

Analogues

In summary, we can see that there are two different systems of law of which have evolved rather separately. The two systems are only very rough analogues, one of another, and it is only in a broad sense that one can speak of anti-dumping law being a counterpart of domestic legislation on price discrimination. When we look at the constituent elements, that is, when we compare the "standards" of the two systems, we have to ask the questions which Gary Horlick, at one time Deputy Assistant Secretary in the U.S. Department of Commerce, formulated after considering the development of the steel dispute between the U.S. and the EEC. Writing in 1983, Horlick put the issues as follows:

The American anti-dumping law dates back to 1921 when the international trading system was much less open and integrated than it is today. Does it still make sense to apply very different rules to international as opposed to domestic price discrimination? If so, why? What difference, in economic and administrative terms, does the interposition of a border make to one's view of price discrimination? I suggest that some fundamental changes in anti-dumping law may be needed to take into full account the increased integration of the world economy.³⁵

We shall revert to these issues in our final chapter, which is addressed to the issue of reform.