

# ANTIDUMPING REGIONAL REGIMES AND THE MULTILATERAL TRADING SYSTEM

DO REGIONAL ANTIDUMPING REGIMES MAKE A DIFFERENCE?

ERSD-2012-22

- 1. What are the main features of regional antidumping regimes and relationship with WTO rules?**
- 2. How did the regional antidumping regimes evolved as compared to antidumping actions ?**

## Mapping protocol

### 10 MARKERS

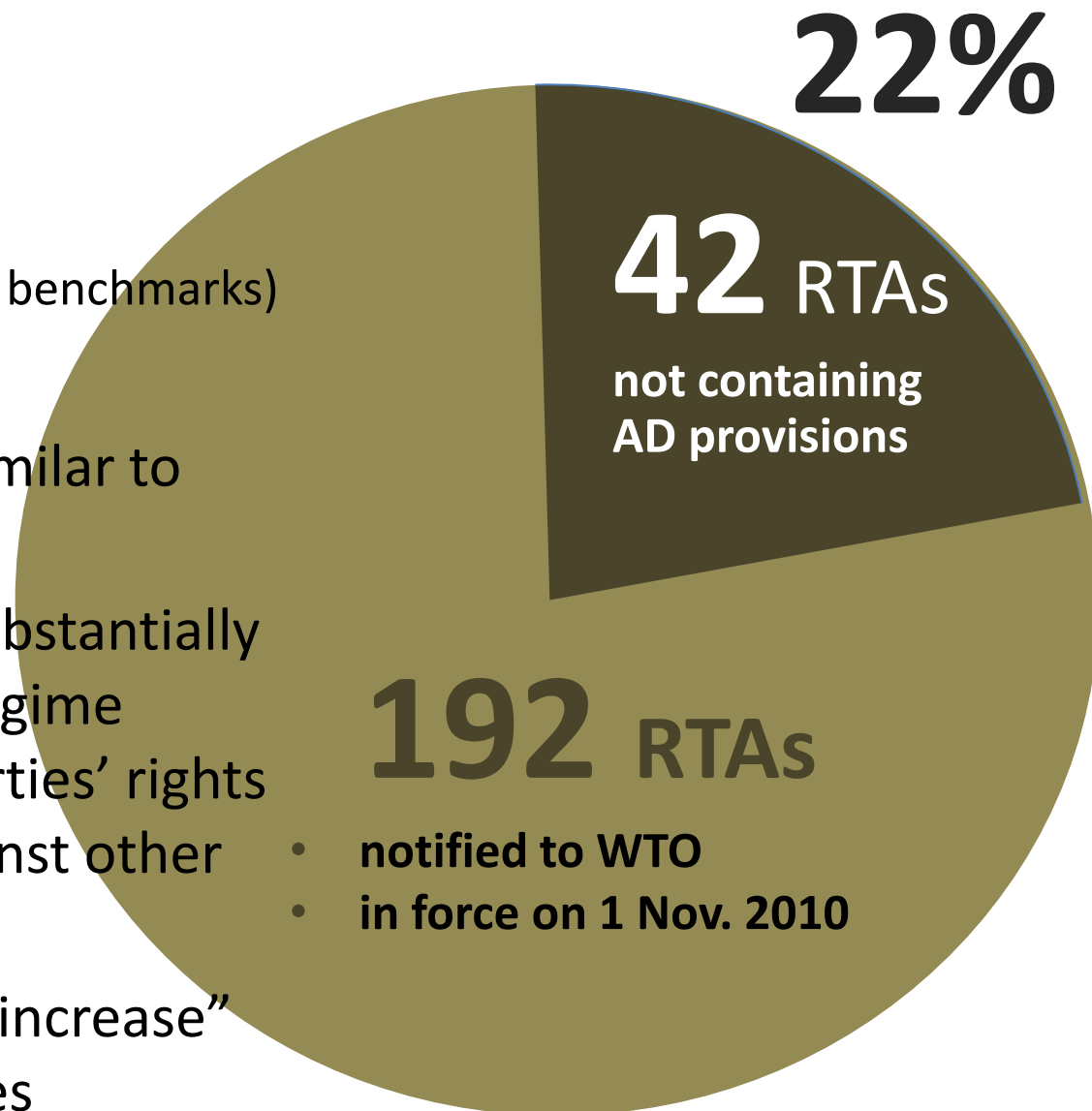
### 11 PROFILES (WTO rules as benchmarks)

### 2 CATEGORIES

**A:** regional AD regimes similar to WTO AD regime

**B:** regional AD regimes substantially different than WTO AD regime (“reduce” or “negate” Parties’ rights to take AD measures against other Party’s goods)

**C (theoretical):** as **B** but “increase” rights to take AD measures

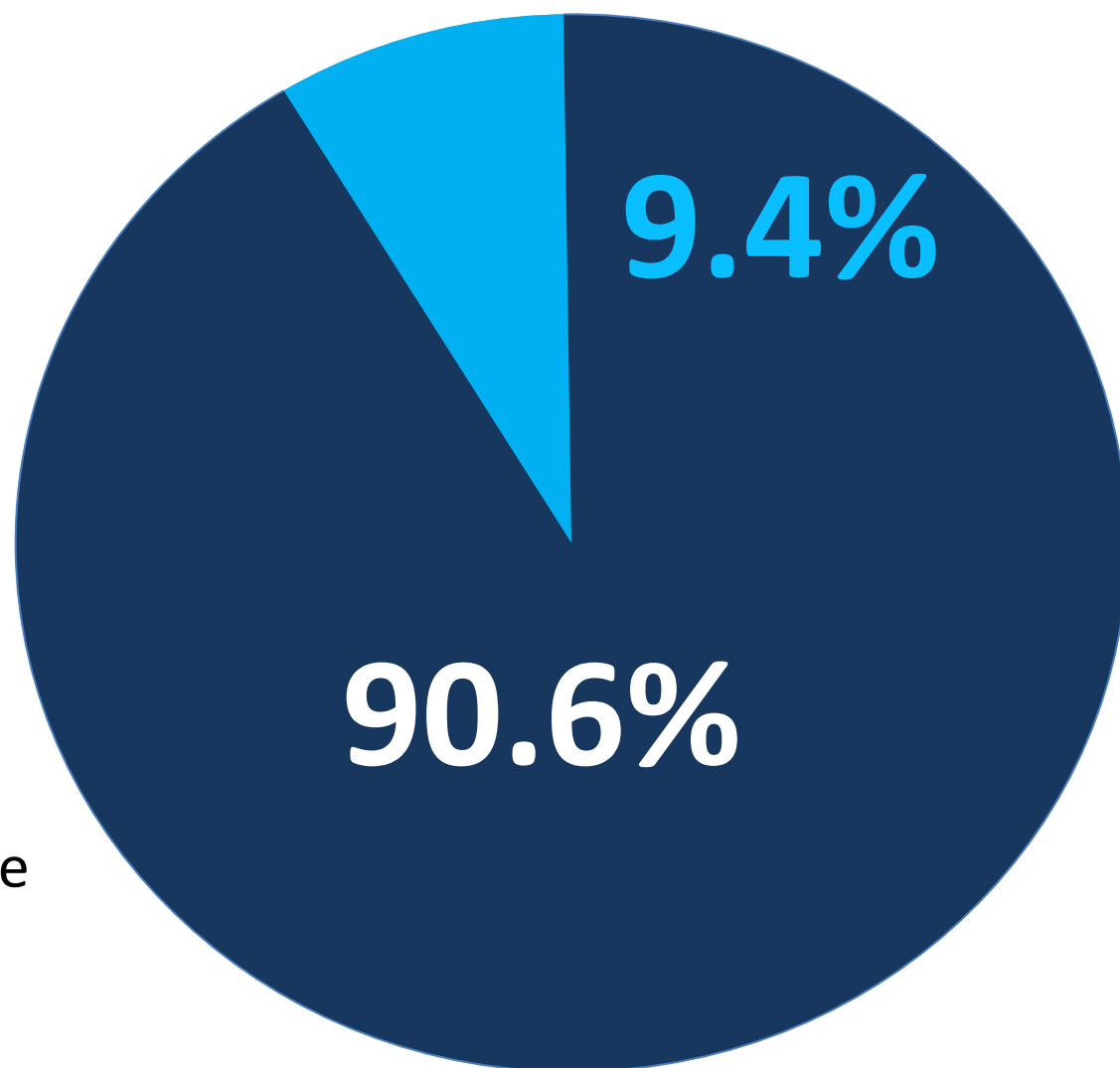


**CATEGORY A / 174 RTAs**

Regional AD regimes, referring to, or mirroring, WTO AD rules.

**CATEGORY B / 18 RTAs**

Regional AD regimes, which, “**reduce**” the Parties’ rights to take AD measures (within the “region”) or “**prohibit**” the use of AD measures.

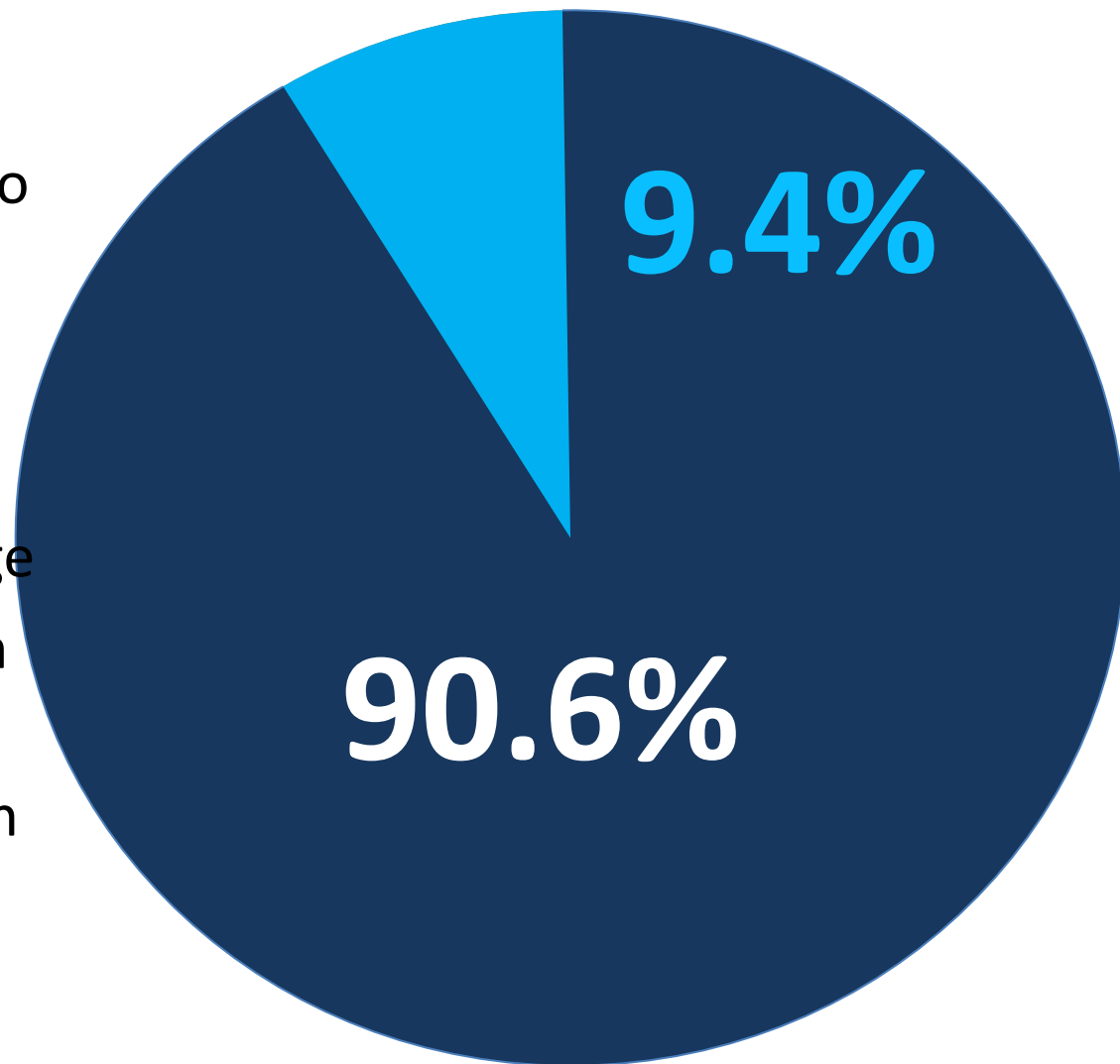
**CATEGORY C / 0 RTAs**

**CATEGORY A / 174 RTAs**

- No substantial legal change, as compared to WTO regime
- No discrimination

**CATEGORY B / 18 RTAs**

- Substantial legal change
- Possible discrimination
- Restriction of Parties' rights to take AD action (de minimis, duration, etc...) or Prohibition



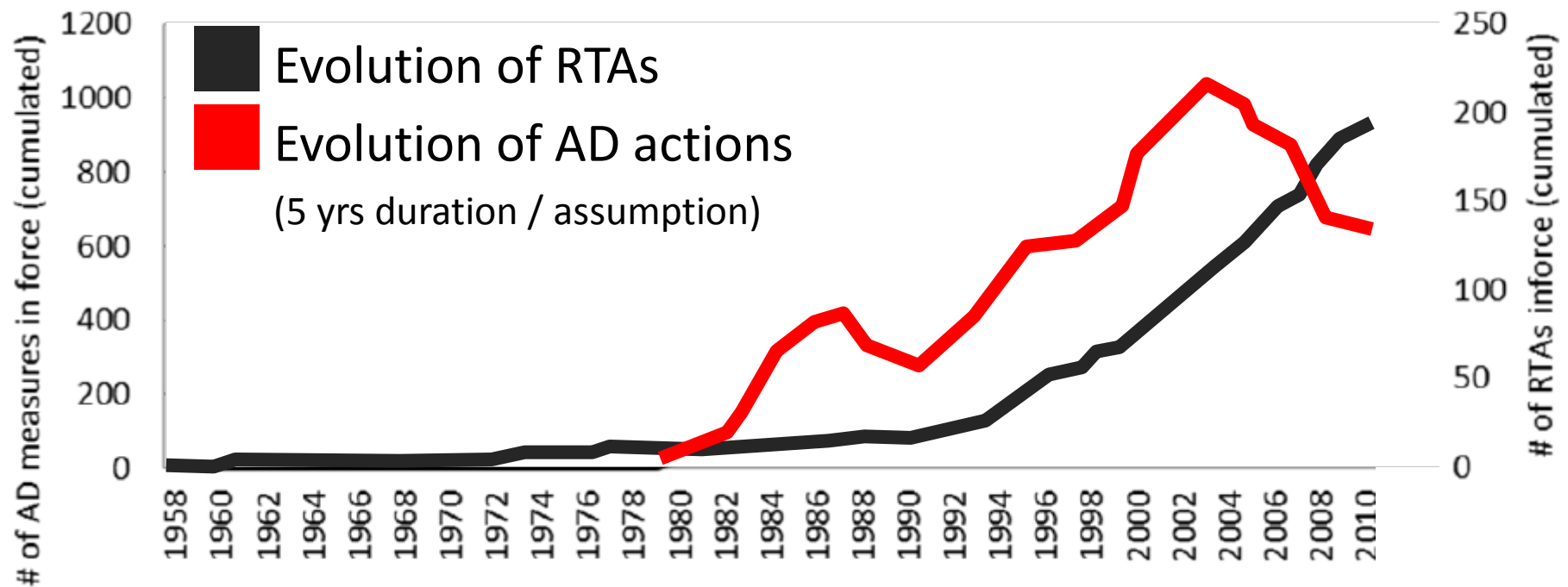
## CATEGORY B / 18 RTAs

- EU (Treaty of Rome & enlargements)
- EU-Andorra (CU)
- EU-San Marino (CU)
- EFTA
- Iceland-EU
- Norway-EU
- Switzerland/FL-EU
- EFTA-Singapore
- EFTA-Chile
- SACU (CU)
- ANZCERTA
- Canada-Chile
- China-Hong Kong, China
- China-Macao, China
- New Zealand-Singapore
- Jordan-Singapore
- Panama-Chinese Taipei
- Nicaragua-Chinese Taipei



9.4%

- Parallelism between AD actions and establishment of RTAs: **an unclear pattern!**
- No evidence of “**protection diversion**”.
- Little evidence of **RTA-attributable changes in use of AD** (analysis of post- and pre-RTA situations).



- Most regional AD regime do not change the **legal framework** (rights and obligations)
- When legal changes occur, the regional mechanism improves (potentially) **Market Access** for RTA-partner goods (discriminatory)
  - Only 18 RTAs contain diverging AD disciplines
  - In 15 RTAs no fundamental changes in AD pattern
  - In 3 cases of **DEEP INTEGRATION** changes occur (*EU, ANZCERTA, EU-Norway*)
- **Legal consolidation of past/current practice** (absence of AD measures between RTA partner) only occur in few cases:
  - No “economic” cost for Parties
  - Political stance vis-à-vis the AD mechanism
- Stricter regional AD rules as a **preventive tool against possible future trade remedies**

- **Systemic issues**
  - “Diversion of information”?
  - The challenge of monitoring the law and the practice.
  - AD: a relatively small club of “users” and “targets”.
  - Transparency, Monitoring, Supervision: who and how?