

# WORLD TRADE ORGANIZATION

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**Committee on Anti-Dumping Practices  
Working Group on Implementation**

Original: English

## **IMPLEMENTATION –RELATED ISSUES REFERRED TO THE COMMITTEE ON ANTI-DUMPING PRACTICES AND ITS WORKING GROUP ON IMPLEMENTATION**

The following communication, dated 6 May 2002, has been received from the Permanent Mission of Indonesia.

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The Government of Indonesia wishes to respond to the concerns expressed at the informal meeting of the Committee on Anti-Dumping Practices, Working Group on Implementation, as follows:

### **The United States statement that there is no need to change Article 15 for developing countries**

#### Reply

The Government of Indonesia supports the Doha Declaration due to the emphasis placed to put into effect special and differential treatment for developing countries. In the case of the Agreement on Implementation of Article VI of GATT 1994, Indonesia considers that special and differential treatment requires laying out the constructive remedies under Article 15 that should be applied.

Should Article 15 remain unchanged, Indonesia considers that the spirit, intent and letter of the Doha Declaration are undermined, and that this would cast a shadow over the New Round, at the initial stages of the negotiating process.

Furthermore, as previously stated by our delegation, price undertakings or the application of the lesser duty do not represent differential treatment for developing countries, as they are available to all Members. As a consequence, constructive remedies need to be defined and made obligatory in the Agreement.

### **The European Union considers that there are many practical difficulties in implementing the proposal of Indonesia for special and differential treatment**

#### Reply

Indonesia disagrees in that the time-lag between the original investigation period and the application of measures should provide the basis for the required data collection for import volumes will not be available. Furthermore, Indonesia recalls that the Commission, in the anti-dumping proceeding on PET from *inter alia*, Indonesia, excluded an exporting country at the petition phase based on an import share of less than 3 per cent, and for subject goods entering under a basket

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classification. At that time, Indonesia expressed surprise that such data was available at such short-notice. However, this illustrates that the European Union would be able to implement the Indonesian proposal submitted.

Our Government would again reiterate that "*where there is a will there is a way*", and we do not consider that the practical problems highlighted are justified.

**The Indonesian proposal that after a five-year period, the duties for developing countries should automatically lapse does not take account of the fact that the five-year period may not provide recovery for the domestic industry**

Reply

Indonesia considers the issue in a different light. A meaningful and effective special and differential special treatment for developing countries can only be translated by adopting measures (if at all) that would, in any case, provide less protection for the domestic industry in the importing country.

At this juncture, Indonesia would request both the EU and the United States to confirm whether this understanding is correct. It is the opinion of our Government that this understanding is pivotal to achieving a meaningful progress in the Round. Furthermore, our Government would accept this consequence for cases brought by Indonesia against developing countries.

**Canada: The Indonesian proposal on extending the role of the Committee goes beyond the Ministerial Decision of Doha**

Reply

As a developing country with relatively scant financial and human resources, Indonesia seeks to optimize the value of the visit being made to Geneva to attend the Committee on Anti-Dumping Practices. The proposal to extend the activities of the Committee was made with this purpose in mind and we believe that it would benefit all Members, and would enhance the role of the Committee itself.

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