prices, in the ordinary course of trade, to an appropriate third country, provided that those prices are representative.

A particular market situation for the product concerned within the meaning of the first subparagraph may be deemed to exist, *inter alia*, when prices are artificially low, when there is significant barter trade, or when there are non-commercial processing arrangements.

### **Article 2.7**

- (a) In the case of imports from non-market-economy countries<sup>1</sup>, the normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including the Union, or, where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Union for the like product, duly adjusted if necessary to include a reasonable profit margin.

An appropriate market-economy third country shall be selected in a not unreasonable manner, due account being taken of any reliable information made available at the time of selection. Account shall also be taken of time limits. Where appropriate, a market-economy third country which is subject to the same investigation shall be used.

The parties to the investigation shall be informed shortly after its initiation of the market-economy third country envisaged and shall be given 10 days to comment.

## **2. European Union Regulation 2017/2321 of the European Parliament and of the Council, 2017**

### **Recital 2**

Article 2(7) of Regulation (EU) 2016/1036 constitutes the basis on which normal value should be determined in the case of imports from non-market economy countries. In view of developments with respect to certain countries, it is appropriate that normal value be determined on the basis of Regulation (EU) 2016/1036 as amended by this Regulation with effect from 20 December 2017. In the case of countries which are, at the date of initiation of an investigation, not Members of the World Trade Organization (WTO) and listed in Annex I to Regulation (EU) 2015/755 of the European Parliament and of the Council<sup>2</sup>, normal value should be determined in accordance with a specific methodology designed for those countries. This Regulation is without prejudice to establishing whether or not any WTO Member is a market economy or to the terms and conditions set out in protocols and other instruments in accordance with which countries have acceded to

<sup>1</sup>Including Albania, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Moldova, Mongolia, North Korea, Tajikistan, Turkmenistan and Uzbekistan.

<sup>2</sup>Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, May 19, 2015, at 33).

the Marrakesh Agreement Establishing the World Trade Organization done on 15 April 1994<sup>3</sup>.”

### 3. Regulation (EU) 2016/1036 of the European Parliament and the Council of 8 June 2016

2.7(b) In anti-dumping investigations concerning imports from the People's Republic of China, Vietnam and Kazakhstan and any non-market-economy country which is a member of the WTO at the date of the initiation of the investigation, the normal value shall be determined in accordance with paragraphs 1 to 6, if it is shown, on the basis of properly substantiated claims by one or more producers subject to the investigation and in accordance with the criteria and procedures set out in point (c), that market-economy conditions prevail for this producer or producers in respect of the manufacture and sale of the like product concerned. When that is not the case, the rules set out under point (a) shall apply.

(c) A claim under point (b) must be made in writing and contain sufficient evidence that the producer operates under market-economy conditions, that is if:

- decisions of firms regarding prices, costs and inputs, including for instance raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand, and without significant State interference in that regard, and costs of major inputs substantially reflect market values,
- firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes,
- the production costs and financial situation of firms are not subject to significant distortions carried over from the former non-market-economy system, in particular in relation to depreciation of assets, other write offs, barter trade and payment via compensation of debts,
- the firms concerned are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of firms, and
- exchange rate conversions are carried out at the market rate.

A determination whether the producer meets the criteria referred to under this point shall normally be made within seven months of, but in any event not later than eight months after, the initiation of the investigation, after the Union industry has been given an opportunity to comment. That determination shall remain in force throughout the investigation. The Commission shall provide information to the Member States concerning its analysis of claims made pursuant to point (b) normally within 28 weeks of the initiation of the investigation.

(d) When the Commission has limited its investigation in accordance with Article 17, a determination pursuant to points (b) and (c) of this paragraph shall be limited to the parties included in the investigation and any producer that receives individual treatment pursuant to Article 17(3).

---

<sup>3</sup>OJ L 336, Dec. 23, 1994, at 3.



## India

### 1. Custom Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, Annex I and Note to Annex I, 1995

#### Rule 7<sup>4</sup>

In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including India, or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner<sup>5</sup>, keeping in view the level of development of the country concerned and the product in question and due account shall be taken of any reliable information made available at the time of the selection. Account shall also be taken within time limits; where appropriate, of the investigation if any made in similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.

#### Rule 8<sup>6</sup>

- (1) The term “non-market economy country” means any country which the designated authority determines as not operating on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise, in accordance with the criteria specified in sub-paragraph (3).
- (2) There shall be a presumption that any country that has been determined to be, or has been treated as, a non-market economy country for purposes of an anti-dumping investigation by the designated authority or by the competent authority of any WTO member country during the three year period preceding the investigation is a non-market economy country.

Provided, however, that the non-market economy country or the concerned firms from such country may rebut such a presumption by providing information and evidence to the designated authority that establishes that such country is not a non-market economy country on the basis of the criteria specified in sub-paragraph (3).

- (3) The designated authority shall consider in each case the following criteria as to whether:

---

<sup>4</sup>Government of India, Customs Notification No. 44/99-Cus(NT) (July 15, 2017 (Annexure - II).

<sup>5</sup>Government of India, Customs Notification No. 28/2001 - Cus (NT) (May 31, 2001) (Annexure - III).

<sup>6</sup>Government of India, Customs Notification No. 28/2001 - Cus (NT) (May 31, 2001) (Annexure - III) and substituted vide Customs Notification No. 1/2002 - Cus (NT) (Jan. 1, 2002).

- (a) the decisions of concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs, substantially reflect market values;
- (b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets other write-offs, barter trade and payment via compensation of debts;
- (c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and
- (d) the exchange rate conversions are carried out at the market rate.

Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping investigations, the designated authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in paragraph 7 and in this paragraph.

- (4) Notwithstanding anything contained in sub-paragraph (2), the designated authority may treat such country as market economy country which, on the basis of the latest detailed evaluation of relevant criteria, which includes the criteria specified in sub-paragraph (3), has been, by publication of such evaluation in a public document, treated or determined to be treated as a market economy country for the purposes of anti-dumping investigations, by a country which is a Member of the World Trade Organisation.

## **Mexico**

### **Foreign Trade Act, 1993**

#### **Article 33**

In the case of imports originating in a country with a centrally planned economy, the normal value of the goods in question shall be taken to be the price of identical or like goods in a third country with a market economy, which may be regarded as a substitute for the country with a centrally planned economy for the purposes of the investigation. The normal value shall be determined in accordance with the provisions of the preceding articles.

## **South Africa**

### **International Trade Administration Act, 2002**

#### **§32(4)**

If the Commission, when evaluating an application concerning dumping, concludes that the normal value of the goods in question is, as a result of government intervention in the exporting country or country of origin not determined according to free market principles, the Commission may apply to those goods a normal value of the goods established in respect of a third or surrogate country.

## **Turkey**

### **Regulation on Prevention of Unfair Competition in Imports No. 23861, Part Two 1999**

#### **NonMarket Economy Countries**

##### **Article 7**

In the case of imports from non-market economy countries, normal value shall be determined on the basis of one of the following methods:

- (a) Price actually paid or payable for the like product when destined for consumption in the domestic market of a market economy third country, or
- (b) Export price from a market economy third country to other countries, including Turkey; or
- (c) Constructed value based on the unit cost of production plus selling, general and administrative costs and a reasonable amount for profits, in a market economy third country for the like product, or
- (d) Where those are not possible, any other reasonable basis, including the price actually paid or payable in Turkey for the like product or constructed value on the basis of the cost of production in Turkey for the like product, plus selling, general and administrative costs and a reasonable amount for profits.

## **United States of America**

### **Tariff Act, 19 USC (1930), §1677b**

#### **Normal Value**

##### **(c) Nonmarket economy countries**

###### **(1) In general**

If,

- (A) the subject merchandise is exported from a nonmarket economy country, and
- (B) the administering authority finds that available information does not permit the normal value of the subject merchandise to be determined under subsection (a) of this section,

the administering authority shall determine the normal value of the subject merchandise on the basis of the value of the factors of production utilized in producing the merchandise and to which shall be added an amount for general expenses and profit plus the cost of containers, coverings, and other expenses. Except as provided in paragraph (2), the valuation of the factors of production shall be based on the best available information regarding the values of such factors in a market economy country or countries considered to be appropriate by the administering authority.

(2) **Exception** If the administering authority finds that the available information is inadequate for purposes of determining the normal value of subject merchandise under paragraph (1), the administering authority shall determine the normal value on the basis of the price at which merchandise that is—

(A) comparable to the subject merchandise, and

(B) produced in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country, is sold in other countries, including the United States.

#### **§1677(18) Nonmarket economy country**

**(B) Factors to be considered** In making determinations under subparagraph(A) the administering authority shall take into account -

- (i) the extent to which the currency of the foreign country is convertible into the currency of other countries,
- (ii) the extent to which wage rates in the foreign country are determined by free bargaining between labour and management,
- (iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country,
- (iv) the extent of government ownership or control of the means of production,
- (v) the extent of government control over the allocation of resources and over the price and output decisions of enterprises, and
- (vi) such other factors as the administering authority considers appropriate.

#### **S1677 (18) (C) Determination in effect**

- (i) Any determination that a foreign country is a non-market economy country shall remain in effect until revoked by the administering authority.
- (ii) The administering authority may make a determination under subparagraph (A) with respect to any foreign country at any time.

# Index

## A

### Accession Protocol

chapeau of Section 15, 22, 24, 27, 117

Section 15 (a)(i), 5, 21, 23, 24, 25, 26, 27, 28, 30, 63, 136, 275, 277

Section 15 (a)(ii), 5, 6, 10, 13, 21, 22, 24, 25, 26, 28, 29, 32, 33, 34, 38, 48, 49, 58, 59, 63, 100, 103, 115, 136, 137, 155, 158, 176, 177, 178, 238, 245, 247, 259, 263, 268, 269, 274, 275, 276, 277, 279, 281, 283, 284, 298, 299, 300, 301, 302

Section 15 (d), 5, 22, 24, 26, 28, 32, 34, 63, 99, 102, 103, 104, 108, 109, 114, 115, 116, 129, 136, 203, 215, 274

### Agreement on Subsidies and Countervailing

Measures, 9, 87, 99, 139, 145, 157, 305

### Agreement on Trade-Related Aspects of

Intellectual Property Rights, 9

### All China Federation of Trade Unions, 79

### Aluminum Corporation of China Limited, 88

Analogue country methodology, 178, 179, 237, 238, 240, 242, 243, 245, 248

### Anti-dumping Agreement, 5, 10, 11, 17, 18,

20, 21, 22, 27, 29, 39, 50, 61, 62, 99, 100, 101, 102, 108, 110, 116, 117, 123, 124, 129, 136, 137, 145, 155, 156, 158, 171, 172, 173, 175, 176, 177, 178, 180, 181, 182, 184, 185, 190, 192, 214, 239, 243, 264, 266, 275, 277, 282, 283, 285, 300, 305, 307

Anti-Dumping Duty (ADD), 38, 40, 42, 43, 46, 47, 48, 49, 57, 100, 113, 126, 131, 134, 143, 148, 149, 150, 171, 183, 188, 190, 197, 205, 252, 253, 284, 285, 289, 296, 299, 315

### Anti-dumping investigation

Article 2.2, 50, 61, 62, 102, 110, 120, 121, 122, 123, 125, 129, 149, 150, 152, 153, 171, 172, 173, 176, 177, 178, 179, 180, 181, 186, 187, 188, 192, 196, 199, 200, 285

Article 2.2.1.1, 53, 62, 99, 119, 120, 121, 122, 124, 125, 126, 173, 174, 175, 176, 179, 180, 181, 182, 183, 184, 190, 191, 193, 196, 198, 200, 233, 234, 300

Article 5.2, 277

Period of Investigation (POI), 5, 49, 57, 233, 289, 292, 294, 298, 299, 300

Second *Ad Note* to GATT Art. VI, 18, 19, 22, 34, 63, 101, 102, 110, 266, 286

Anti-dumping measures, 9, 11, 17, 25, 30, 42, 50, 60, 100, 116, 119, 123, 141, 149, 157, 171, 174, 175, 176, 180, 184, 186, 188, 190, 192, 193, 200, 222, 233, 234, 243, 245, 247, 251, 257, 283, 300, 305

Appellate Body, 9–11, 17, 24, 25, 26, 27, 41, 53, 60, 61, 62, 64, 99, 100, 101, 111, 112, 113, 116, 119, 121, 122, 123, 124, 125, 126, 131, 133, 135, 138, 139, 140, 141, 142, 146, 149, 150, 151, 152, 155, 157, 158–168, 170–172, 174–176, 178–181, 183–193, 231–234, 243, 245, 255, 257, 283, 300, 305

*Argentina – Safeguard Measures on Imports of Footwear*, 122

Arora, Pallavi, 10, 155

Artificially low price, 84, 124, 162

### Australia

Anti – Dumping Commission, 50, 51, 54, 193, 194, 195

Australia (*cont.*)

- Australian Customs and Border Protection Service, 51, 193
- Customs Act, 1901, 51, 308
- Customs (International Obligations) Regulation 2015, 00
- Trade Measure Review Officer (TMRO), 52, 53

Australian Anti-dumping commission, 50, 54

**B**

- Bahri, Amrita, 11, 259
- Basic Anti-dumping Regulation (EU)
  - Individual treatment, 243, 314
  - MET criteria, 239, 257
- Benchmark prices, 54, 63, 155, 156, 168, 183, 184, 194, 195, 196
- Bhatnagar, Mukesh, 10, 155, 305
- Bicycles from Czechoslovakia*, 15, 207
- Biodiesel from Argentina*, 9, 17, 60, 119, 123, 149, 157, 163, 171, 172, 173, 174, 179, 180, 188, 190, 229, 233, 257, 300, 305
- Biodiesel from Indonesia*, 157, 176, 229, 230, 234, 257, 300
- Bornstein, Morris, 67
- Bown, Chad, 203, 304
- Brazil
  - Trade Measures Review Officer, 51–53
- Brazilian Internal Taxes*, 106

**C**

- Canada
  - Canada Border Services Agency, 58
  - Canadian International Trade Tribunal, 58
  - Special Import Measures Act (SIMA), 58
- Canada - Aircraft*, 111
- Caporale, G.M., 76
- Carbon Black*, 297
- Cathode Ray Tubes*, 288
- Centrally planned economy, 3, 66, 67, 132, 177, 206, 266, 267, 270, 316
- Ceramic Rollers*, 299
- Certain Aluminum Foil from the People's Republic of China*, 36, 204, 216
- Certain Frozen Warmwater Shrimp from Ecuador*, 227
- Certain Softwood Lumber Products from Canada*, 228
- Certain Steel Nails from Korea*, 228
- Chamber of Foreign Trade, Brazil (CAMEX), 55

## China

- 13<sup>th</sup> Five Year Plan for Economic and Social Development (2016-2020), 91
- Brand Promotion Programme, 290
- Catalogue of Industries for Guiding Foreign Investment, 91, 92
- Catalogue on Readjustment of Industrial Structure, 91, 92
- China Chamber of Metals, Minerals and Chemical Importers & Exporters, 42
- Economic Planning, 94
- Foreign Invested Enterprise Law, 128
- Iron and Steel Industry Development Policy, 92, 93
- Made in China 2025 program, 91, 93, 94, 95
- National Development and Reform Commission, 90, 91, 92
- National plans, 91, 92
- National Torch Programme, 290
- Policy for Development of the Iron and Steel Industries, 92, 93
- Working Party Report, 5, 9, 21, 23, 30, 31, 32–34, 103, 108, 114, 127, 158, 214
- China — EU Consultations*, 16, 23, 24
- China – Trade Policy Review, 73, 74, 83, 84, 87
- China — US Consultations*, 16, 23
- Chow, Gregory C., 67
- Collectively owned corporation, 290
- Collectively owned enterprise, 290
- Comision de Comercio Exterior (COCEX), 264
- Communist Party of China, 44, 114
- Compact Fluorescent Lamps*, 289
- Comparative advantage, 75, 76, 82, 220, 223
- Constructed normal value, 25, 40, 50, 54, 61, 62, 64, 137, 139, 142, 150, 186, 198, 250
- Cost distortions, 85, 86, 246
- Cost of production, 40, 50, 54, 59, 61, 110, 120–124, 144, 149, 156, 157, 171–174, 176, 178, 181, 183, 186, 189, 196, 198, 223–225, 229, 230, 233, 266, 267, 270, 278, 282, 308, 310, 312, 317
- Countervailing duty, 10, 14, 20, 31, 36, 40, 53, 78, 87, 113, 114, 126, 131–133, 135, 140, 141, 150, 155, 157–161, 163, 164, 166, 168, 169, 170, 183, 184, 189, 194, 204, 205, 209, 212, 216, 225, 226, 228, 304

- Countervailing Investigation, 113  
 Cross-subsidies, 85–87  
 Currency convertibility, 19, 37, 216, 269  
 Customs Act, 1901 (Austl.), 51, 308  
 CVD investigation, 128, 131, 133, 134, 135, 139, 140, 142, 143, 145, 146, 147, 152, 212, 225, 226, 227, 230, 231, 232
- D**  
 December 11, 2016, 2, 5, 13, 16, 22, 23, 27, 28, 29, 32, 33, 34, 39, 42, 58, 109, 186, 201, 203, 214, 216, 223, 238, 247  
 Differential Export Tax, 60, 157, 190  
 Directorate General of Anti-dumping and Allied Duties, 157  
 Double remedy, 87, 113, 131, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145–147, 150, 151, 152, 153, 231  
 Dual pricing, 151, 157, 170, 182–184, 256  
 Dumping, 15, 17, 18, 39, 54, 70, 100, 108, 110, 113, 123, 126, 136, 137, 138, 142, 143, 144, 150, 153, 155, 180, 186, 187, 188, 194, 200, 202, 208, 209, 220, 221, 223, 224, 230, 231, 233, 234, 240, 242, 243, 245, 251, 255, 259, 261, 263–265, 274, 276, 282, 286, 287, 300, 317
- E**  
 EC — *Fasteners (China)*, 100, 116, 243, 245, 283  
 EEC — *Cotton Yarn*, 188  
*Effet utile*, 25, 26  
*Electric Golf Carts from Poland*, 14, 209  
 Enabling clause, 10, 100–102, 115, 129  
 Energy Policy Research Group, 85  
 Entity Wide Rate (EWR), 221  
 EU — *Biodiesel (Argentina)*  
   country of origin, 21, 50, 54, 61, 110, 121–125, 149, 156, 171–173, 181, 186, 266, 270, 282, 312, 317  
   out-of-country information, 61, 181  
   reasonableness, 62, 125, 156, 173, 175, 179, 180, 183, 184, 191, 193, 233  
 EU — *Biodiesel (Indonesia)*, 155, 157, 170, 176, 184, 300  
 EU — *Footwear (China)*, 30  
 EU — *Price Comparison Methodologies*, 6, 7, 16, 63, 101, 150, 177, 203, 204, 238, 247, 274, 275, 284  
 European Commission  
   first country report on China/China country report, 239, 249, 254, 256, 257  
   inception impact assessment, 245, 246  
 European Union
- Anti-dumping Regulation, 9, 41, 43, 178, 238, 249  
 Article 2.7, Anti-dumping Regulation, 9, 41, 43, 178, 238, 249  
 MET Exception, 240, 241  
 Significant Distortion Rules, 238, 247, 248, 256  
 External benchmarks, 10, 11, 53, 155, 157, 164–166, 177, 305, 306
- F**  
 Factor pricing, 66, 74, 95, 96  
 Factors of production  
   market oriented test, 20, 204, 213–215  
 Factors of production methodology, 201, 209, 211, 218, 305  
 Feng, Xuewei, 10, 99, 305  
*Flat Base Steel Wheel*, 290  
 Foreign sovereign compulsion, 89  
*Fresh Atlantic Salmon from Chile*, 227
- G**  
 General Agreement on Tariffs and Trade (GATT)  
   Article VI: 1, 3, 5, 18, 61, 70, 101, 102, 110, 122, 172, 176–178, 182, 301, 305  
   Article XVII, 2, 127  
   Contracting parties, 1, 3, 18, 19, 63, 70, 71, 101, 104–108, 110, 115, 177, 187, 206  
 Generalized System of Preferences (GSP), 101  
 Generally accepted accounting principles, 119, 122, 124, 173, 190, 191, 233  
*Glassware*, 299, 300  
 Grandfather clause, 99, 104, 105, 107–109, 114, 115, 117  
 Gross Domestic Product (GDP), 45, 66, 84, 260, 273, 274
- H**  
*Hang Seng China AH Premium Index*, 78  
*Hukou*, 37, 74, 79, 80, 85
- I**  
 Inception impact assessment, 245, 246  
 India  
   Cost adjustments, 48  
   Customs Excise and Service Tax Appellate Tribunal (CESTAT), 295  
   Customs Tariff Act, 1975, 46, 284  
   Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, 46, 47, 284

- India (*cont.*)  
 Directorate of Anti-Dumping & Allied Duties (DGAD/Designated Authority), 47  
 elimination approach, 288, 300, 301  
 Huawei Technologies v. Union of India, 295  
 Shenyang Matsushita S. Battery *Co. Ltd.* v., 296
- Indian Anti-dumping Rules  
 Paragraph 7, Annexure I, 47, 48, 285, 287, 296, 298, 316  
 Paragraph 8(1), Annexure I, 286, 299, 300
- In dubio mitius*, 29
- Interpretation  
 ‘a contrario’ interpretation, 25  
*effet utile*, 25, 26  
 pacta sunt servanda, 104, 299  
 ut res magis valeat quam pereat, 25
- Ironing Boards from China*, 252
- J**  
*Jalouise-Louvre Sized Sheet Glass from Czechoslovakia*, 207  
 Jefe de la Unidad, 265  
 Jha, Parthasarathi, 281  
 Jiang, Zhujun, 85  
 Jiyan, Chen, 67, 72, 73  
 Joshi, Moushami, 11, 48, 201, 305
- K**  
 Kaszubska, Katarzyna, 10, 131, 306
- L**  
 Lesser duty rule, 133, 141–146, 151–153, 246  
 Less Than Fair Price, 14, 15  
 Lighthizer, Robert, 8  
 Lin, Boqiang, 85  
*Lined Paper Products*, 217  
 London Metal Exchange (lme), 52
- M**  
 Market access, 83, 103, 223  
 Market distortion, 2, 8–11, 41, 44, 46, 60, 79, 87, 128, 132, 137, 148, 153, 156–159, 178–184, 186, 197, 198, 212, 226, 247, 249, 267, 301  
 Market distortion rule, 238, 247, 248, 256  
 Market economy, 2, 4–7, 10, 11, 13–16, 19–25, 27, 28, 31, 34–36, 38, 41–43, 46–49, 51, 54–56, 57, 59, 62–66, 72, 74, 78, 88, 90, 95, 96, 100, 102–104, 108–118, 127–129, 131–133, 131, 137, 140, 143, 147, 153, 158, 176, 177, 180, 192, 194, 201–207, 209–215, 217, 219–225, 231, 232, 234, 237–241, 243–247, 259, 266–270, 275, 277–279, 281–292, 294–301, 303–305, 307, 309, 310, 313–318  
 Market Economy Treatment (MET), 11, 14, 23, 28, 32, 42, 48, 49, 143, 201, 223, 237, 238, 281, 287, 288, 290, 291, 294, 295, 298, 301  
 Market Oriented Industry (MOI) Approach, 20, 204, 212, 305  
 Marrakesh Agreement  
 Article XII, 102  
*Melamine from China*, 253  
 Mexico  
 Jefe de la Unidad, 265  
 Ley De Comercio Exterior, 1995 (FTL), 264  
 Reglamento De La Ley De Comercio Exterior, 2014 (Regulations), 264  
 Secretaria de Economia, 264, 270, 273, 277, 278  
 Unidad de Practicas Comerciales Internacionales (UPCI), 262, 264  
 Microeconomic Policy  
 China, 74  
 Ministry of Commerce, China, 51, 89, 194, 293  
 Miranda, Jorge, 10, 18, 23, 65, 176, 239, 270
- N**  
*Natural Menthol from the PRC*, 210  
 Naughton, Barry, 67, 73, 75  
 Nedumpara, James, 1, 10, 14, 30, 182, 305  
 NME Methodology, 5, 6, 10, 32, 46, 49, 50, 63, 113, 126, 131, 137–140, 142  
 Non-market economy, 7, 14, 21–23, 27, 32, 34, 36, 37, 38, 43, 47, 48, 51, 63, 65, 66, 78, 95, 103, 109, 111, 117, 127, 133, 136, 158, 177, 185, 192, 201, 202, 204, 206, 212, 214, 217–221, 239, 241, 246, 259, 266, 281, 282, 299, 307, 313–318  
 Normal Value, 5, 10, 15, 17, 20, 23–25, 35, 36, 38, 40–43, 45, 47, 48, 50–57, 59–64, 70, 72, 99–102, 108, 110, 112, 113, 115–123, 129, 131, 136–142, 145–147, 149–153, 155, 156, 158, 171, 173, 176–180, 183, 185, 186, 190–192, 194–196, 198, 200–203, 206–212, 214, 218, 220, 223–233, 238–241, 244, 246–251, 255, 257, 266, 267, 270, 274, 275, 277, 278, 281–287, 290, 296–299, 301, 302, 308–318  
 North American Free Trade Agreement (NAFTA), 260  
 Notani, Sanjay, 11, 305



**O**

- Oil Country Tubular Goods (OCTG) from  
Korea, 40, 166, 168, 193, 197, 224, 225,  
227
- Ordinary Course of Trade, 17, 39, 40, 50, 52,  
61, 110, 120, 121, 123, 149, 156, 186,  
187, 192, 196–198, 206, 207, 224, 225,  
266, 308, 312, 313
- Oxford Institute of Energy Studies, 85, 90

**P**

- Pacta Sunt Servanda*, 104, 299
- Particular Market Situation
- Article 2.2, 53, 61, 62, 99, 102, 110,  
119–126, 129, 149, 150, 152, 153,  
171–181, 183, 184, 186–188, 190–193,  
196, 198–200, 233, 234, 285, 300
- Proper Comparison, 39, 50, 52, 156,  
186–189, 196–198, 200, 225, 226, 230,  
312
- suitability test, 51, 52
- USDOC's Administrative review of certain  
oil country tubular goods from South  
Korea, 197
- People's Republic of China, 2, 9, 19, 20, 32,  
36, 38, 42, 45, 54, 56, 57, 59, 60, 62, 72,  
76, 78, 80, 87, 89–91, 100, 102, 134,  
141, 148, 149, 158, 194, 195, 203, 204,  
210–213, 216, 221, 239, 244, 245, 249,  
251–253, 256, 266, 281, 285, 299, 314
- Perkins, Dwight H., 15, 67, 70, 72
- Petroleum wax candles from the PRC, 211, 212
- Phosphorus pentaoxide*, 299, 300
- Price comparability, 3, 18, 21, 27, 31, 33, 39,  
59, 71, 101, 108, 109, 116, 117, 136,  
177, 187, 204, 206, 208, 214, 266, 274,  
282, 283, 286, 307, 310, 311
- Product Control Numbers(PCN), 298
- Protocol of accession, 2, 6, 10, 13, 17, 18,  
20–23, 25, 26, 28–34, 39, 42, 48, 51, 58,  
59, 63, 72, 73, 100, 102, 108, 129, 136,  
147, 155, 176, 183, 186, 203, 204, 214,  
215, 239, 245, 274, 275, 299, 305, 307
- Protocol of Provisional Application (PPA),  
104, 106, 107
- Purchasing power parity, 66

**Q**

- Questionnaire, MET, 42, 47, 55, 57, 287, 288,  
291, 293, 299, 309, 310

**R**

- Radial Tyre*, 291, 294, 298
- Raturi, Rishab, 11, 305

Reasonably Reflecting Test, 191–193

Roessler, Frieder, 105, 107

**S**

- Schott, Peter K., 75, 76
- SDH Equipment*, 291, 298
- Secretario de Economia, 264
- Section 15, China's Protocol of Accession, 2,  
6, 10, 13, 17, 18, 20, 21, 23, 63, 100,  
129, 155, 176, 186, 203, 204, 214, 215,  
239, 275, 304, 305, 307
- Separate rate test, 220, 222
- Significant distortions, 9, 43–46, 55, 63, 87,  
118, 124, 147, 153, 178, 198, 199,  
237–241, 246–252, 254–256, 257, 286,  
289, 314, 316
- South Africa, 36, 297, 300, 317
- Sova, Anamaria, 76
- Sova, Robert, 76
- Soziale Mmarktwirtschaft, 114
- Special Import Measures Act (SIMA), Canada,  
58
- Special Import Measures Regulations (SIMR),  
Canada, 58, 59
- Special methodologies, 22–24, 26–29, 33, 34,  
259, 263, 274, 275
- State intervention, 2, 7, 9, 10, 11, 32, 46, 62,  
110, 127, 149, 179, 180, 184, 190, 192,  
193, 196, 198, 199, 200, 254, 266
- State invested enterprises, 21, 37, 179, 216
- State-owned enterprises, 3, 9, 32, 44, 66, 73,  
92, 99, 111, 176, 180
- State trading enterprises, 2, 105
- Steel Concrete Reinforcing Bar from Taiwan*,  
228
- Subramanian, Archana, 10, 14, 23, 303, 305
- Sud, Dion Juhi, 11, 158, 177, 186, 237, 238,  
244, 246
- Sulfanilic Acid*, 213
- Supreme Court of India, 296
- Surrogate Country Methodology, 15, 17, 20,  
22, 24, 30, 34, 38, 42, 59, 60, 63, 64, 99,  
102–104, 108–110, 113–119, 123, 129,  
201, 202, 209, 231, 232, 299, 304, 305
- Sutherland, Peter, 4, 128, 129
- Synchronous Digital Hierarchy (SDH), 298

**T**

- Tajikistan, 58, 241, 285, 313
- Tariff Act of 1930
- Section 771(18)(A), 35
- Section 771(18)(C)(1), 35
- Section 771(18)(B), 36
- Section 771(18)(C)(ii), 35

Section 773 (c)(1), 35  
 Trade preferences extension act of 2015,  
 196, 205, 224  
 Thailand, 20, 36, 38, 42, 50, 149, 194, 195,  
 205, 211, 288, 291, 293, 294, 297, 298  
 Tidrick, Gene, 67  
 Trade defence instruments, 133, 134, 246  
 Transition economies, 134  
 Trans-Pacific Partnership (TPP), 260  
 Travaux préparatoires, 29

## U

Unidad de Practicas Comerciales  
 Internacionales (UPCI), 262, 264  
 Unilateralism, 1  
 United States  
 Omnibus Trade and Competitiveness Act,  
 1988, 211  
 Tariff Act, 1930, 19, 35, 36, 46, 133, 138,  
 140, 163, 206, 215, 224, 231, 284, 317  
 Trade Preference Extension Act, 2015, 39,  
 40, 196, 205, 224  
 United States Department of Commerce  
 (USDOC), 159, 204  
 United States Trade Representative  
 Charlene Barshefsky, 28, 31  
 Robert Lighthizer, 8  
 United States Treasury Department, 14, 207  
 Double remedies, 10, 87, 99, 113, 126, 132,  
 133, 139, 140, 143, 146, 150, 230–232  
*US — Anti-Dumping and Countervailing  
 Duties*, 3, 112, 113, 126, 131, 133, 135,  
 139, 143, 150, 151, 164, 189, 230, 231  
*US — Carbon Steel (India)*, 155, 157, 159,  
 163  
*US — Countervailing Measures (China)*,  
 157, 162, 166  
*US — Manufacturing Clause*, 106, 107, 109  
*US — Softwood Lumber*, 53, 111, 126, 155,  
 157, 159, 160, 162, 164, 174, 189, 228  
*US — Softwood Lumber IV*, 111, 126, 157,  
 159, 164  
*Ut Res Magis Valeat Quam Pereat*, 25

## V

Value Added Tax, 81, 83  
 Vermulst, Edwin, 11, 133, 137, 140, 142, 143,  
 146, 149, 156, 158, 177, 186, 189, 237  
 Vienna Convention on Law of Treaties, 1969,  
 29, 104, 161  
 Vietnam, 11, 16, 48, 58, 136, 153, 179, 204,  
 205, 213, 214, 215, 217, 218, 220, 221,  
 234, 241, 243, 285, 289, 314  
*Vitamin – A Palmitate*, 289, 290  
*Vitamin C*, 88–90

## W

Wages, 19, 56, 118, 218, 219, 287, 294  
 Working Party Report  
 Paragraph 150, 31  
 Paragraph 151, 30, 31, 33  
 Working Party Report on Accession of Saudi  
 Arabia, 183  
 Working Party Report on Accession of the  
 Russian Federation, 183  
 Working Party Report on the Accession of  
 China, 114  
 Working Party Report on the Accession of  
 Vietnam, 215  
 World Trade Organization  
 Dispute Settlement Understanding (DSU),  
 16, 168  
 Report on by the Secretariat: China – Trade  
 Policy Review, 73, 83, 84, 87  
 Wu, Mark, 7, 22, 32, 176, 205

## X

Xu, Xianxiang, 80

## Z

Zhang, Li, 6, 80, 203  
 Zhang, Xiangchen, 6, 203  
 Zhou, Weihuan, 1, 10, 39, 51, 65, 158, 178,  
 185, 190, 192, 303