ANTIDUMPING AS SAFEGUARD POLICY

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Political reality suggests that any government that attempts to establish or maintain an open import regime must have at hand some sort of pressure valve – some process to manage occasional pressures for exceptional or sector-specific protection. Since the 1980s antidumping has served this function. An antidumping petition is the usual way in which an industry beset by troublesome imports will request protection, simultaneously, an antidumping investigation is the usual way that the government will consider the request.

We will in this paper treat antidumping from the general safeguard perspective. We begin with a discussion of how the safeguard instrument has evolved in the GATT/WTO system – through the post Uruguay Round period in which antidumping has become the most commonly used instrument of import politics for developing countries as well as developed countries. Looking at the record of antidumping cases since the Uruguay Round, we demonstrate, for example, that the developing countries now use the instrument even more intensely than the traditional users, Australia, Canada, the European Community and the United States. We then review the usefulness of antidumping as a general safeguard instrument and provide some suggestions as to the characteristics of a more sensible safeguard instrument – one which provides a means for a government to manage pressures for protection in a way that (a) helps it to reach economically sensible answers as to when to impose new protection, and (b) supports rather than undercuts the politics of openness. We conclude that antidumping does not serve this function well, nor would the suggestions tabled for consideration before the Seattle Ministerial meeting offer significant improvement.

1. GATT EXPERIENCE

While the GATT is best known as an agreement to remove trade restrictions, it includes a number of provisions that allow countries to impose new ones. Among them, Article VI allows antidumping and countervailing duties, XVIII allows restrictions to defend the balance of payments or to promote industry development. Article XX lists ten

broad categories, e.g., restrictions necessary to protect human, animal or plant life or health.[1]

Renegotiation

As reciprocal negotiation was the initial GATT mode for removing trade restrictions, it is no surprise that renegotiation was the most prominent provision for re-imposing them. The 1947 agreement gave each country an automatic right to renegotiate any of its reductions after three years (Article XXVIII), and under "sympathetic consideration" procedures, reductions could be renegotiated more quickly. Even quicker adjustment was possible under Article XIX. In instances of particularly troublesome increases of imports, a country could introduce a new restriction then afterwards renegotiate a compensating agreement with its trading partners.[2] The idea of compensation was the same here as with a renegotiation, to provide on some other product a reduction that suppliers considered equally valuable.

In the 1950's the GATT was amended to add more elaborate renegotiation provisions. Though the details were complex, the renegotiation process, in outline, was straightforward.

1. A country for which import of some product had become particularly troublesome would advise the GATT and the principal exporters of that product that it wanted to renegotiate its previous tariff reduction.
2. If, after a certain number of days, negotiation had not reached agreement, the country could go ahead and increase the tariff.
3. If the initiating country did so – and at the same time did not provide compensation that exporters considered satisfactory – then the principal exporters were free to retaliate.
4. All of these actions were subject to the most favored nations principle; the tariff reductions or increases had to apply to imports from all countries.[3]

Emergency actions

Article XIX, titled "Emergency Actions on Imports of Particular Products," but often referred to as the escape clause or the safeguard clause, provided a country with an import problem quicker access to essentially the same process. Under Article XIX:

1. If imports cause or threaten serious injury4 to domestic producers, the country could take emergency action to restrict those imports.

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[1] A complete list, with information on frequency of use, is provided in Finger 1996.

[2] The early GATT rounds were collections of bilateral negotiations, but tariff cuts had to be made on a most favored nations basis (i.e., applicable to imports from all GATT members). A renegotiation was not with the entire GATT membership, but only with the country with whom that reduction was initially negotiated, plus any other countries enumerated by the GATT as "principal suppliers."

[3] Renegotiation procedures are basically the same now -- under the Uruguay Round Agreements -- as they were then.

5. If subsequent consultation with exporters did not lead to satisfactory compensation, then the exporters could retaliate.

The GATT asked the country taking emergency action to consult with exporting countries before, but allowed the action to come first in "critical circumstances." In practice, the action has come first most of the time.[5]

History shows that during GATT's first decade and a half, countries opening their economies to international competition through the GATT negotiations did avail themselves of *pressure valve* actions (Chart 1). These actions were in large part renegotiations under Article XXVIII, supplemented by emergency actions (restrict first, then negotiate compensation) under the procedures of Article XIX.[6] Over time, the mix shifted toward a larger proportion of emergency actions.

By 1963, fifteen years after the GATT first came into effect, every one of the 29 GATT member countries who had bound tariff reductions under the GATT had undertaken at least one renegotiation — in total, 110 renegotiations, or almost four per country.

In use, Article XIX emergency actions and Article XXVIII renegotiations complemented each together. Nine of the 15 pre-1962 Article XIX actions that were large enough that the exporter insisted on compensation (or threatened retaliation) were eventually resolved as Article XXVIII renegotiations. Article XXVIII renegotiations, in turn, were often folded into regular tariff negotiations. From 147 through 1961, five negotiating rounds were completed; hence such negotiations were almost continuously under way.

Negotiated Export Restraints

By the 1960s formal use of Article XIX and of the renegotiations process began to wane. Actions taken under the escape clause tended to involve negligible amounts of world trade in relatively minor product categories.[7] Big problems such as textile and apparel imports were handled another way, through the negotiation of "voluntary" export restraint agreements, VERs. The various textile agreements beginning in 1962, provided GATT sanction to VERs on textiles and apparel. The same method, negotiated export restraints, or VERs, were used by the developed countries to control troublesome imports into several other important sectors, e.g., steel in the US, autos in the EU.

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[4] The Uruguay Round agreement on safeguards (but not the initial GATT) requires a formal investigation and determination of injury. It allows however a provisional safeguard measure to be taken before the investigation is completed.

[5] GATT 1994, p. 486. The Uruguay Round Safeguards Agreement modified the emergency action procedure in several ways. Among these,

- no compensation is required nor retaliation allowed in the first three years a restriction is in place.
- no restriction (including extension) may be for more than eight years, (ten years by a developing country).
- all measures of more than 1 year must be progressively liberalized.

[6] Though, as Chart 1 shows, the mix shifted over time toward a larger proportion of emergency actions.

[7] 1980 statistics show that actions taken under Article XIX covered imports valued at $1.6 billion while total world trade was at the same time valued at $2000 billion. Sampson (1987), p. 145.

Except for those specially sanctioned by the textile arrangements, VERs were clearly GATT-illegal.[8] However, while VERs violated GATT legalisms they accorded well with its ethic of reciprocity:

- They were at least in form, negotiations to allow replacement of restrictions that had been negotiated down. Negotiation was also important to prevent a chain reaction of one country following another to restrict its imports as had occurred in the 1930s.
- A VER did provide compensation, the compensation being the higher price that the exporter would receive.
- In many instances the troublesome increase of imports came from countries that had not been the "principal suppliers" with whom the initial concession had been negotiated. These new exporters were displacing not only domestic production in importing countries, but the exports of the traditional suppliers as well. A VER with the new, troublesome, supplier could thus be viewed as defense of the rights of the principal suppliers who had paid for the initial concession.
- The reality of power politics was another factor. Even though one of GATT's objectives was to neutralize the influence of economic power on the determination of trade policy, VERs were frequently used by large countries to control imports from smaller countries.

As the renegotiation, emergency action mechanism was replaced over time by the use of VERs, VERs also gave way to another mechanism -- antidumping. There were several reasons behind this evolution:

- the growing realization in developed countries that a VER was a costly form of protection,[9]
- the long term legal pressure of the GATT rules,
- the availability of an attractive, GATT-legal, alternative.

The Uruguay Round agreement on safeguards explicitly bans further use of VERs and, along with the agreement on textiles and clothing, requires the elimination of all such measures now in place.

Antidumping

Antidumping was a minor instrument when GATT was negotiated, and provision for antidumping regulations was included with little controversy. In 1958, when the contracting parties finally canvassed themselves about the use of antidumping, the resulting tally showed only 37 antidumping decrees in force across all GATT member countries, 21 of these in South Africa. (GATT 1958, p. 14) By the 1990s antidumping had become the developed countries' major safeguard instrument, since the WTO Agreements went into effect in 1995 it has gained increasing popularity among developing countries. The scale of use of antidumping is a magnitude larger than the scale of use of renegotiations and emergency actions have ever been. (Chart 2)

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[8] GATT 1994, p.494.

[9] For example, Hufbauer and Elliott found that of the welfare loss placed on the US economy from all forms of protection in place in the early 1990s, over 83 percent of that loss came from VERs.

Once antidumping proved itself to be applicable to any case of troublesome imports, its other attractions for protection seeking industries and for governments inclined to provide protection were apparent.[10]

- Particular exporters could be picked out. GATT/WTO does not require multilateral application.
- The action is unilateral. GATT/WTO rules require no compensation or renegotiation.
- In national practice, the injury test for antidumping action tends to be softer than the injury test for action under Article XIX.
- The rhetoric of foreign unfairness provides a vehicle for building a political case for protection.
- Antidumping and VERs have proved to be effective complements; i.e., the threat of formal action under the antidumping law provides leverage to force an exporter to accept a VER.[11]
- The investigation process itself tends to curb imports. This is because exporters bear significant legal and administrative costs, importers face the uncertainty of having to pay backdated antidumping duties, once an investigation is completed.
- There is no rule against double jeopardy. If one petition against an exporter fails, minor respecification generates a new valid petition.

2. POST URUGUAY ROUND USE OF ANTIDUMPING

This section provides a brief factual presentation of which economies are the most frequent perpetrators of antidumping cases and which economies the most frequent victims. It begins with no hypothesis, its purpose is more to raise questions than to answer them.

Perpetrators

Since the WTO Agreements went into effect in 1995, more than 50 developing countries have informed the WTO of their antidumping regulations, 28 have notified the initiation of antidumping cases. Chart 3 plots the number of antidumping initiations by developed and by developing countries over the past 15 years. Developing countries since 1995-99 have initiated 559 cases, developed countries 463 cases. (Table 1) Even transition economies have entered in, 4 cases by Poland, 2 by the Czech Republic and 1 by Slovenia.

The EU and the US have initiated by far the largest numbers of cases. These economies are however the world's largest importers, hence we provide in Table 2 two measures of frequency of use of antidumping: the number of cases initiated, and the number of cases per dollar of imports.

[10] The process by which the scope of antidumping was expanded is examined in Finger (1993) ch. 2.

[11] Over 1980-1988, 348 of 774 United States antidumping cases were superseded by VERs (Finger and Murray, 1993). July 1980 through June 1989, of 384 antidumping actions taken by the European Community, 184 were price undertakings. (Stegmann, 1992).

The latter measure we present as an index. As the US is the country most associated with antidumping, we set the index of antidumping cases per dollar of imports to 100 for the US and scale other values from there.

By cases per dollar of imports, the US has been among the users of antidumping, one of the least intense users. Countries such as Japan that have never initiated an antidumping case are the least intense users.

Perhaps the most worrisome information in Table 2 is that the most intense users of antidumping are developing countries. South Africa, 89 cases; Argentina, 89 cases; India, 83 cases; and Brazil, 56 cases are high on the list by simple number of cases. By the alternate measure, Brazil's intensity of use is five times the US intensity – India's seven times, South Africa and Argentina's twenty times the US figure.

Per dollar of imports, the US is not a high user of antidumping. Each of the other developed country users (Table 2) is above the US. Moreover, the number of cases per dollar of imports is lower for the US than for all developed countries combined, including non-users such as Japan.

Victims

Table 4 provides summary information about which countries are most often the victim of antidumping cases. Table 5 provides country-by-country information, not only the number of antidumping cases against each country, but also a measure of how many cases against a country per dollar of exports. The measure of how intensely a country's exports are targeted by foreign antidumping cases is scaled to the figure for Japan.

Perhaps the most striking finding in Table 5 is that the transition economies are the ones with the highest intensity of antidumping cases against them. Table 6 focuses on the relative intensity of initiations against different groups of countries. Transition economy exporters are the most intensely targeted, developed economy the least intensely. As compared to developed economy exporters, developing economy exporters (including Chinese) are almost three times more intensely targeted.

Developing economy antidumping enforcement is as much aimed at developing economy exporters as is developed economy enforcement. Developing economy exporters do not get a break from developing economy antidumping authorities. Developing economy antidumping cases pick out developing economy exporters to the same degree as do developed economy exporters.

3. ANTIDUMPING METHODOLOGY SINCE THE URUGUAY ROUND AGREEMENT

The surge of antidumping usage in the 1980s brought forward a wave of legal and economic analysis of antidumping methodology.[12] Antidumping arms protection-seeking

[12] Boltuck-Litan (1991) and Finger (1993) pulled together much of the criticism, both legal and economic. The first criticisms came from legal analysis, e.g., Dickey (1979).

interests with the emotionally compelling argument that foreigners are behaving unfairly. This work focused on two points:

1. The administrative methodology was biased – inclined to find dumping when a fair accounting even of pricing below cost would not.
2. The social justification – that antidumping extended to transactions from outside the national borders the same discipline that anti-trust law applied to internal transactions.

The definitive analysis of the latter point was an extensive review by the OECD of antidumping cases in Australia, Canada, the European Union and the United States. The review found that 90 percent of the instances of import sales found to be unfair under antidumping rules would never have been questioned under competition law, i.e., if used by a domestic enterprise in making a domestic sale. Much less than ten percent of the antidumping cases would have survived the much more rigorous standards of evidence that applies under competition law.[13]

As this mass of criticism came forward, defenders of antidumping shifted to a more political argument, based on a sense of legitimacy – rules of the game – rather than efficiency. Some sources of seller advantage should not be allowed – e.g., subsidies, selling from a "sanctuary" or protected home market and other government-provided advantages – even if they did not result in consumers being harmed by restraints on competition.[14]

Brink Lindsey of the Cato Institute has provided a damning analysis of these arguments. Lindsey reviewed 141 company-specific dumping determinations by the US Commerce Department, 1995-98, to the ascertain methods used by Commerce, to identify the source of their findings of dumping, and to evaluate the compatibility of the actual determination of dumping with the rhetoric of what justified it. He investigates at two levels:

1. Are antidumping determinations as actually conducted effective methodologies to identify the pricing practices of price discrimination and selling below cost?
2. Are these pricing practices reliable indicators of the alleged market distortions that justify import restrictions?

In simpler words:

- Does the process bring forward the evidence it alleges?
- Does the evidence prove that the crime was committed?

The evidence Lindsey marshals soundly supports a negative answer to both questions.

On detecting discrimination between home market and export price – and hence a direct indication of selling from a sanctuary market – Lindsey points out that price comparisons are almost never made. Virtually all cases are based on artificial indicators

[13] OECD Economics Department 1996, p. 18. The country studies were eventually published in Lawrence, 1998.

[14] Lindsay 1999, pp. 2ff., provides a good discussion as well as quotations from and references to antidumping defenders.

of what the home market price might (or should) be. Lindsey's findings on this point are in Table 1.

From here, Lindsay went on to investigated the impact of various adjustments the Commerce Department routinely makes to the price information provided by exporters. He did this – generally speaking[15] – by obtaining from exporters the complete information they had submitted to Commerce, then recalculated dumping margins from the entire data set, e.g., the data set including the sales that Commerce threw out as "below cost."

Among the telling points Lindsey documents is the extent to which constructed cost methodology overstates profit rates. In no instance for which he found comparable data was the profit rated used in the Commerce calculation less than twice the actual rate of profit in the US industry. In no other instance was it less than three times as high.[16] He also documents an investigation in which the dumping margin is increased by a factor of three when Commerce screened out as "below cost" some of the prices on home-market sales supplied by the exporter, others in which there would have been no dumping margin without the adjustments.

As to the results of a dumping investigation supporting the conclusion of the exporter enjoying a sanctuary home market, the first point Lindsey makes is that such investigations hardly ever provide price comparisons. "Data" on selling below cost is based on questionable measures of cost, and even if it were accurate cost data, it does not demonstrate that the same low prices were available in the home market.[17] The evidence leaves much more than a reasonable doubt that the alleged sanctuary situation.

Lindsey adds supplementary evidence against the sanctuary allegation, e.g.,

1. he finds no correlation between dumping margins and foreign tariff rates,
2. the US government's own "official" tabulation of foreign import restrictions[18] lists significant restrictions in only two of the instances he covered.

In sum, Lindsey's findings establish that the Uruguay Round Agreement did not change the nature of antidumping practice. The evidence against the exporter is mostly constructed (value). If the exporter does not supply data from which the investigating agency can perform the construction, the accusation from the companies seeking protection then becomes the evidence – the "facts available."

4. MISUNDERSTANDINGS ABOUT ANTIDUMPING

Dealing sensibly with antidumping as trade policy requires first that it be dealt with for what it is – a wide-reaching instrument for restricting. Thus two of

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[15] See Lindsey for specifics.

[16] Lindsey, Table 4.

[17] Lindsay, p. 10, documents instances where, had the cost comparison had been against variable cost there would have been no dumping margin – even using Commerce "cost" data.

[18] The National Trade Estimates Report, issued annually by USTR.

Washington's most skilled international trade lawyers begin their advise on how to deal with such instruments in the following way:

> *From the perspective of a US industry seeking protection, [trade laws] simply represent different ways of reaching the same goal – improvement of the competitive position of the complainant against other companies. Exporters should disregard any moralistic claims associated with trade litigation ('dumping,' 'subsidies,' 'unfair' access to raw materials, cheap labor, etc.) and view it from the same perspective – how will the dispute affect their competitive position in the US market. (Horlick and Shea, 2000, p. 1)*

Sensible as it sounds, this not the typical attitude. The following three incidents, drawn from the experiences of the authors of this paper, portray more typical views:

1. The chairperson, director of the local chamber of industries, opened a one-week seminar on antidumping by exhorting his colleagues on the benefits of integrating the local economy into the world economy, cajoled them against the dangers of their traditional protectionist sentiments, and urged them to pay attention to the possibilities offered by this modern, WTO-sanctioned instrument, antidumping.

2. A deputy minister of a small country descried his situation as follows.
"In our country, farmers grow chickens. If you want chicken for dinner, you go to the market and you buy a chicken.
"In the United States, farmers do not grow chickens, they grow chicken parts. Because people in the United States are afraid of cholesterol, they prefer white meat, so it sells at a good price. The legs, the dark meat, they export to our country, at a price lower than what our farmers usually charge for a chicken.
"That's dumping, isn't it, so shouldn't we take action?"

3. Since 1990, an industrializing Asian country has conducted a number of antidumping investigations. Several of these investigations concerned imports of industrial inputs such as steel or chemicals. After receiving a petition from another such domestic industry, the country's International Trade Commission examined the petitions, found them to be complete and the information in them to be accurate. The government then imposed a preliminary antidumping duty.
User industries complained about the higher costs imposed on them, and eventually convinced the government that the jobs and output that would be lost by user industries exceeded what would be saved in the industry that had sought protection. The government then lifted the antidumping duty and closed the case.
This decision left the Commission in a quandary. The (preliminary) antidumping investigation had proceeded by the letter of the WTO agreement, had come out affirmative, yet imposing an antidumping action did not seem to be the correct thing to do. The Commission called in several outside experts to help them to review their investigation procedures.

The point of these stories is that the WTO antidumping agreement is not economic advice. It is about when an import restriction is <u>permitted</u>, not about when one is <u>recommended</u>. Antidumping's rise to prominence had nothing to do with the logic of a

sensible pressure valve instrument. The political struggle that shaped it was over more vs. less import restrictions, not over what makes for sensible economic policy.

The government in the third incident above made the correct decision, the decision that took into account the impact of an import restriction on all domestic interests. Yet the government was uncomfortable with its decision, both because it was not one dictated by GATT/WTO rules, and because following GATT/WTO rules had not convinced the domestic users to accept the hardship an import restriction imposed on them.

5. THE URUGUAY ROUND AND SINCE

This section will provide the following information:

- Proposals offered before Seattle for change in the antidumping agreement.
- Issues that have lead to cases in the WTO dispute settlement mechanism.

in order to illustrate that the discussion still takes up only the detail of antidumping usage, the issue of its economic and political sense is not yet on the table.

6. A BETTER SAFEGUARD MECHANISM

The key issue is the impact on the local economy. Who in the local economy would benefit from the proposed import restriction, and who would lose? On each side, by how much? It is therefore critical that the policy process by which the government decides to intervene or not to intervene gives voice to those interests that benefit from open trade and would bear the costs of the proposed intervention. Such a policy mechanism would both (a) help the government to separate trade interventions that would serve the national economic interest from those that would not, and (b) even in those instances in which the decision is to restrict imports, support the politics of openness and liberalization.

Antidumping fails to satisfy either criteria. As economics, it looks at only half of the economic impact on the domestic economy. It gives standing to import competing domestic interests, but not to domestic users, be they user enterprises or consumers. As politics, it undercuts rather than supports a policy of openness; by giving voice to only the negative impact of trade on domestic interests and by inviting such interests to blame their problems on the "unfairness" of foreigners.

The key characteristic of a sensible safeguard procedure is that it treat domestic interest that would be harmed by an import restriction equally with those domestic interests that would benefit. The "morality" of the foreign interest is irrelevant – the issue is the plus and minus on the domestic economy. Operationally, this suggestion means simply that what is done in an "injury test," – identification of impact on import competing interests – is repeated for users of imports. The mechanics involve the same variables; impacts on profits, output, employment, etc. and the same techniques to quantify them.

7. CONCLUSION

Antidumping is by far the most prevalent instrument for imposing new import restrictions. As a "pressure valve" to maintain an open trade policy, it has serious weaknesses. Burgeoning use by developing economies demonstrates how dangerous it can be. Even so, the WTO community continues to take up antidumping as if it were a specialized instrument. As long as the rest of us continue to deal with antidumping within the apparent technical conception that its users have created, we will continue to lose.[19]

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[19] I offer another conclusion that is not supported by the material in the paper: Any economics treatise on antidumping that begins by defining "dumping" is part of the problem, not part of the solution.

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Table 1: Numbers and Percentages of Antidumping Initiations by Country Group, 1995-99

Against → By ↓	Industrial Economies /a	Developing Economies /b	China, PRC /c	Transition Economies /d	All Economies
Numbers of Antidumping Initiations					
Industrial Economies	127	274	54	62	463
Developing Economies	178	282	82	99	559
Transition Economies	3	1	1	3	7
All Economies	308	557	137	164	1029
Percentages of Antidumping Initiations					
Industrial Economies	27	59	12	13	100
Developing Economies	32	50	15	18	100
Transition Economies	43	14	14	43	100
All Economies	30	54	13	16	100

Notes:
/a Include USA, Canada, Australia, Japan, New Zealand, Iceland, Norway, Switzerland, and 15 European Union members.
/b All other economies excluding industrial economies and transition economies.
/c Exclude Hong Kong, China; Macau, China; and Chinese Taipei.
/d Include 27 transition economies in Eastern Europe and Central Asia

Table 2: Antidumping Initiations Per US Dollar of Imports by Economy, 1995-99

Country/Economy Initiating ↓	Against All Economies	
	No. of Antidumping Initiations	Initiations per US dollar Index (USA=100)
Argentina	89	2125
South Africa	89	2014
Peru	21	1634
India	83	1382
New Zealand	28	1292
Trinidad & Tobago	5	1257
Venezuela	22	1174
Nicaragua	2	988
Australia	89	941
Colombia	15	659
Brazil	56	596
Panama	2	431
Israel	19	418
Chile	10	376
Indonesia	20	330
Mexico	46	290
Egypt	6	278
Turkey	14	204
Korea	37	185
Canada	50	172
Guatemala	1	168
Costa Rica	1	144
Ecuador	1	140
European Union	160	130
Philippines	6	113
United States	136	100
Malaysia	11	97
Slovenia	1	66
Poland	4	65
Czech Republic	2	45
Singapore	2	10
Thailand	1	10

Table 3: Antidumping Initiations Per Dollar of Imports by Country Group, 1995-99

Against →	All Economies	
By ↓	No. of Antidumping Initiations	Initiations per US dollar Index (USA=100)
Industrial Economies	463	116
Developing Economies	559	184
Transition Economies	7	23
All Economies	1029	140

Table 4: Numbers of Antidumping Initiations by Victim Country Group, 1995-99

By → Against ↓	All Economies	Developing Economies	Transition Economies	Industrial Economies
Number of Antidumping Initiations				
Industrial Economies /a	308	178	3	127
Developing Economies /b	557	282	1	274
China, PR /c	137	82	1	54
Transition Economies /d	164	99	3	62
All Economies	1029	559	7	463
Percentage of Antidumping Initiations				
Industrial Economies /a	100	58	1	41
Developing Economies /b	100	51	0	49
China, PRC /c	100	60	1	39
Transition Economies /d	100	60	2	38
All Economies	100	54	1	45

Source: WTO data file.
Notes:
/a Include USA, Canada, Australia, Japan, New Zealand, Iceland, Norway, Switzerland, and 15 European Union members.
/b All other countries excluding industrial economies and transition economies.
/c Exclude Hong Kong, China; Macau, China; and Chinese Taipei.
/d Include 27 transition economies in Eastern Europe and Central Asia.

Table 5: Antidumping Initiations per US Dollar of Exports by Victim Economy, 1995-99

Against ↓	Initiations by All Economies	
	No. of Antidumping Initiations	Initiations per US$ Index (Japan=100)
Armenia	1	6777
Georgia	1	3909
Kyrgyzstan	1	3737
Tajikistan	1	3153
Azerbaijan	1	3118
Yugoslavia	5	3059
Kazakhstan	11	2588
Former Yugoslav Rep of Macedonia	3	2313
Ukraine	25	2095
Bosnia-Herzegovina	1	1880
Latvia	3	1818
Egypt	6	1608
Bulgaria	6	1287
Uzbekistan	3	1274
Belarus	6	1255
Cuba	2	1247
Romania	10	1154
Lithuania	4	1107
India	38	1079
Honduras	1	1077
Paraguay	1	917
Zimbabwe	2	889
Moldova, Rep. Of	1	852
Bolivia	1	837
South Africa	20	809
Brazil	41	788
Trinidad & Tobago	2	783
China, PRC	137	776
Estonia	2	749
Indonesia	36	691
Croatia	3	628
Portugal	3	621
Spain	19	609
Korea	75	564
Turkmenistan	1	562
Russian Federation	41	558
Chile	9	554
Costa Rica	2	513
Slovak Republic	5	512
Thailand	30	509

Turkey	13	502
Hungary	9	499
Macau, China	1	474
Poland	12	448
Pakistan	4	438
Bahrain	1	424
Chinese Taipei	47	386
Hong Kong, China	11	381
Uruguay	1	379
Greece	2	378
Netherlands	17	330
Argentina	8	313
Austria	6	267
Colombia	3	265
Denmark	5	240
Czech Republic	6	240
Venezuela	5	231
Vietnam	2	223
Slovenia	2	222
Malaysia	16	199
Finland	4	197
Italy	22	195
Sweden	7	188
Mexico	20	188
Germany	44	182
Peru	1	179
Ireland	3	177
Israel	4	177
Iran	3	159
United Kingdom	19	157
New Zealand	2	144
Belgium	7	142
France	15	134
European Union 2 /b	179	106
United States	66	105
Japan	44	100
Philippines	2	82
Saudi Arabia	4	66
Algeria	1	64
Australia	3	56
Singapore	6	48
Canada	10	46
Switzerland	3	36
Norway	1	21
European Union 1 /a	6	7

Liechtenstein	1	\c.
All Above Countries	1203	268

Notes: /a European Union 15 memebers as the whole.
/b European Union as the whole plus EU individual members.
c/ Export data not available

Table 6: Comparing the Intensity of Antidumping Initiations 1995-99 Across Different Groups of Economies

Victim → Initiator ↓	Developed Economies	Developing Economies	China, PRC	Transition Economies	All Economies
Developed Economies	55	131	199	285	100
Developing Economies	52	147	240	403	100
Transition Economies	71	101	989	168	100
All Economies	54	138	230	294	100

Table 7: Antidumping Initiations per Dollar of imports – Relative Intensities Against Different Groups of Exporting Economies/a

Initiated against → By ↓	Industrial Economies	Developing Economies	China, PRC	Transition Economies	All Economies
Argentina	61	147	625	194	100
Australia	54	194	161	1190	100
Brazil	64	90	819	1986	100
Canada	64	209	262	2897	100
Chile	35	93	289	6997	100
Colombia	20	182	703	2532	100
Costa Rica	0	310	0	0	100
Czech Republic	144	0	0	0	100
Ecuador	0	238	0	0	100
Egypt	0	55	0	1062	100
European Union /b	22	150	681	517	100
Guatemala	0	253	0	0	100
India	61	103	724	703	100
Indonesia	40	150	277	1600	100
Israel	105	88	765	0	100
Korea	77	109	295	763	100
Malaysia	75	116	0	1422	100
Mexico	36	196	621	13535	100
New Zealand	28	354	337	0	100
Nicaragua	0	203	0	0	100
Panama	0	226	0	0	100
Peru	9	181	1250	1557	100
Philippines	29	120	596	2219	100
Poland	34	220	1184	336	100
Singapore	0	212	0	0	100
Slovenia	0	0	0	613	100
South Africa	48	189	448	1539	100
Thailand	0	0	0	5522	100
Trinidad & Tobago	0	365	1536	0	100
Turkey	31	375	1360	0	100
United States	61	133	186	672	100
Venezuela	32	161	30770	7866	100
All Above Economies	52	143	280	324	100

Notes:
See Table 1 for country/economy classifications
/a Number of antidumping against the country group per dollar of imports from the group, scaled to the figure for initiations against /imports from all economies; e.g., Argentina, per dollar of imports had 6.25 times more antidumping initiations against China PR than against all countries.
/b Exclude EU intra trade.

Table 8: Methodologies and outcomes of US Antidumping Investigations, 1995-98

Methodology	Number of determinations			Average dumping margin (percent) affirmative determinations only
	Total	Affirmative	Affirmative as percent of total	
US prices to home-market prices	4	2	50	7.36
US prices to third-country prices	1	0	0	-
US prices to mix of third-country prices, above cost third country prices and constructed value	2	2	100	7.94
US prices to mix of home-market prices, above cost home-market prices and constructed value	31	25	81	17.95
Constructed value	20	14	70	35.07
Nonmarket economy	47	28	60	67.05
Facts available	36	36	100	95.58
Total	141	107	76	58.79

Source: Lindsey (1999) p. 8

Chart 1
Renegotiations, Emergency Actions and VERs

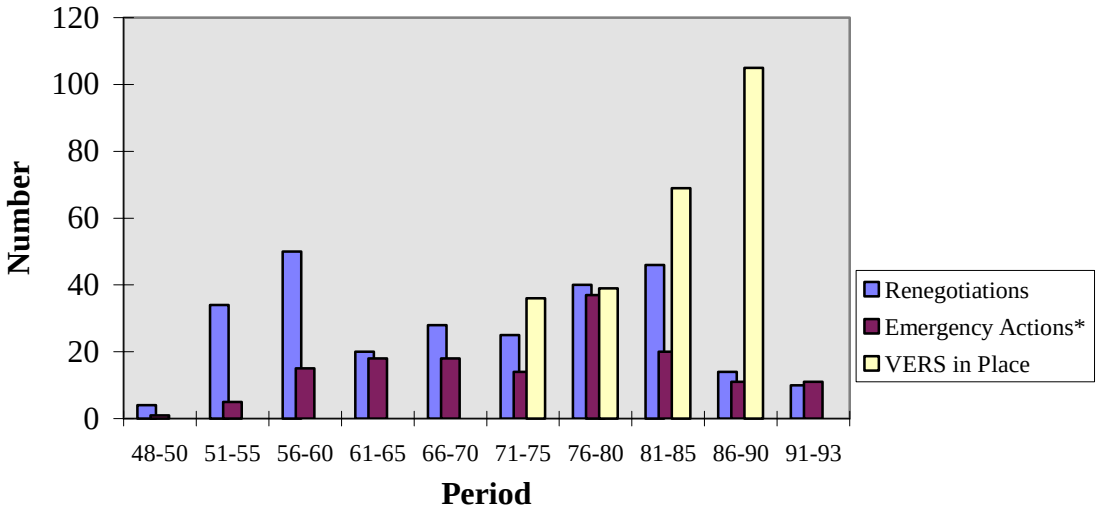

Chart 2

Renegotiations, Emergency Actions, Antidumping Initiations and VERs

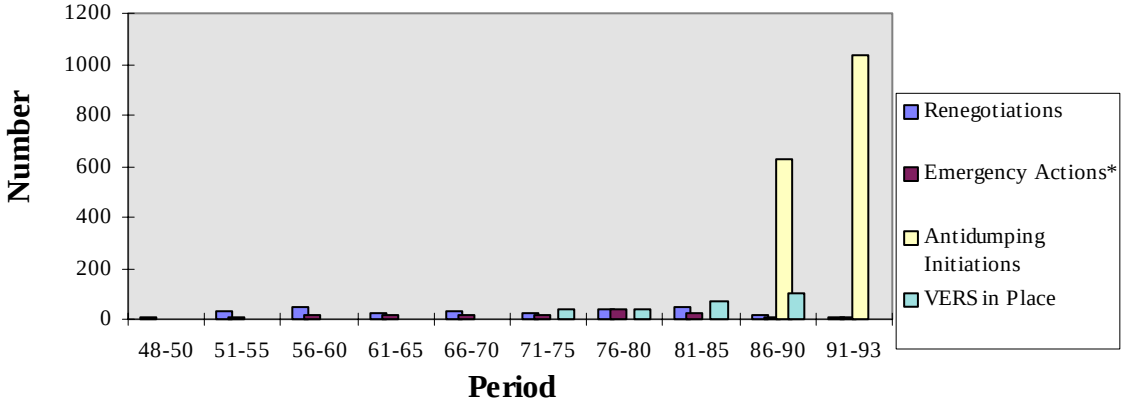

Chart 3

Antidumping Initiations by Developed and Developing Economies, 1986-1999