

WTO 반덤핑 협정 해설

- 덤핑의 개념
- 덤핑 규제의 타당성
 - 국내적 : 독점 방지
 - 국제적 : 명확한 규제 이유 논란
 - 협정의 목적이 기재된 서문이 없는 유일 협정
 - 국내 산업 피해 방지가 현실적 기능, 국내 소비자에 대한 피해 감수
- 간접 규제 방식
 - 덤핑은 사인의 행위, 사인의 행위에 대한 국가 책임 부재
 - 덤핑으로 인해 자국 피해 입증시에 한해 상쇄 조치권 부여

○ 규제 규범

- GATT VI조 :원칙법
- 반덤핑협정(VI조 집행 협정) : 절차법

○ 협정의 구조

- 덤핑 판정
- 피해 판정
- 조사 개시 및 진행
- 증거
- 잠정 관세 및 가격 인상 약속
- 반덤핑 관세의 부과와 징수
- 부과 기간

1. GATT VI조

VI조 1항 : 덤핑의 정의 및 처벌 원칙 (1/2)

- dumping .. is condemned
- if it causes or threatens
 - i) material injury to an established industry..
 - ii) materially retards the establishment of a domestic industry
- dumping : products.. are introduced into the commerce of another country at less than the normal value..
- at less than the normal value :
 - a) less than the comparable price : in the ordinary course of trade
 - for the like product
 - when destined for consumption in exporting country
 - b) 국내 가격 없을 경우 less than either
 - i) highest comparable price for the like product
 - for export to any third country
 - in the ordinary course of trade
 - ii) cost of production of the product + reasonable selling cost and profit
- Due allowance...for
 - i) conditions and terms of sales
 - ii) difference in taxation
 - iii) other differences affecting price comparability

VI조 2항 : 반덤핑관세 징수권 부여

- anti-dumping duty not greater than the margin of dumping
- margin of dumping is the price difference determined by 1항

VI조 4항 : 면세의 반덤핑 취급 금지

- no product .. shall be subject to AD.. by reason of ..
 - exemption.. from duties or taxes borne by the like product .. in the country of origin
 - refund of such duties or taxes

VI조 5항 : 반덤핑 및 상계관세 동시 부과 금지

- No product...shall be subject to both AD and countervailing duties
 - to compensate for the same situation of dumping and export subsidization

VI조 6항 : 실질적 피해 초래 요건 및 면제

- No country shall levy AD, unless it determines that the effect of AD...is such as to cause or threaten
 - i) material injury to an established domestic industry
 - or ii) retard materially the establishment ...
- 위 요건 면제 : material injury to an industry .. of **another country** exporting the product concerned to the importing country

VI조 7항 : 실질적 피해 예외

- A system i) for the stabilization of the domestic price
 - or ii) of the return to domestic producers .. of a primary commodity
- independently of the movements export prices
- which results at times in the sale of the commodity for export at a price lower than the comparable price... in domestic market
 - ⇒ shall be presumed not to result in material injury.....
- if determined by consultation among countries substantially interested in the commodity concerned
 - a) the system ..also resulted ...export price higher than ..domestic market
 - b) the system.. is operated not to stimulate exports unduly or
 - not to seriously prejudice the interests of other countries

2. WTO 반덤핑협정

1조 적용 원칙

- AD applied only under the circumstances in GATT VI
pursuant to investigations initiated and conducted in accordance with AD agreement

2조 덤핑의 결정

2조1항 덤핑의 정의

- being dumped ---- introduced into commerce of another country at less than its normal value
- if export price.. is less than the comparable price
in the ordinary course of trade
for the like product...for consumption(통상 5%) in the exporting country

2조2항 국내가격 부재시

- when...no sale of the like product, in the ordinary course of trade in the domestic market
- when such sales do not permit a proper comparison because of i) particular market situation
or ii) the low volume of the domestic sales
- AD margin shall be determined by comparison with
 - i) a comparable price of the like product
exported to an appropriate 3국
 - ii) the cost of production + administrative, selling, costs, profits

2.2.1 생산단가 이하 판매

- 국내가, 제3국 수출가 < 생산단가(per unit costs) + administrative, selling, general costs, profits 경우
 - treated not being in the ordinary course of trade
 - disregarded in determining N.V
 - if the authorities determine that such sales made
 - i) within an extended period of time(6개월~1년)
 - ii) in substantial quantities
 - iii) at price ...not provide for the recovery of all costs within 합리적 기간
- * sales below per unit costs = 가중 평균 판매가 < 가중 평균 생산 단가 or
N.V 산정 거래 물량의 20% 이상 차지

2.2.1.1. 생산자 회계 인정

- costs -- normally calculated on the basis of records kept by exporter, producer,
 - in accordance with Generally Accepted Accounting Principles of 수출국
 - reasonably reflect 생산비 + 판매비
- Authorities shall consider proper allocation of costs, if such allocations
 - historically utilized...in relation to establishing appropriate
 - i) amortization and depreciation periods
 - ii) allowances for capital expenditures and other development costs

2.2.2. 관리비 판매 일반 경비 등의 산정

- administrative, selling, general costs, profits shall be based on actual data of production & sales
 - in the ordinary course of trade
 - of the like product
 - by the exporter or producer under investigation

- 위 불가능할 경우 A,S,G,P may be determined on the basis of
 - i) actual amounts incurred by the exporter, producer
 - in respect of production & sales
 - in the domestic market
 - of the same general category of products

 - ii) weighted average of the actual amounts incurred by other exporters & producers subject to investigation

 - iii) any other method, provided that profit shall not exceed the profit normally realized by other exporters & producers
 - on sales of products of the same general category
 - in the domestic market

2조3항 수출가격 임의 구성

- in case where no export price or unreliable
 - because of association or a compensatory arrangement between 수출입자
- export price may be constructed
 - on the basis of the first resold price to an independent buyer
 - on such reasonable basis as the authorities may determine, if the product,
 - i) not resold to an independent buyer
 - or ii) not resold in the condition as imported

2조4항 공정 비교

- fair comparison between export price and the normal value
- comparison shall be made i) at the same level of trade, normally ex-factory level
 - and ii) in respect of sales made at as nearly as possible the same time
- Due allowances shall be made for differences affecting price comparability
 - conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics, etc
- 수출가 부재 상황시 수입 및 판매 과정사이의 비용(관세 수수료 등) 및 이윤 적의 고려
- if price comparability has been affected, N.V shall be established at a level of trade equivalent to the level of trade of the constructed E. P

2.4.1. 환율

- when price comparison requires a conversion of currencies, 판매일의 환율 사용
 - 선물 거래일 경우에는 선물 거래에 적용된 환율 사용
- Fluctuation in exchange rate shall be ignored
 - the authorities shall allow exporters at least 60 days to have adjusted their prices to reflect sustained movements in E.R.

2.4.2. W-W, T-T

- margin of dumping.. shall be established
 - i) on the basis of comparison of a weighted average N.V and weighted average export transaction prices
 - ii) by a comparison of normal value and export prices on a transaction to transaction basis
- 정상가격 가중 평균 may be compared to 개별 수출 거래가
 - i) if pattern of E.P differ significantly among 구매자, 지역, 시기
 - ii) if such difference cannot be appropriately taken into account by use of W-W, T-T

2조5항 제 3국 경유 수출

- exported to 수입국 from an intermediate country 경우 E.P shall be compared with the comparable price in the country of export(not origin)
- 예외적으로 country of origin 가격과 비교 가능, if merely transshipped
 - if not produced in the country of export
 - if no comparable price in the country of export

2조6항 동종 상품 정의

- like product : a product which is identical, i.e. alike all respects to 조사대상품
another product which has characteristics closely resembling those of 조사대상품

3조 피해의 결정

3조1항 피해 산정 원칙

- determination of injury shall be based on positive evidence, and
 - involve an objective examination of both
 - a) the volume of the dumped imports and its effect on prices for like products
 - and b) the consequent impact on domestic producers

3조2항 덤핑 물량 및 효과 산정

- 덤핑 물량, the authorities shall consider .. a significant increase in dumped imports, either in absolute terms or relative to production or consumption
- 덤핑 효과, the authorities shall consider ... price undercutting by the dumped imports
 - or price depression
 - or prevention of price increases

3조3항 덤핑 효과의 누적 산정

- Where imports of a product from more than one country are simultaneously subject to AD investigations,
- ... may cumulatively assess the effects of such imports only if they determine that
 - (a) margin of dumping established in relation to the imports from each country is more than de minimis (2%) and volume of imports from each country is not negligible and
 - (b) a cumulative assessment ...is appropriate in light of the conditions of competition

3조4항 덤핑 수입의 국내 산업에 대한 영향 조사시 필수 검토 요소

- all relevant economic factors and indices having a bearing on the state of the industry, including
 - decline in sales, profits, output, market share, productivity, return on investments, or utilization of capacity;
 - factors affecting domestic prices; the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments.
- list not exhaustive, nor can one or several factors give decisive guidance.

3조5항 덤핑 피해의 입증

- must be demonstrated that the dumped imports are causing injury
- causal relationship between the dumped imports and the injury ...
 - shall be based on all relevant evidence
- .. shall also examine any known factors other than the dumped imports
 - which at the same time are injuring the domestic industry
 - and the injuries caused by these other factors must not be attributed to the dumped imports
 - these factors are inter alia, the volume and prices of imports not sold at dumping prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and productivity of the domestic industry.

3조6항 동종 상품에 대한 덤핑 효과 산정 원칙

- The effect of the dumped imports shall be assessed in relation to the domestic production of the like product
- 불가시, ... shall be assessed by the examination of the production of
 - the narrowest group or
 - range of products, which includes the like product

3조7항 실질적 피해 위협의 결정

- ... shall be based on facts and not merely on allegation, conjecture or remote possibility
- a situation in which the dumping would cause injury must be clearly foreseen and imminent
- the authorities should consider, inter alia, such factors as:
 - (i) a significant rate of increase of dumped imports
 - (ii) sufficient freely disposable, or an imminent, substantial increase in, capacity of the exporter
 - (iii) a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports; and
 - (iv) inventories of the product being investigated.
- the totality of the factors considered must lead to the conclusion that further dumped exports are imminent
- where injury is threatened by dumped imports,
 - the application of AD measures shall be considered and decided with special care

4조 국내 산업

4조1항 국내 산업의 정의

- domestic producers as a whole of the like products or whose collective output constitutes a major proportion of the total domestic production, except that:
 - (i) when producers are related to the exporters or importers or are themselves importers of the allegedly dumped product
 - “domestic industry” may be interpreted as referring to the rest of the producers;
 - (ii) the territory of a Member may, be divided into two or more competitive markets, and the producers within each market may be regarded as a separate industry if
 - (a) the producers within such market sell all or almost all of their production of the product in question in that market,
 - (b) the demand in that market is not to substantially supplied by producers located elsewhere in the territory.
- In such circumstances, injury may be found to exist even where a major portion of the total domestic industry is not injured, if
 - there is a concentration of dumped imports into such an isolated market and
 - dumped imports are causing injury to the production within such market.

4조2항 시장 분할시의 반덤핑 관세

- anti-dumping duties shall be levied only on the products ...for final consumption to that area.
- 국내법상 분할 징수 불가시,통합 징수 가능 only if
 - a) the exporters shall have been given an opportunity to cease exporting at dumped prices to the area concerned, and
 - b) such duties cannot be levied only on products of specific producers which supply the area in question

4조3항 단일시장(관세동맹, 공동시장 등)

- the industry in the entire area of integration shall be taken to be the domestic industry

5조3항 제출 정보 정확성 검토 의무

- The authorities shall examine the accuracy and adequacy of the evidence provided in the application
 - to determine whether there is sufficient evidence to justify the initiation of an investigation.

5조4항 조사 개시 요건

- the application has been made by or on behalf of the domestic industry 결정후 조사 개시 가능
 - 결정은 on the basis of an examination of the degree of support for, or opposition to, the application expressed by domestic producers of the like product
- "by or on behalf of the domestic industry"
 - supported by those domestic producers whose collective output constitutes more than 50 per cent of the total production of the like product,
 - which is produced by the domestic industry expressing either support for or opposition to the application
 - * 신청사 생산량 A, 지지사 생산량 B, 반대사 생산량 C, 무의견 생산량 D 일 때
$$(A+B)/(A+B+C) > 50\%$$
- domestic producers supporting the application account for less than 25 per cent of total production 경우 조사 개시 불가
 - * $(A+B)/(A+B+C+D) > 25\%$

5조5항 조사 신청서 공개 금지 및 수출국 정부 사전 통지 의무

- 조사 개시 결정전 조사 신청서 공개 금지
- 신청서 접수 후 and before proceeding to initiate an investigation, 수출국 정부에게 통지 의무

5조6항 조사 신청서 접수 전 조사 개시 가능 요건

- ...shall proceed only if ...sufficient evidence of dumping, injury and a causal link, ..to justify the initiation of an investigation.

5조7항 덤핑 및 피해 증거의 동시 검토 의무

- The evidence of both dumping and injury shall be considered simultaneously
 - (a) in the decision ..to initiate an investigation, and
 - (b) thereafter, during the course of the investigation,

5조8항 조사 진행 중단

- if there is not sufficient evidence of either dumping or of injury
- immediate termination in cases where...the margin of dumping is *de minimis*, or the volume of dumped imports, actual or potential, or the injury, is negligible

* *de minimis* = E.P의 2% 이하

* negligible = 동종 상품 총 수입량의 3% 이하, 단 3% 이하 수출국들의 합계 물량이 7% 초과시 제외

5조9항 An anti-dumping proceeding shall not hinder the procedures of customs clearance.

5조10항 조사 기간은 신청서 접수 후 1년 이내 최대 18개월 이내

6조 증거

6조1항 자료 제출 등 방어권 보장

- All interested parties in an anti-dumping investigation shall be given
 - notice of the information which the authorities require and
 - ample opportunity to present all relevant evidence in writing
- 질의서 답변 시한 최소 30일 이상, 30일 연장 요청시 적의 고려 및 가능시 부여 의무
- evidence presented by one interested party shall
 - be made available promptly to other interested parties
- 조사 개시 즉시 신청서 제공 to the known exporters,
the authorities of 수출국,
other interested parties

6조2항 방어권 및 이해 당사자 접견권 보장

- all interested parties shall have a full opportunity for the defence of their interests
- shall, .. provide opportunities for all interested parties to meet those parties with adverse interests
- Provision of such opportunities must take account of the need to preserve confidentiality and
of the convenience to the parties
- no obligation... to attend a meeting, and failure ..shall not be prejudicial to that party's case,
구두로 자료 제공, 견해 발표 가능

6조3항 단 구두 정보는 문서로 제출되고 타 이해 당사자에게 회람된 후에야 조사 당국이 고려

6조4항 관련 정보 열람권

- shall provide opportunities to see all information
 - i) relevant for their cases,
 - ii) not confidential
 - iii) used by the authorities in investigation

6조5항 비밀 정보

- ... shall not be disclosed without specific permission of the party submitting it
- 조사당국, 비밀 정보 요약본 제출 요구 의무 , 요약본은 비밀본의 합리적인 이해가 가능할 정도로 자세해야, 요약 불능 정보의 경우 동 사유 제공 의무
- 비밀 보호 요청이 부당하거나 공개 불원시 조사 당국은 해당 정보 기각 가능
 - unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

6조6항 정확 정보만 사용 의무

- shall ...satisfy ...as to the accuracy of the information supplied by interested parties
 - upon which their findings are based.

6조7항 현지 실사

- ...the authorities may carry out investigations in the territory of other Members, if
 - obtain the agreement of the firms concerned and
 - notify the government of the Member in question, and
 - that Member not objects
- Annex I shall apply to investigations carried out in the territory of other Members.
현지 실사 정보, 관련자 제공

6조8항 이용 가능한 정보에 근거한 판정

- In cases ...refuses access to, or not provide, necessary information within a reasonable period or significantly impedes the investigation,
 - AD determinations, may be made on the basis of the facts available
 - Annex II shall be observed

6조9항 최종 결정전 핵심 사실 통지 의무

- ..shall inform all interested parties of the essential facts under consideration ..
to apply definitive measures
 - before a final determination is made
- Such disclosure should take place in sufficient time for the parties to defend their interests.

6조10항

- 원칙적으로 각 수출자(생산자)별로 덤핑 마진 산정
- In cases where the number of exporters, producers, importers or types of products ..is so large
 - may limit their examination either to a reasonable number of interested parties or products
 - i) by using samples ... or
 - ii) to the largest percentage of the volume of the exports from the country
- Any selection of exporters, ...shall preferably be chosen in consultation with and
 - with the consent of the exporters...
- 불선정사라도 필요 정보 적시 제공사는 요청시(조사 적시 종료에 부담되지 않는 한) 개별 AD 마진 산정

6조11항 이해 당사자 정의

- "interested parties" shall include:
 - (i) an exporter or foreign producer or the importer .., or a trade or business association ;
 - (ii) the government of the exporting Member; and
 - (iii) a producer of the like product in the importing Member or a trade and business association

6조12항 사용자 및 소비자에게 관련 정보(덤핑, 피해, 인과관계) 제공 기회 부여 의무

6조13항 영세 기업의 정보 제공 곤란성 고려 및 실제적 조력 제공 의무

7조 잠정 조치(Provisional Measure)

7조1항 잠정 조치 적용 가능 요건

- (i) an investigation, initiated a public notice given, opportunities to submit information and make comments;
- (ii) a preliminary affirmative determination of dumping and injury; and
- (iii) such measures judged necessary to prevent injury

7조2항 잠정 조치 형태 : provisional duty, security, Withholding of appraisement (사문화)

* W.A : 잠정조치 대상인 점만 결정하고 잠정관세율 등은 산정유예 하는 것

7조3항 조사 개시후 60일 이전 부과 금지

7조4항 부과 기간 : 4개월 이내 또는 최대 수출자 요청시 6개월 이내

- When authorities... examine whether a duty lower than the margin of dumping would be sufficient to remove injury, these periods may be six and nine months, respectively.

8조 가격 인상 약속

8조1항 가격 인상 약속시 조사 중단 및 과도 인상 불요

- Proceedings may be suspended or terminated
 - upon receipt of voluntary undertakings to revise its prices ,or
to cease exports ..at dumped prices
 - so that ..the injurious effect of the dumping is eliminated.
- increases ...shall not be higher than necessary to eliminate the margin of dumping.
- price increases (may) be less than the margin of dumping
 - if such increases would be adequate to remove the injury

8조2항 덤핑 긍정 예비 판정 및 피해 확인후 가격 인상 수용

- ...shall not be sought or accepted, unless ...have made a preliminary affirmative determination of dumping and injury

8조3항 가격 인상 약속 수용 여부는 조사 당국 재량

- ..need not be accepted if .. their acceptance impractical,
 - for example, if the number of exporters is too great, or reasons of general policy
- ...shall provide ..reasons..to consider acceptance of an undertaking as inappropriate, and
 - shall give ..an opportunity to make comments thereon.

8조4항 가격 인상 약속후 희망시 조사 지속 가능

- the investigation shall ..be completed if the exporter so desires or the authorities so decide.
- 덤핑 또는 피해 부존재 판정시, the undertaking shall automatically lapse,
 - except in cases ..such a determination due ..to the undertaking
 - In such cases, an undertaking may be maintained for a reasonable period
- if .. affirmative determination made, the undertaking shall continue

8조5항 조사 당국이 인상 약속 제시 가능, 수용 의무 부재

- Price undertakings may be suggested by the authorities, but no exporter shall be forced to ...
- The fact that exporters ..not offer, not accept ..., shall not prejudice the consideration of the case.

8조6항 주기적인 정보 제공 요청 가능 및 약속 위반시 제재

- ..may require ...to provide information relevant to the fulfilment of such an undertaking
 - to permit verification
- In case of violation,...immediate application of P.M using the best information available.
- In such cases, definitive duties may be levied on products entered ...not more than 90 days before applying P.M,
 - ... shall not be applied to imports entered before the violation of the undertaking.

9조 반덤핑 관세 부과 및 징수

9조1항 재량 및 lesser duty 부과 장려

- (AD 관세 요건 충족시라도) 부과 여부 및 규모 결정은 조사 당국 결정 사항
- It is desirable that the imposition be (mandatory가 아니라) permissive
and that the duty be less than the margin if ..adequate to remove the injury

9조2항 징수 원칙

- AD duty shall be collected in the appropriate amounts
on a non-discriminatory basis
on imports ..from all sources found to be dumped and causing injury,
- The authorities shall name the suppliers.
 - 단 동일 국가 복수 수출자의 경우 may name the supplying country
- 복수 국가 복수 수출자일 경우
 - ..may name either all the suppliers involved, or
 - all the supplying countries

9조3항 AD 관세의 덤핑 마진 초과 금지 원칙 및 초과 징수액 환급 방식

- amount of AD duties shall not exceed the margin of dumping
 - * 반덤핑 관세는 조사 기간의 자료를 토대로 산정한 덤핑 마진에 근거,
미래 거래가 과거의 덤핑 마진대로 유지된다는 보장 없음
 - 반덤핑 관세는 실제 거래의 덤핑 마진을 초과/미달할 필연성 보유, 환급/추가 징수 불가피
- AD duty is assessed on a retrospective basis,
 - 매 수입시 기 확정된 덤핑 마진에 상당하는 보증금 예치
 - 통상 12개월 ~ 18개월 마다 동 기간 중의 실제 덤핑 마진 재산정 (upon request)
 - 예치액~실제 덤핑 마진 차액 추가 납부 또는 환급(정산일 기준 90일 이내)
 - 차기 기간중(12~18개월)에직전 기간의 재산정된 덤핑 마진에 상당하는 보증금 예치
- on a prospective basis,
 - 매 수입시 기확정된 반덤핑 관세 납입
 - 통상 12개월~18개월간 마다 실제 덤핑 마진 재산정
 - 기납입 관세액 ~ 실제 덤핑 마진 차액 환급 또는 추가 납입
 - 차기 기간중(12~18개월)에도 최초 확정된 반덤핑 관세율 지속 적용
- when the E.P is constructed,
 - ... take account of any change in normal value,
any change in costs incurred between importation and resale,
any movement in the resale price,
 - calculate the E.P with no deduction for AD duties paid

9조4항 limited examination rate ..shall not exceed:

- (i) the weighted average margin of dumping established with respect to 조사대상자 or,
- (ii) prospective N.V 경우, the difference between 가중평균 N.V of the selected exporters and producers
E.P of exporters not individually examined,

* individual rate - known exporters selected for an individual determination

limited rate - known exporters not selected for an individual determination (sampling 등 이용)

all others rate - unknown exporters

- .. shall apply individual duties ..any exporter or producer not included in the examination and
provided the necessary information

9조5항 신규 수출자 재심

- ..shall promptly carry out a review for...any exporters...who have not exported the product
during investigation,
 - if shown that they are not related to any of the exporters ..subject to the AD duties
- Such a review shall be initiated and carried out on an accelerated basis
- No anti-dumping dutieswhile the review is being carried out.
- 덤핑 판정 대비 보증금 예치 요구 가능, 재심 개시일부터 AD 관세 소급 부과 가능

10조 소급 부과

10조1항 AD (잠정)관세는 부과 결정 발효일 이후 수입분에 한해 부과 가능

10조2항 소급 부과 가능 경우

- ...may be levied retroactively for the period for which provisional measures, if any, have been applied.
 - Where a final determination of injury is made or
 - in the case of a final determination of a threat of injury, where the effect of the dumped imports would, in the absence of the provisional measures, have led to a determination of injury,

10조3항 AD 관세 > 잠정 관세, 차액 불징수
AD 관세 < 잠정 관세, 차액 환불

10조4항 피해 위협, 산업 지연 판정시 (단, 피해 미발생)

- AD duty may be imposed only from the date of such determination
- P.M 기간 중 납부한 cash deposit shall be refunded

10조5항 덤핑, 피해 부재 판정시

- P.M 기간 중 납부한 cash deposit shall be refunded

10조6항 잠정조치 적용일 이전 90일 이내 수입품에 확정 관세 부과 가능한 경우

- there is a history of dumping which caused injury or the importer was, or should have been, aware that the exporter practises dumping and that such dumping would cause injury, and
- the injury is caused by massive dumped imports ..in a short time, and (short time 중) likely to seriously undermine the remedial effect of the AD duty

11조 재심

11조1항 AD duty shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury.

11조2항 재심

- .. shall review
 - i) authorities own initiative
 - ii) request by interested party which submits positive information
- the right to request to examine
 - whether the continued imposition of the duty is necessary to offset dumping,
 - whether the injury would be likely to continue or recur if the duty removed or varied,
- If determine that AD duty is no longer warranted, it shall be terminated immediately.

11조3항 종료 재심

- AD duty shall be terminated on a date not later than 5년 from its imposition,
 - if not determined, the expiry would be likely to lead to continuation or recurrence of dumping and injury
 - in a review initiated before that date on their own initiative or upon request
- The duty may remain in force (5년 기간이 종료되었어도) pending the outcome of such a review

12조 통지 및 공고

12조1항 조사 개시 공고

- When the authorities are satisfied that there is sufficient evidence to justify the initiation of investigation, a public notice shall be given
- public notice 내 기재 요소
 - (i) the name of the exporting country or countries and the product involved;
 - (ii) the date of initiation of the investigation;
 - (iii) the basis on which dumping is alleged in the application;
 - (iv) a summary of the factors on which the allegation of injury is based;
 - (v) the address to which representations by interested parties should be directed;
 - (vi) the time-limits allowed to interested parties for making their views known.

12조2항 공고 게재 및 요건

- preliminary or final determination
 - decision to accept an undertaking
 - termination of such an undertaking
 - termination of a definitive anti-dumping duty
- shall set forth in sufficient detail the findings and conclusions reached
- shall be forwarded to the 수출국 정부 및 other interested parties

12.2.1 잠정 조치 공고

○ ..shall set forth, sufficiently detailed explanations for the preliminary determinations on dumping and injury and

shall refer to the matters of fact and law, accepted or rejected

shall contain in particular:

- (i) the names of the suppliers, or the supplying countries ;
- (ii) a description of the product ;
- (iii) the margins of dumping established and the methodology used, and comparison of E.P and N.V;
- (iv) considerations relevant to the injury determination;
- (v) the main reasons leading to the determination.

12.2.2 조사 종료 또는 중단 공고 기재 요소

○ all relevant information on the matters of fact and law and reasons which have led to the imposition of final measures or the acceptance of a price undertaking,

○ 위 i)~v), reasons for the acceptance or rejection of relevant arguments

13~18조 분쟁해결, 개도국 특혜, AD 위원회, 경과 규정 등 행정 조항