

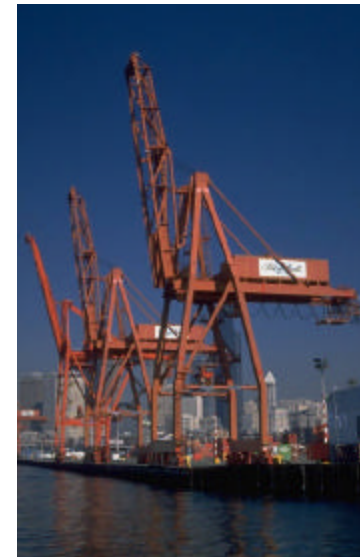
**THE ANTI-DUMPING UNIT
MINISTRY OF TRADE AND INDUSTRY**

KEEPING FREE TRADE FAIR

**THE ANTI-DUMPING UNIT
MINISTRY OF TRADE AND INDUSTRY**

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**FREE Trade is
about FAIR
Trade...**

A quick look at Trinidad
& Tobago's anti-
dumping policies, and its
mechanisms for dealing
with unfair trading
behaviour

ABOUT THE ADU

The World Trade Organisation (WTO) of which Trinidad & Tobago is a member, acknowledges that governments, in pursuing trade liberalisation policies such as lowering tariffs and non-tariff barriers, may still find it necessary to provide protection in industries from incidents of unfair trade practices.

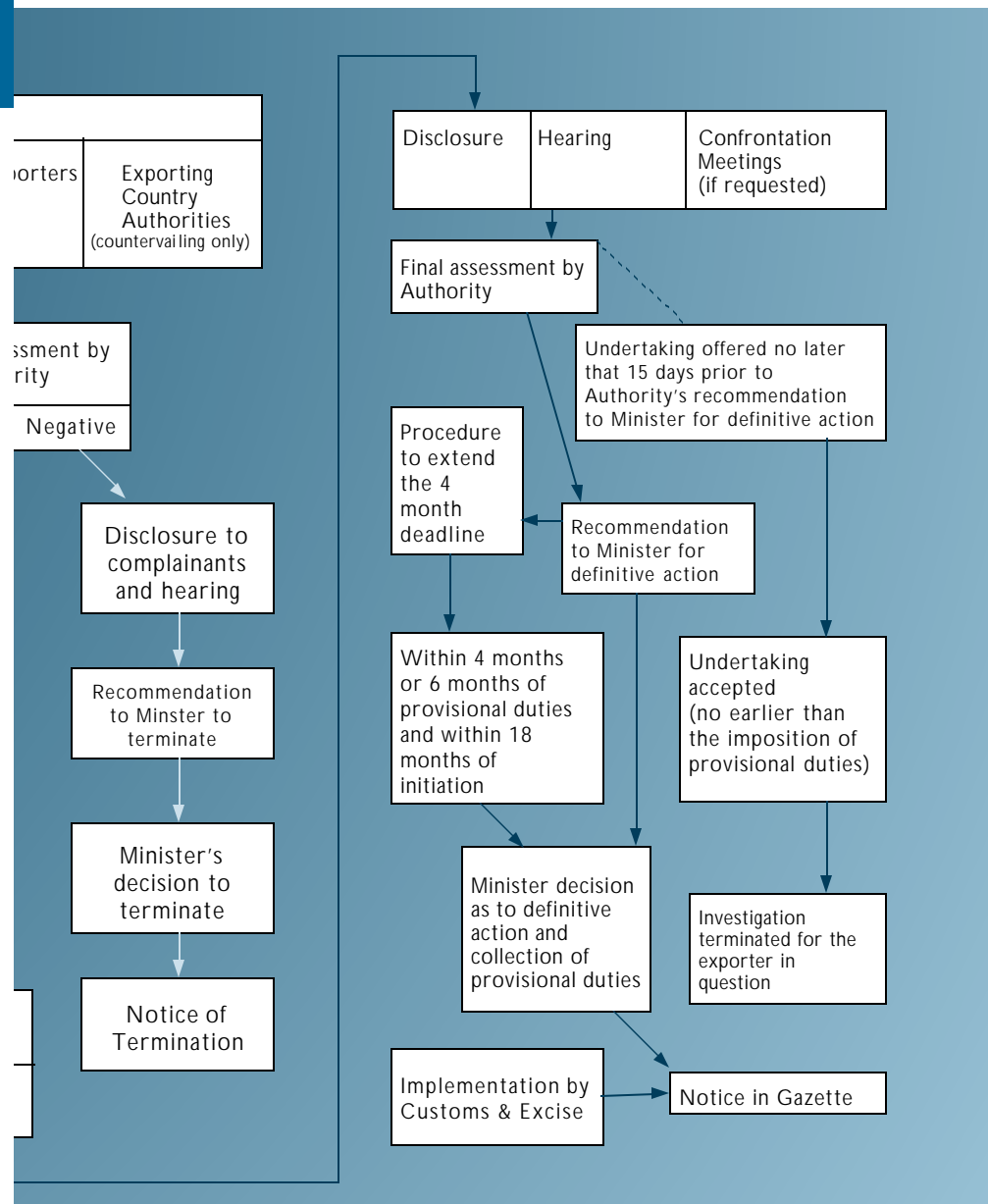
These unfair trade practices may take the form of under-pricing of goods, subsidisation, or sudden increases in volume of goods exported to the particular country.

To avoid such incidences, a number of safeguard measures have been introduced, including the strengthening of Anti-Dumping Legislation.

The **Anti-Dumping Unit (ADU)** was established in the Ministry of Trade and Industry on January 1st, 1996, to administer and enforce this legislation in particular:

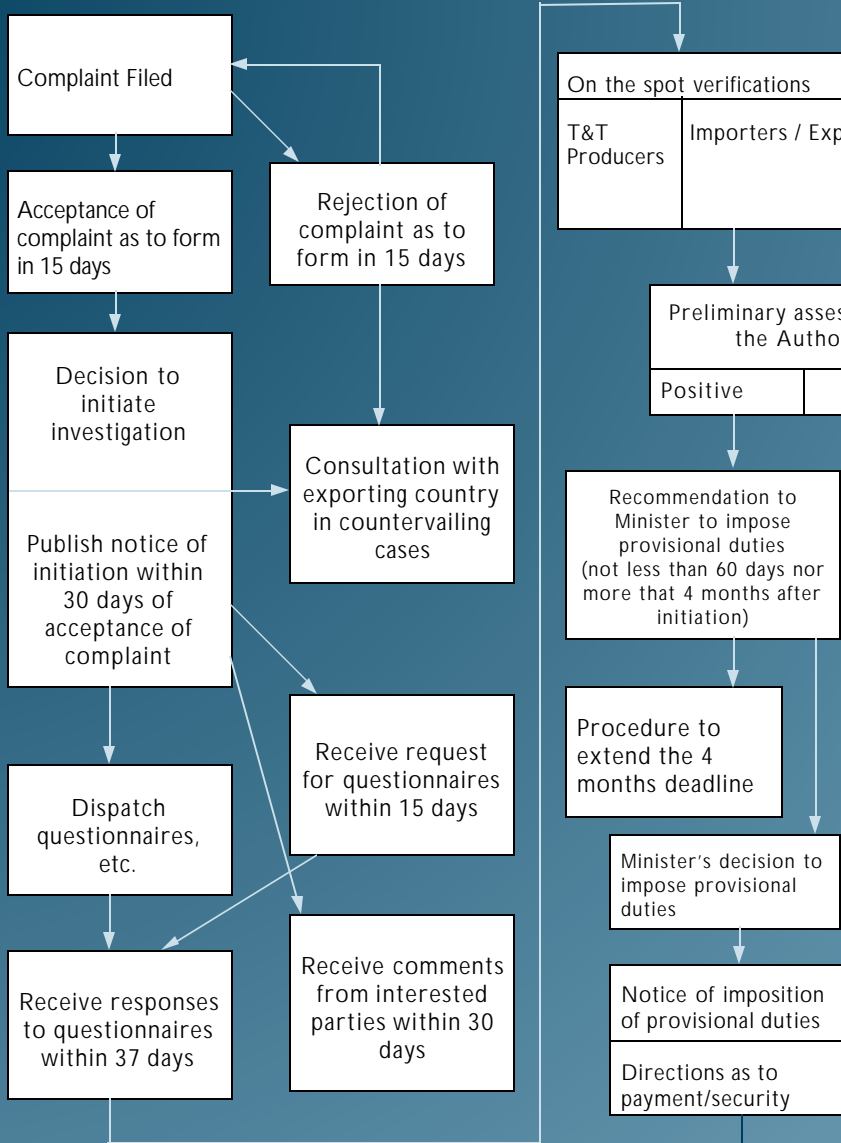
- Act No. 11 of 1992 — the Anti-Dumping and Countervailing Duties Act
- Act No. 23 of 1995 — an Act to amend the Anti-Dumping and Countervailing Act of 1992
- Anti-Dumping and Countervailing Duties Regulations — 1996
- Anti-Dumping and Countervailing Duties (Subsidies) Regulations — 1996

INVESTIGATIONS ARE CONDUCTED IN TRINIDAD & TOBAGO



HOW ANTI-DUMPING AND COUNTERVAILING INVESTIGATION

BASIC PRINCIPLES



A Product is considered dumped if the export is less than the prices at which a like product is sold for consumption in the exporting country, or is less than its cost of production. The ill effects of dumping are the result of material injury to a local industry.

Under the Trinidad & Tobago Legislation, the basic remedy against dumped and/or subsidised imports is the imposition of anti-dumping or countervailing duties, provided that such injury can be shown (via investigation) to be a dire result of dumping and/or subsidisation. The duties can be imposed only when a firm investigation has shown conclusively that:

- Dumping or Subsidisation is or has been taking place;
- This dumping or subsidisation is causing or threatening to cause material injury to a local industry;
- The imposition of such duties would be in the local interest.



DEFINITIONS

Dumping

This is defined as selling markets abroad at prices below what is termed the 'normal value. In most cases, this is the price which the foreign product charges for comparable sales in his own country.

Margin of Dumping

In relation to an article, this means the amount, if any, by which the normal value of such article exceeds the price at which it is exported.

Subsidisation

This is direct or indirect financial assistance which governments or public authorities outside of Trinidad & Tobago may give to the producers, and from which the latter derive a benefit.

Material Injury

In respect of the dumping, or subsidising of any goods, material injury to the production in Trinidad & Tobago of like goods, and includes, in respect only of the subsidising of agricultural product an increase in the financial burden on the government.

Duty

This means anti-dumping duty and countervailing duty, as the case may require.

Industry

In relation to any good, this means such Trinidad & Tobago producers of like goods, whose collective output constitutes at least 25% of T&T production of like goods.

PROCEDURES

Who can make an application?

Applications for action against dumped or subsidised imports may be made by representatives of the local industry, which considers itself to be injured by the imports. Normally, the application will require the support of a major part of the industry.

What is required in the application?

All applications should contain reasonably *prima facie* evidence of dumping or subsidisation, and of resultant material injury. They should also contain whatever information is at the applicant's disposal, which will assist in the full investigation of the complaint.

To whom should applications be made?

Applications must be forwarded to the Anti-Dumping Unit, which is responsible for the opening and conducting of the investigation.

The Investigative Process

An Anti-Dumping Investigation can be of twelve (12) to eighteen (18) months duration. The crucial stages of an investigation can be defined as follows:

- Initiation
- Information gathering
- Preliminary determination
- Further investigation — response to preliminary determination
- Verification of information
- Final determination
- Reviews — Changed Circumstance; New Shipper and Sunset.

The following chart illustrates the various steps and procedures in an Anti-Dumping Investigation, as it is conducted in Trinidad & Tobago.