

STRUCTURE AND ROLE OF THE COMMISSION

Investigations are carried out by the technical staff of the Secretariat of the Commission, and the findings and recommendations are presented to the Board of Commissioners.

Decisions are made by Commissioners. If there has been injury or threat of injury to the local industry from dumping, subsidies or levels of “surge” of imports, the Commissioners determine and impose the remedy. Duties which are ordered by the Commission are collected by Jamaica Customs Department.

FREQUENTLY ASKED QUESTIONS

Q. What is Dumping?

A. Dumping occurs when the export price of the goods exported to Jamaica is less than the normal value of goods in the country of export.

Q. What are Subsidies? Are All Subsidies Actionable?

A. Specific financial contributions provided to an exporter which result in a benefit to the recipient are subsidies. Subsidies which are aimed specifically at exports are prohibited. Some other subsidies actionable. Others are not.

Q. Explain Safeguards.

A. Safeguards measures can be taken in specific situations to protect a domestic industry against *a surge of imports* and allow for adjustment to foreign competition.

Q. How do I get more information?

A. Call a lawyer or economist who practices in the area of international commercial transactions or trade, and/or contact us:

**THE ANTIDUMPING & SUBSIDIES
COMMISSION**
18 Trafalgar Road, Kingston 10

Call:

927-8665, 978-1800

Fax. 978-1093

Email: antidump@jadsc.gov.jm

Or visit our website at:

www.jadsc.gov.jm

Like us on Facebook



PRINTED IN JAMAICA BY: PEARTREE PRESS

A SHORT GUIDE TO TRADE REMEDIES IN JAMAICA

IF YOU DO BUSINESS IN JAMAICA,
HERE ARE SOME FACTS YOU
SHOULD KNOW

- *Antidumping*
- *Subsidies,
Countervailing Duties*
- *Safeguards*

What are they? How can they help or harm my business? Where do I go to find out about Trade Remedies in Jamaica?



ANTI-DUMPING & SUBSIDIES COMMISSION,
Jamaica

A SHORT GUIDE TO TRADE REMEDIES

IN JAMAICA

A SHORT NOTE ON THE WORLD TRADE ORGANIZATION (WTO) REGIME

The General Agreement on Tariffs and Trade (GATT 1947) provided the framework of basic rules for the multilateral system for trade in goods until 1995. On January 1, 1995, the Agreement establishing the World Trade Organization entered into force. The core themes of the WTO regime include liberalization, non-discrimination and fair trade. Under the WTO Agreements, certain trade practices, which result in injury, can be the subject of trade remedies.

WHAT ACTIONS MERIT “REMEDIES”: *Definitions*

Dumping can be broadly defined as selling cheaper abroad than at home. Dumping is not a prohibited activity, but if it results in injury to the local industry of the country receiving the exports, the injury can be redressed.

Subsidies are financial contribution by a government or public entity conferring an advantage specific to an industry or enterprise.

Surge in Imports. In specific situations, a country may impose a tariff or quota to protect, or “safeguard,” temporarily, the domestic industry against a “*surge in imports*” and to allow the domestic industry’s adaptation to foreign competition.

WHAT ARE THE REMEDIES?

The remedies imposed against dumping are Anti-dumping Duties. Remedies imposed against Subsidies are known as Countervailing Duties. Measures imposed against a surge in imports are Safeguards in the form of either tariffs or quotas.

Q. What if my business is being injured by dumped, subsidized or a surge of imports?

A. Apply to the Commission requesting that it carry out an investigation.

IMPORTANT CONCEPTS

Initiation of an investigation will take place if the Commission is satisfied that there is sufficient evidence to justify investigation.

“Like” Goods are goods that are identical to the goods, which have been imported into Jamaica, or for which, the use and other characteristics closely resemble those of the goods under consideration.

Material Injury or Threat Thereof - The Commissioners must find that any injury or threat of injury is not negligible.

“Serious” injury to the local industry is required under the Safeguards Act before remedies can be imposed.

Trade remedies are imposed for a limited period of time, typically 3-5 years.

THE INVESTIGATION PROCESS

A full investigation involves a critical evaluation of the evidence in the application and extensive gathering and analysis of industry and trade data to establish whether dumping, subsidization or surge of imports is causing injury to a complaining local industry.

IF YOU THINK YOU HAVE A CASE:

We suggest you read the Act that prescribes the Trade Remedy that concerns you. They are as follows:

- The Customs Duties (Dumping & Subsidies) Act of 1999
- The Safeguards Act of 2001

Call an international trade lawyer.

Call an economist who is familiar with trade remedies.

Call the Commission for a complete information packet and application forms, or a pre-filing consultation.

Investigate the prices of the competing product that you are concerned about.

If you still think you have a case, file it. Remember to include your company data to show how you have been injured.