

g) Anti-circumvention: The world economy has undergone significant changes over the last two decades. Production resources have become increasingly mobile; and the nature of the enterprises, production functions and shipment routes have made national economies increasingly interdependent. This in turn means that the pattern of trade has posed new situations for investigating authorities where little or no guidance exists. In this context, it is important that the Code provides Parties with the necessary tools to deal effectively with situations of injurious dumping while ensuring that anti-dumping actions do not create an unjustifiable impediment to trade.

The absence of explicit rules to identify situations of genuine circumvention of legitimate anti-dumping findings and to govern the application of measures to deal with this problem is a source of concern for both exporters and domestic producers. Rules or guidelines should be developed to include in the Code a provision which would specify the conditions under which an existing finding may be extended, consistent with the Code, to goods assembled domestically or in a third-country from parts and components originating in a country subject to a finding.

Such rules or guidelines should be based on the principle that circumvention exists only where the value-added in third-country or domestic assembly is minimal and the conditions are such as to continue to directly injure domestic producers of the assembled good. These conditions would include, inter alia, whether the domestic producers of the assembled good are also producers of the parts, whether domestic producers of the assembled good are importers of parts from the subject country, and the extent to which there is a separate market for parts and components.

h) Public interest considerations: The increasing interdependence of economies means that the question of injury to domestic producers from dumping needs to be seen in a broader context. Anti-dumping actions may have unintended consequences for the national economy as a whole. Scope should be provided to enable these broader economic considerations to be brought forward and considered.

While the determination of injurious dumping is made in regard of domestic producers of the like good, the imposition of anti-dumping duties can have implications for other industries, consumers and the economy in general. Parties should, under the revised Code, undertake to provide procedures for formal consideration of whether the imposition of the anti-dumping duty is in the public interest. It is intended that this consideration takes place, where appropriate, subsequent to the determination of injury.