

ANNUAL REPORT OF THE ANTI-DUMPING AND SUBSIDIES COMMISSION

A Portfolio Agency of the Ministry of Industry, Commerce, Agriculture and Fisheries¹

FY2016 - 2017



• *Global Expertise*

• *Regional Leadership*

• *Excellence, the Standard*

¹In March 2016, the Anti-dumping and Subsidies Commission was among the matters and agencies under the Ministry of Industry, Investment and Commerce (MIIC) merged with Agriculture to form the Ministry of Industry, Commerce, Agriculture and Fisheries.

CORE VALUES OF THE ANTI-DUMPING AND SUBSIDIES COMMISSION

- *Global Expertise*
- *Regional Leadership and*
- *Excellence, the Standard*

VISION

*A Centre of Excellence in International Trade Remedies,
acclaimed worldwide as a vanguard Investigating Authority.*

MISSION

Identify and apply appropriate remedies to dumped or subsidized imports or increased imports that injure Jamaican producers, promote awareness of trade remedy laws and assist in trade remedy policy formulation and implementation by being:

- 1. Client-focused, resulting in a large percentage of Jamaican producers and stakeholders who are trained and able to use trade remedies to help Jamaican industries thrive*
- 2. A high-performance, specialist organisation with expert and motivated staff*
- 3. A provider of high-impact services to stakeholders, primarily producers, importers, and including all players in Jamaica's international trade environment.*

*The Anti-dumping and Subsidies Commission -
Levelling the playing field for the Producer in Jamaica
to thrive in the global marketplace.*

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LIST OF ABBREVIATIONS

ADSC	The Anti-dumping and Subsidies Commission
CARICOM	Caribbean Community
CARIFORUM	CARICOM with the Dominican Republic
CDDSA	Customs Duties (Dumping and Subsidies) Act, 1999
CPC	Chief Parliamentary Counsel
CSME	CARICOM Single Market and Economy
DSU	Dispute Settlement Understanding
EPA	CARIFORUM-European Union Economic Partnership Agreement
FD	Final Determination
GOJ	Government of Jamaica
JMEA	Jamaica Manufacturers and Exporters Association
MFAFT	Ministry of Foreign Affairs and Foreign Trade
MFN	Most Favoured Nation
MICAF	Ministry of Industry, Commerce, Agriculture and Fisheries
MIIC	Ministry of Industry, Investment and Commerce
NT	National Treatment
PD	Preliminary Determination
SA	Safeguard Act 2001
TEAM	Trade Enforcement Advisory Mechanism
WTO	World Trade Organisation

BOARD OF COMMISSIONERS' STATEMENT

In accordance with Section 3(2) of the Public Bodies Management and Accountability Act 2001 (PBMAA), the Board of the Anti-dumping and Subsidies Commission (the Commission) submits the annual report including audited financial statements to the responsible Minister, who shall cause the report and statements to be laid on the Table of the House of Representatives and of the Senate.

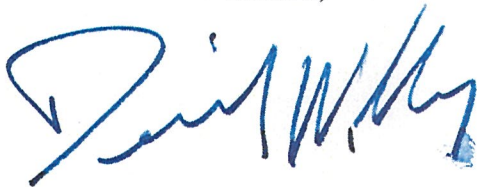
The Commission has prepared the annual report in the prescribed for and in accordance with Part I of the Second Schedule, without prejudice to the provisions of any relevant enactment or constituent documents in relation to the preparation of annual reports by a public body, as provided for in Section 22 of the PBMAA.

Part I (3) of the Second Schedule of the Public Bodies Management and Accountability Act requires as part of the Annual Report of the public body, a report from the Board of Directors to include:

- a) A review of all operations;
- b) A statement on any proposed change in the nature and scope of the activities of the body;
- c) Any modification or proposed modification to the corporate plan;
- d) A summary of the achievement of the body measures against appropriate performance targets
- e) Forecasts and projections of the key financial and operating measures for the next twelve months.
- f) The Anti-dumping and Subsidies Commission does not have shareholders and does not pay dividends.

This Annual Report covers, according to the record of the Commission, the relevant sections outlined above for the period 2016 - 2017.

For the Commission,



Derrick McKoy
Chairman
Anti-dumping and Subsidies Commission
June 2021

EXECUTIVE SUMMARY

The Anti-dumping and Subsidies Commission (“the Commission,” “the Agency” or “ADSC”) was, during the Financial Year 2016-2017, a portfolio agency of the Ministry of Industry, Commerce, Agriculture and Fisheries (“MICAF”). The Commission is a key agency in the international trade infrastructure of the Government of Jamaica. The Commission was established under the 1999 Customs Duties (Dumping and Subsidies) Act (CDDSA). Implementation of the Safeguard Act (SA) 2001 was added to the mandate of the Commission.

The Commission derives its Mission, Vision and resulting work programme from the national priorities set by the Cabinet of the Government of Jamaica (“GOJ”) through the directorate at the portfolio Ministry. The GOJ expressed its commitment to fostering an enabling environment that promotes the manufacturing and agribusiness sectors, while maximising national economic gains in all sectors. In the period, the priorities were articulated as under:

- Increase local and foreign investments
- Drive innovation and job creation
- Promote and protect Jamaican brands, consumers and businesses
- Create an enabling environment to increase earnings from exports

Open, vulnerable, developing economies such as Jamaica must appropriately manage trade liberalisation for real benefits to accrue from trade. Jamaica agrees to World Trade Organisation (“WTO”) core principles which are achieved primarily by agreements lowering tariffs: Most Favoured Nation (MFN) in which *any privileges granted to one WTO member is extended to all other members* and National Treatment (NT), *which requires a member to give the same treatment to imports as domestic made goods*.

Where warranted, trade remedies can be applied to imports to defend industries from the pressures of unfair competition from dumped or subsidised imports or competition from fairly traded goods that enter Jamaica in significantly increased volumes. They are among the most utilised WTO disciplines to manage trade flows which threaten or cause injury to domestic industries in a WTO Member. Application of these remedies gives Jamaica opportunities to respond to industries’ needs for management of trade flows.

During FY2016-2017, the knowledge and expertise of the Commission’s Technical Staff in international trade remedies was focussed on training industry personnel and engaging producers of goods in Jamaica on issues with imports that presented in the period.

Subject Matter Areas

The subject matter areas for which the Commission was responsible were:

- Antidumping
- Subsidies Countervail
- Safeguards
- Tariff Analysis (on imported goods) and Related Matters

In the period, the Staff’s key activities and achievements were:

Key Achievements for 2016/17

- The Commission had a stellar year training industries. The Staff developed new flexible training approaches and instruments to deliver training to industry and conducted tailored training for industries. The Staff proactively reached out to industries and invited them to be trained on their preferred schedule and also conducted consultations with industries. This approach of customising the training offered by the Commission to the needs of specific entities and has been seen as a start to how the concept of an Industry Help Desk would be implemented. As a result, staff engaged eleven (11) companies as well

as the main industry association, the Jamaica Manufacturers' Association were sensitised to understand and apply Trade Remedies in appropriate circumstances. Targets were met.

- One industry player, a company representing an industry, with ongoing consultation, presented to the Commission a draft complaint. The Staff reviewed the draft and gave exhaustive feedback to the company. Over time, the company revised the document indicating its intention to finalise the Complaint. By the end of the fiscal year, however, the final complaint had not been submitted.²
- Technical Staff responded to the Office of the Prime Minister regarding a query about fuel and electricity subsidies in T&T. The staff used the opportunity to indicate that there are other subsidies in T&T and that at least one country (USA) has challenged some of the subsidy programmes up to 2016.
- The Staff held talks with a major equipping institution in the Jamaican training landscape, HEART Trust/NTA. Discussions and conceptual meetings were pursued toward the formulation of a framework for a Memorandum of Understanding (MOU) that would see the rollout of a programme for training industries that had greater reach than the programme which the Commission's resources afford. The talks were carried over into the next fiscal year.
- The Staff focussed on upgrading its methods and mechanism for recording and collecting its statistics of contact made with industry. Based on its research findings in respect of the market, the Staff pursued alliances with private sector stakeholders, associations of stakeholders, and colleague public sector agencies and exhibited and engaged attendees at events such as Expos and the Awards calendar event of the Jamaica Manufacturers Association (JMA) held during in the year.

Activities of the Staff included:

- Trained industries manufacturing goods in Jamaica and their advisors such as lawyers and accountants to use the trade remedy disciplines (antidumping, subsidies countervail and safeguards).
- Technical Staff responded to a query from the Jamaica Observer regarding fuel subsidies in Trinidad & Tobago (T&T) and whether WTO sanctions were applicable. Observer subsequently published an article called "Manufacturers should prove T&T subsidies are unfair" to which there has been 32 comments as at May 19, 2016.
- Research and data analysis was performed on the following products which were manufactured in Jamaica: Plastic Bags, Shortening, Furniture, Beer, Salt
- Exhibited at Agrofest May 2016 – extending the reach of the Commission's assistance to farmers, Jamaica Agricultural Society (JAS) and started to make plans to present on trade remedies at meetings in parish JAS chapters.
- Because of the Commission's role in defending industries and its resulting expertise in international trade rules, the agency is an integral part of the Ministry's initiatives to facilitate trade. It was a vital part of the Ministry's collaborative approach to its policy response to issues that arose in the market.
- As a result of the high regard which the work of the Commission has attained among its international peers, the Executive Director was appointed as Chairperson of a Dispute Settlement Panel at the World Trade Organisation (WTO) in Geneva, Switzerland under the Dispute Settlement Understanding to which Jamaica is a signatory. She is thought to be the first person from a Caribbean territory to serve in this capacity. She has repeatedly served on several such panels since 2007.

² The Commission is careful, as under best practices globally, to treat as confidential, the names of companies with which the Staff confers regarding potential trade remedy case filings, but provides information not required to be kept confidential to the portfolio Ministry and in response to queries.

AGENCY PROFILE: THE ANTI-DUMPING AND SUBSIDIES COMMISSION (ADSC)

ESTABLISHMENT OF THE AGENCY

The core mandate arises under Jamaica's rights and obligations as a signatory to the World Trade Organisation multilateral agreements, specifically, the WTO Agreements on Dumping, Subsidies and Countervailing Duties, and Safeguards. More directly, the mandate is derived from the Acts implementing the named WTO Agreements in Jamaica.

The Commission was established under the Customs Duties (Dumping and Subsidies) Act of 1999 (CDDSA) and implementing Regulations of 2000. The Safeguard Act was passed in 2001 with implementing Regulations passed in 2003 and its implementation was added to the Commission's mandate. The redress available to industries under these Acts and Agreements is collectively referred to as Trade Remedies and these form the core mandate of the Commission.

ROLE, FUNCTION AND OPERATIONS

Trade remedy legislation provides safety valves that help to remedy imbalances in the international trading environment. In keeping with the articulated mission and vision of the Ministry, the Commission assisted goods-producing industries in Jamaica, their advisors, lawyers, accountants and others, as well as importers and exporters to understand and use international trade remedy disciplines, (antidumping, subsidies countervail and safeguards) to defend their respective places in the local marketplace and, from a position of stable production, to compete in export markets.

The Commission performs investigations, research, leads in educating industry and its advisors, the public and public sector colleagues on the Trade Remedies regime. In appropriate cases, after an investigation, the Commission determines remedies in the form of antidumping and countervailing duties to defend producers in Jamaica of like goods.

The Safeguard Act permits the imposition of safeguard measures, which may be duties or quotas, where a surge of imports causes or threatens serious injury to producers in Jamaica of like or directly competing goods.

THE STAFF OF THE COMMISSION

Ten positions were approved on the establishment list. The fulltime staff on the establishment of the Commission of ten (10) posts was headed by the Executive Director. The other Technical Staff of the Commission were the General Manager who was also the designated the Case Manager; Senior Legal Counsel; Senior Economist; and Forensic and Financial Analyst/Financial Controller. The Organisational Chart on page 5 refers.

The Technical Staff members were supported by administrative, secretarial, clerical and bearer support staff of five (5) persons.

Staff members are full time contract employees, renewed on agreement and satisfactory appraisal. A fifteen-person list including five (5) additional posts was delineated in an audit of posts completed by the Ministry of Finance in 2010 which more closely approximates an ideal structure of the Commission. However, as a result of fiscal constraints, none of the five additional posts were activated up to this time. The Organisational Chart on page 7 refers.

Information Technology support as well as other support functions were supplied by part-time contractors.

BOARD OF COMMISSIONERS AND GOVERNANCE PROCEDURES

The Anti-dumping and Subsidies Commission is a five-member governing Board of Commissioners, consisting of the Chairman and four (4) Commissioners. The members of the Board of Commissioners are private citizens, not employed in the public sector who offer public service part time. The Board Chairman and Commissioners adjudicate and direct mandate matters and provide guidance and leadership to the Staff of the Commission through its Executive Director. Commissioners are appointed by the portfolio Minister and may hold office for up to three years (renewable terms). The Commissioners were appointed by the Minister for a two-year term effective June 6, 2016 to June 5, 2018.

The Commissioners were appointed from various academic and commercial disciplines. During the year the Commissioners were provided with tailor-made training in the Agreements and the Acts which are implemented by the Commission to enable the effective oversight of the Commission. Collectively, the Commissioners applied their wealth of wisdom garnered from their diverse backgrounds spanning law, international trade and international business, finance and management to ensure that the mandate was executed.

The Board of Commissioners met eight times for the year, commencing with their inaugural meeting in July 2016 after a change of administration earlier in the year. Attendance at meetings are retained in the record of the Commission by signatures recorded and reported to the Minister as required. The following shows the composition of the Board as well as attendance record during the year:

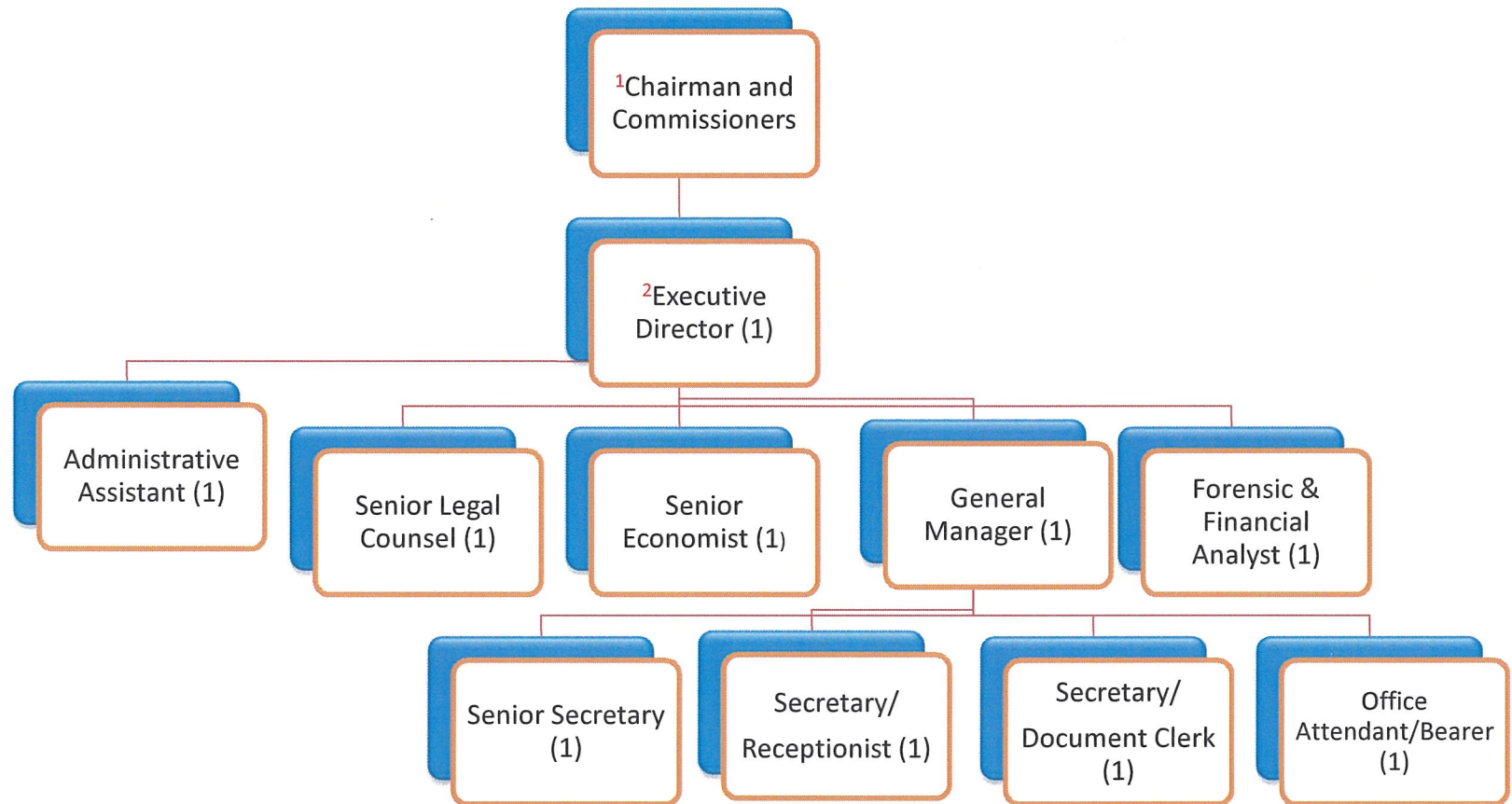
	<i>Name</i>	<i>Profession</i>	<i>Attendance</i> 8 Meetings Held
<i>Chairman</i>	Dr. Derrick McKoy	Attorney-at-Law	8
<i>Member</i>	Mr. Peter Champagnie	Attorney-at-Law	3
<i>Member</i>	Mr. Clyde Jacks	Real Estate Developer	7
<i>Member</i>	Dr. Karl Reid	Management Consultant	8
<i>Member</i>	Ms. Gaunique Williams	Attorney-at-Law	6

The Board had two sub-committees which also met during the year according to their separate schedules. The first was the Audit and Finance Committee which was chaired by Dr. Karl Reid and met four times during the year. The other sub-committee, the Human Resource and Management Committee, which supports management in matters of management practices and Human Resource issues. This sub-committee met once during the year.

Payments to Board Members are as per Ministry of Finance letter setting specific annual compensation for the Commissioners of this Agency. Payments were made approximately quarterly, depending upon cash flows availability, as shown in the attached Financial Reports.

THE ANTI-DUMPING AND SUBSIDIES COMMISSION

ORGANIZATIONAL CHART



¹Commissioners may be appointed for up to three (3) years by the Minister with responsibility for Industry and Commerce and were serving two-year renewable terms. ²Staff members are full time contract employees, renewed on satisfactory appraisal. Ten positions are approved on the establishment list. A fifteen-person list more closely approximates the desired structure of the Commission. However, none of the five additional posts have been activated due to fiscal constraints. Information Technology support and some other functions are supplied by part-time contractors.

THE CORE MANDATE OF THE ANTI-DUMPING AND SUBSIDIES COMMISSION

THE TRADE REMEDY FRAMEWORK - HOW THE CORE MANDATE IS CARRIED OUT

Jamaica is a member of the World Trade Organization (WTO) and a signatory to all its Agreements. WTO Members may utilize trade remedies to help defend domestic industries which suffer injury under defined circumstances that result from unfair trading practices or unanticipated increases in imports. Jamaica, like its trading partners, has developed strategies to manage the impact of globalisation on its economy, which include the use of trade remedies under the framework provided by the Customs Duties (Dumping and Subsidies) Act 1999 and the Safeguard Act (SA) 2001.

Dumping is the practice by firms of pricing goods lower in an overseas market than in their home market. **Subsidies** are financial support by a government of specific industries or enterprises. Subsidies may be trade distorting in international trade. **Safeguards** are measures placed on goods which are imported in increased quantities that cause serious injury to domestic production.

The WTO Agreements on Dumping, Subsidies and Countervailing Measures, and Safeguards provide the framework to respond, enabling domestic producers to adjust as they face competition from unchecked imports in the domestic market. Knowledge of trade remedies can also help exporters expand into foreign markets.

THE TRADE REMEDY INVESTIGATION PROCESS

Rules for the use of trade remedies are complex and exacting, and require strict adherence in order for a measure imposed to withstand scrutiny under domestic judicial review or WTO Dispute Settlement.

An antidumping or countervailing duty investigation is started by the filing of a written application (also called a “complaint”) by or on behalf of an industry in Jamaica (the “domestic” industry) and supported by a sufficient proportion of the industry. The complaint alleges dumping or subsidization causing the industry to suffer injury which is defined as material injury or the threat of material injury. In the case of a safeguard the allegation is that significant increase in import volumes in unforeseen circumstances are causing or threatening serious injury to the domestic industry. In exceptional circumstances, the Commission may self-initiate an investigation. A complaint which at first does not meet the requirements may be amended and resubmitted.

The complaint must identify the applicant and details of the domestic industry, estimated volumes the product and market, goods imported, origin and information on producers, exporters and importers into Jamaica. For dumping, the price of goods in the exporting country (referred to as the “normal value”) is required. For a countervailing duty investigation, evidence of the subsidy and the estimated amount of the subsidy is required. For safeguards, the volumes of the imports over the period of investigation is a key element in the complaint.

Data demonstrating injury to the domestic industry is required. This includes, but is not limited to decline in sales, profits and profitability, depression or other movement of market prices and inventory; and causation.

The Commission must adhere to timeliness and notice requirements which are set according to the Agreements in the Acts, throughout the investigation. In the case of a subsidy and a safeguard, an opportunity for consultation with the government of the exporting country is provided at prescribed times.

The investigation is conducted in three phases and the Commissioners reach a determination at the end of each phase: Initiation, Preliminary Determination and Final Determination. The determinations are made public by a Notice in the Jamaica Gazette and a daily newspaper in Jamaica. A Notice and Statement of Reasons are disseminated at each stage of the case to a list of interested parties and the public.

The ADSC completes investigations in the shortest time frames in the world, between six months for Safeguards and approximately 227 days or ten months for Antidumping and Countervailing Duty cases though the WTO Agreements permit one year for Safeguards and eighteen months for Antidumping and Countervailing Duty cases.

- Abridged -

PRIORITY POLICY ISSUES AND OBJECTIVES FOR FY2016-2017

The following Policy Issues and Objectives were pursued as noted in the annual Operational Plan:

- (1) **Implementation of Jamaica's Trade Remedy Laws.** Implement Jamaica's trade remedy laws, the Customs Duties (Dumping and Subsidies) Act and Safeguard Act within the framework of the World Trade Organization (WTO) Agreements, the CARICOM Single Market and Economy (CSME), the CARIFORUM-European Union Economic Partnership Agreement (EPA) and other trade agreements to which Jamaica is a signatory. Identify breaches of international obligations by trading partners which give rise to the opportunity to apply trade remedies to help provide a level playing field for Jamaican producers.

Priority Policy Objective 1: Implementation of Jamaica's Trade Remedy Laws.

- Timely, thorough investigations and adjudication of any cases before the Commission
- Timely written reasons and assistance to industry as appropriate, when cases are not initiated
- Update Technical Procedures Manual for Cases.

- (2) **Advice and Facilitation.** Advise and facilitate the ongoing development in Jamaica of trade remedies and trade related matters within the international trade policy framework.

Priority Policy Objective 2: Advice and Facilitation

- Make recommendations to portfolio Minister and Ministries to facilitate policy development.
- Drive passage of amendments to CDDSA and Regulations through timely communication and research.
- Conduct research and comment on other legislation and related subjects such as Applied Tariffs.

- (3) **Industry Training and Public Education.** Educate industry to use the trade remedy regime and educate the public to understand the regime.

Priority Policy Objective 3: Industry Training and Public Education

- Disseminate and educate industry on current trade remedy laws and practices through media:
 - Workshops/Seminars and Resource Centre development.
 - Publication of documentary guidance to assist industry to increase knowledge of Trade Remedies
 - Upgrade and maintenance of website, complete and maintain Facebook account.
 - Develop and obtain funding support for Industry Help Desk concept.

- (4) **Administration of the Agency.** Apply international best practices and governance in the management of the organisation towards being a centre of excellence in trade remedies practice.

Priority Policy Objective 4: Administration of the Agency.

- Recruit key staff in vacant posts in conformance with GOJ guidelines and policies.
- Develop SMART Targets and Timely Assessment. Monitoring and Evaluation.
- Address Major Constraints

Developing SMART Targets and Timely Assessment. The Staff performs research, analysis and report writing to provide bases and support for policy and to support industries in relation to the mandate. Producing analytical reports and awaiting the filing of matters causes challenges with identifying meaningful metrics for measuring the work of the Commission, outside of cases being opened. As the organisation sought to mature and report on SMART targets (Specific, Measurable, Achievable, Realistic, and Timely), the Staff worked to improve the metrics for individual staff members' work and the collective work of the Commission. Progress was achieved.

Monitoring and Evaluation of Implemented Policies, Planned Programmes and Projects

The work of the Commission is critical to the nation's ability to support a robust and resilient manufacturing and productive sector, able to thrive in the global economy. The Commission worked on packaging the disciplines of international trade remedies to benefit Jamaican businesses, clarifying and strengthening the regime, and training industry and others to use it. This was done in the context of the commitment of the GOJ to fostering an environment that promotes growth in the productive sector, including traditional, new and potential production. The growth of the productive sector in Jamaica and the agility of the export sector in overseas markets are enhanced by knowledge of trade remedies and preparedness to use the disciplines.

Monitoring of the plans and programmes was accomplished throughout the period by written reports of officers to and through the Executive Director; and through the Executive Director to the Board Chairman and Commissioners; and through verbal reports and discussion in monthly board meetings. Monitoring was also accomplished through reports made according to templates required to submit reports to the portfolio Ministry. Tools and methods for reporting were improved over the period to increasingly provide more measurable parameters than prior to this period.

Matters related to potential case matters are analysed and issues adjudicated in Board meetings or in specially set Case meetings.

Addressing Major Constraints

The Staff pursued strategies to assist industry to utilise trade remedies Complaints, including most notably:

Stakeholder Engagement. The Staff made plans to increase knowledge and enhance the reach towards key outcomes through establishing linkages with associations, groups and individual industries and companies. Key stakeholder associations included Jamaica Manufacturers' Association and Jamaica Exporters' Association.

The Staff increased its Courtesy Telephone Calls, Firm/Office Visits and Customised Industry Instruction as well as use of its website and Facebook to instruct and sensitise the key groups. The Staff logged a key one hundred outreach telephone calls to engage industries and companies in learning to use Trade Remedies.

Staff planned to and made overtures to stakeholders to deliver instruction and workshops at:

- Group Retreats such as CEO and Parliamentary Retreats and other meetings
- Continuing Education Seminars for Professionals such as lawyers
- Continuing Education Seminars for Public Officers in settings such as MIND

Human Resource Plans. At the start of the year there was no General Manager. The incumbent demitted office in December 2015 and the organisational structure had no staff members dedicated to administrative functions such as human resource management. The Technical Staff executed key administrative functions; finance and accounting, human resource management and corporate planning as needed. The Human Resource and Management Committee of the Board also assisted the Staff and the post of General Manager was filled during the year. Significant strides were made in accomplishing appraisals and performance feedback on an improved schedule. The pace was slowed by the staffing constraints, but there was progress in updating Annual Reports.

Plans had included activation of three (3) additional posts over three years, those of Corporate Planner, International Trade Researcher/Research Officer and a second Administrative Assistant. It was also recognised that increased capacity in the existing finance function was also needed to enable compliance for audits and Annual Reporting. Discussions were had and possibilities pursued with one sister agency for cooperating and sharing corporate services. The staffing plans were not accomplished as a result of financial constraints and the talks with the sister agency also saw slow progress due to time challenges.

SUMMARY - MAIN PROGRAMMES PROJECTED FOR FY APRIL 1, 2016 - MARCH 31, 2017

The Plans for the period included the following Main Programmes and Actions:

- Complete, according to the legislation, antidumping, countervailing duty or safeguard case investigations, if any filed by industry or initiated by the Commission in the period.
- Perform research and analysis in designated industry matters, whether presented by portfolio Minister or identified by Staff.
- Report to the Board of Commissioners in written reports and at Board meetings on the record; solicit and act on Board's guidance;
- Host two outreach events in the year to educate industry leaders;
- Develop and implement plans for greater interaction with industry to train and assist them to learn and file trade remedy applications
- Develop and implement plans over three years for establishing an Industry Help Desk.
- Maximise Technology infrastructure and use (Computers, Website Improvement, Facebook page) to help deliver on the industry training and public education mandate;
- Provide Trade Policy Support to Government and other Stakeholders by Research, Analysis and Drafting Reports.

SUMMARY - MAIN ACHIEVEMENTS AGAINST PERFORMANCE TARGETS FY2016/2017

The Main Achievements for the period included the following:

- Trained importers and exporters to understand and defend against the trade remedy actions that could be taken against them. Companies in sectors that were vulnerable to unfair trade practices which could be addressed through Trade Remedies investigations, were identified by the Technical Staff.
- Consultations were conducted with eleven (11) entities and guidance provided.
- Worked on making operational, aspects of the Help Desk concept by consulting with industries on matters that they sought to submit for adjudication by the Commission.
- Increased allocation of time to populate social media to sensitise businesses and the public to understand various World Trade issues and the work of the Commission.
- Provided policy and negotiating support to Government and private sector actors as follows:
- Reviewed documentation and provided input into the process of the Government's preparation for the Fourth WTO Trade Policy Review of Jamaica which took place later - in September 2017.
- Performed trade-related research and analysis and advised the Ministry (MICAFA) and the Ministry of Foreign Affairs and Foreign Trade (MFAFT) on matters which arose in the period.
- Communicated and facilitated development of the Customs Duties (Dumping and Subsidies) Act.
- Concentrated efforts to secure resources by researching project availability.
- Formulated an extensive project proposal under the 10th European Union EDF.
- Forged alliances with private sector stakeholders and public sector agencies. Including capacity building at the Jamaica Manufacturers Association and a draft Memorandum of Understanding with HEART Trust that would allow both agencies exploit synergies train more individuals and businesses.
- The Staff upgraded mechanisms and methods for collecting statistics of contact made with industry.

ANOTHER LOOK AT THE PLANNED TARGETS AND ACHIEVEMENT FOR THE YEAR 2016/17

Priority Policy Objective	Planned Targets	Status
Implementation of Jamaica's Trade Remedy Laws	Bi-annual WTO notifications and reviews of trade agreements.	Accomplished
	Pilot Help Desk Service - Technical staff provide training and guidance to industries seeking to file complaints.	Accomplished.
	Dialogue with stakeholders and set parameters for Help Desk Policy and Develop Help Desk Business Plan for establishing an Industry Help Desk over three years.	Partial and Ongoing.
	Conduct Investigations, if filed, within legislative requirements.	Draft discussed and support given to industry which filed draft. No completed application.
	Explore three potential funding programmes – complete project application to propose the Help Desk funding.	Explored potential funding programmes and pursued two potential programmes. Negotiation with a Training Partner in Jamaica. Project created and prepared – required regional partners; not realised.
	Pursue within the ambit of the Agency's role, completion of the CDDSA amendments with CPC.	Pursued the completion of the legislative amendment. Communication and review on CDDSA amendments throughout the year.
	Provide Trade Policy research and support to Logistics Hub research	Involvement with initiative discontinued.
	Provide Trade Policy Support	Research and Documentation provided for Jamaica's Fourth WTO Trade Policy Review
	Survey tool to be developed for target industries.	Not Accomplished. Carried Over
Industry Training and Public Education	Three industries studied and accompanying industry reports. Trade research completed quarterly or designated industry matters and submitted to requesting party in a timely manner.	One research paper delivered to the requesting party. Two additional industries studied. Reports drafted.
	Maximise Technology infrastructure and use (Computers, Website Improvement, Facebook page) Complete set up of Facebook account; target of 300 hits, encourage trade professionals to exchange posts.	Facebook set up; target was too high. Inexperience in setting targets and insufficient resources to address same. Targets were revised. 300 hits accomplished.
	Facelift of Website, update content and target 1000 hits annually.	Website facelift update started. Inexperience in setting the target for number of hits.
	Industry Training: Two seminars hosted with companies, industries, associations. Three industries to be instructed in use of Trade Remedies.	Accomplished. Consultations and/or training of ten (10) companies Training was also conducted with one (1) umbrella industry association.
	Trade Gateway/Other publication.	Newsletter not published.
Development of the Centre of Excellence	Annual production of audited financial statements for current year.	Back log was worked on. Not accomplished. Pending.
	Annual report current year produced and submitted yearly.	Pending.

ANNUAL REPORT OF THE ANTI-DUMPING AND SUBSIDIES COMMISSION FOR FY 2016/2017

Priority Policy Objective	Planned Targets	Status
	Audit and Finance Committee meet quarterly to give oversight and decide accounting issues.	Accomplished
	Monthly Board Meetings	Accomplished
	Commissioners and Staff Training programmes – Review and Development.	Accomplished
	Complete critical assessment of Resource Centre, with implementation of evaluated requirements.	Pending
	Review IT infrastructure and plans. Implement agreed systems and processes. Review of online potential for delivery of services online, increased use of technology; and implement upgrades.	Review started. Lack of resources to allocate to the implementation of identified processes.

SUMMARY OF MAIN ACHIEVEMENTS AGAINST PERFORMANCE TARGETS

Highlights from Industry Engagement and Training; Public Education

The Commission's core mandate is effective enforcement of the trade remedy regime in Jamaica so that domestic producers compete on a level playing field in Jamaica and in export markets. For effective enforcement to take place, Jamaican enterprises must understand and use the regime to their advantage. The Staff of the Commission is charged with helping industries and their advisors to increase their knowledge of trade remedies. In the year prior to this reporting period and increasingly in the FY2016-17, the Staff developed newer flexible approaches and instruments to deliver training to industry and their advisors and associations. The Staff conducted tailored training for individual companies and industries and groups of companies. Implementation of these more flexible arrangements assisted industries to better grasp the necessary knowledge and to begin to express the intention to put the instruments to use to address the challenges they were experiencing with imported like goods. The Commission held consultations and training over extended time periods with companies operating in industries as compiled in the table below. In some cases, up to four (4) companies were trained from one industry.

Industry	Consultations	Training	Site Visit
Plastics, Foil, and Coated Paper Bags	✓	✓	
Chemical and Allied Products	✓		
Malt Beverages	✓	✓	✓
Furniture	✓		
Concrete, Gypsum, And Plaster Products	✓		
Fats and Oils	✓		
Plastic Foam Products		✓	
Blank Books, Looseleaf Binders & Bookbinding	✓		✓
Grain Mill Products	✓		
Bakery Products	✓		

During the year, the Staff routinely engaged stakeholders through various channels. These included but were not limited to the following main approaches to stakeholder engagement in the period:

- Industry associations were instructed on trade remedies and the roles of the Commission, producers, importers, exporters and others under the regime. As part of this exercise, staff members of the Jamaica Manufacturers Association (JMA) and individual company representatives were trained in trade remedies, import data surveillance and analysis. Manufacturers were encouraged to set up systems whereby they maintained awareness of the imports in their markets at all times so that they would have quicker response times going forward.
- Public sector colleagues who are part of the process of data retrieval and trade remedies use and implementation of the regime, enforcement, judicial review and dispute settlement regimes which are necessary for a comprehensive, useful regime were also invited to train and colleagues were sensitised in this regard throughout the year.
- The Staff responded to a request to provide the information from a prior report and its overview of same on fuel and electricity subsidies in Trinidad and Tobago to the Office of the Prime Minister.
- Opportunities were taken to provide information to sensitise the general public on the rationale for the trade remedies regime and its value to the trade and economics environment. Information provided to the Jamaica Observer regarding fuel subsidies and other subsidies in Trinidad & Tobago (T&T) and explaining the role

of trade remedies in the issue that was being raised by the manufacturers in Jamaica resulted in an article styled “Manufacturers Should Prove T&T Subsidies are Unfair”, being penned and published by the newspaper in May 2016.

- The Staff was available for Speaking Engagements, Workshops and Seminars for Jamaican producers. Manufacturers were contacted by the staff. Where desk research revealed industries which appeared to be under particular challenge from dumped or subsidised goods or from increased imports or the threat of increased imports, the Staff contacted producers in Jamaica to offer to consult and train them.
- Information Technology Development. Information technology improvements and web-based approaches to communication and interaction with stakeholders were increased in the period. This included the buildout of the Commission’s Facebook, its first social media platform and more focussed use of its website to educate and engage industry and the public.

Legal Activities and Legislation Review

The Staff of the Commission remained dominant in its knowledge of international trade developments as this is critical to its service to the business community and policymakers. Advice was given regarding current compliance with the WTO Agreements, Rules and related aspects of other trade agreements. The Commission gave advice as matters arose.

The Staff of the Commission focussed its legislative work in the period on amendments to the Customs Duties (Dumping and Subsidies) Act (CDDSA) drafted in a 2015 Bill. In order for trade remedy matters to proceed as seamlessly as possible through the relevant Government agencies for collection and enforcement, completion of pending legislative amendments was deemed to be essential. Additionally, negotiations, jurisprudence and practice recommendations from the WTO as well as new trade obligations all need to be factored into the legislative framework under which the Commission must perform its mandate. The Staff observed and communicated with colleagues in the legal division of the Ministry to move the pending amendments forward. The Staff sought to have the Ministry and the GoJ prioritise passing the new CDDSA. However, at year end the efforts to pass the Bill remained inchoate.

Litigation – The Caribbean Cement Company Limited sought judicial review of the Commission’s negative determination in the antidumping investigation into imports of cement from the United States. Five years have elapsed with the matter not proceeding in court, and the Claimant has asked for a joint discontinuance of the claim, to which the Commission agreed.

Trade Policy Support. Jamaica’s Fourth Trade Policy Review. The Staff guided by the Board provides legal and economic analytical support to the Government of Jamaica’s Trade Policy mechanisms. The Commission facilitates trade policy development by research and analysis and offers recommendations to assist in the continuing development of coherent international trade policy, within the framework of Jamaica’s obligations as a Member of the World Trade Organisation (WTO), the Caribbean Community (CARICOM) and CARICOM Single Market (CSM).

The Commission also provided advice to other GOJ bodies, such as the Chief Parliamentary Counsel (CPC), the Ministry of Foreign Affairs and Foreign Trade and others, to help accomplish the goals of coherence, usability and completeness in trade remedy legislation and the international trade policy regime.

As a result of its role in defence of industries in Jamaica and its expertise in World Trade Organisation rules and requirements, the Commission was an integral part of the Ministry’s initiatives to encourage and facilitate trade that benefited Jamaica. The Staff also participated with MFAFT and MICAF Teams on the Draft Trade Policy.

THE CENTRE OF EXCELLENCE CONCEPT

In order to perform its role under the complex, exacting rules of the WTO Agreements and local laws the ADSC aims to develop as a Centre of Excellence. This will ensure that the expert knowledge of the Staff in various disciplines such as law, international trade, economics and finance is effectively deployed. The Technical Staff members of the Commission are competent and experienced and are highly regarded internationally. The Technical Staff has received specialised training and exposure to meetings and discussions by WTO personnel in Jamaica and in other locations, including at the WTO in Geneva, Switzerland. The Staff members have also developed their expertise through the investigation of trade remedy complaints and review of determinations in other jurisdictions, in addition to Jamaica's own.

Despite the financial and human resource constraints, the Commission has distinguished itself as a leader among small economy users of trade remedy instruments. As evidence of this, the Executive Director of the Agency has served on several WTO Dispute Settlement Panels as an expert in trade remedies since 2007. In February 2017, she was, for the first time, appointed Chairperson of a Dispute Settlement Panel, another first for the Commission, Jamaica and the region. The growing expertise housed at the Commission equips the nation on an unprecedented level in matters of international trade dispute resolution.

Improvement in the organizational processes has been relentlessly pursued to:

- ☐ Increase the timeliness and consistent excellence of the Commission's work to the maximum extent possible within available resources.
- ☐ Maintain the internal capacity of the Commission to carry out investigations; effectively adjudicate cases when filed in a compliant manner. The Staff planned to be able to carry out as many as three (3) cases simultaneously. Beyond that number, the Commission would still welcome filings and make adjustments by utilising temporary consulting and staff to increase its resource capacity.

The Commission's constraints in the area of administration, in particular for governance matters of reporting and accounting remained an area of challenge in the period. The problems were exacerbated by arrangements which were made for some accounting related functions to be the purview of the parent Ministry's accounting Unit. These were not fully performed and also, with the merger of the Ministries, the breakdown became even more acute. All this inured to the detriment of the Commission's record-keeping and audits, causing the agency to lose ground previously gained in the organisation's governance processes. These arrangements were reviewed in the period and the Commission planned for and moved toward the reorganisation of support systems needed.

THE HELP DESK CONCEPT AND PROJECT WRITING IN THE PERIOD

The Commission planned to implement a Help Desk Facility for domestic producers in Jamaica. Such a facility would help industries and companies, especially MSMEs with limited resources, to pursue complaints with the Commission. This would reduce the costs to hire professionals to aid in the filing process. This is a strategy long conceived by the Staff to address the low use of trade remedy instruments by industries in Jamaica.

The Commission built out a project paper conceptualising the potential development of a Help Desk concept and combining this with the Commission's ability to assist others in the Caribbean region to implement trade remedies infrastructure. The project was written in response to a Tenth EDF Call for Regional Public Goods. The concept required collaboration with a number of regional trading partners. The Staff applied themselves to identifying the needed collaborators across members of CARICOM and the Dominican Republic. They initiated communication and conferred with old and new colleagues in the Dominican Republic, Barbados, Trinidad and Tobago, Guyana, Belize, Costa Rica and the Bahamas, a WTO Observer. However, the process was not completed by proposed collaborators in time for the project proposal to be successfully submitted. The valuable work which was done to develop the concept was retained as a potential future endeavour for the Agency or the Ministry.

PROJECTIONS FOR APRIL 2017 TO MARCH 2018

Key Financial and Operating Measures

The following represent key financial and operating targets to be executed in the 2017/2018 Fiscal Year.

I. Achieve organizational and management excellence

- Prepare the outstanding Annual Audited Financial Statements and Annual Reports.
- Board and Committee meetings held periodically to provide oversight and guidance to the Staff.
- Monthly management reports produced in a timely manner.
- Review of IT infrastructure and plans; use of technology and implement agreed systems and processes.

II. Industry training and public education

- Complete facelift of the website, review and update content and target 300 hits annually.
- Review and maintain Facebook account to reach 500 persons per year.
- Utilise workshops, seminars, instructional material and consultations with industry stakeholders to educate in the use and benefits of trade remedies.

III. Legislative advice and facilitation

- Compliance with requirement of Biannual WTO notifications and reviews of trade agreements.
- Develop Help Desk to support industry in assessing their positions and in filing and pursuing cases before the Commission.
- Advise GOJ on trade policy, including Jamaica's Fourth Trade Policy Review 2017
- Pursue completion of amendments to the 1999 CDDSA – Draft Bill 2015 with CPC.

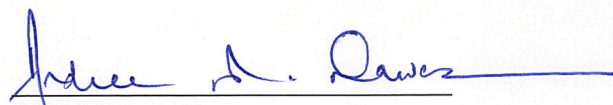
IV. Contribute to the creation an enabling environment for fair trade

- Conduct Investigations filed with the Commission in accordance with Jamaica's legislation and relevant WTO Agreements.
- Continuous training, review and application of Staff and Commissioner development and training.
- Survey tool to be developed and administered to target industries to establish baseline index of industry knowledge/perception.
- Industries studied with the production of accompanying reports.
- Industries to be comprehensively instructed to use Trade Remedies to increase likelihood of filing of a case.
- Trade research, one research study paper quarterly.

The Commission continues to achieve excellence in its delivery of services to the goods-producing sector in Jamaica and to be a leader in the region in achieving its mandate.

Report submitted by,

ANTI-DUMPING AND SUBSIDIES COMMISSION



Andrea Marie Dawes
Executive Director

FINANCIAL OVERVIEW

Approved Budget

The financial implications of implementing identified strategies and achieving the Commission's performance targets over the period are shown below. Figures for the current budget year and for three previous years plus the amounts planned at the time are shown.

Item	13/14	14/15	15/16	16/17	17/18 Planning	18/19 Planning
	(J\$ '000)	(J\$ '000)	(J\$ '000)	(J\$ '000)	(J\$ '000)	(J\$ '000)
Total recurrent expenditure	46,058	52,387	46,933	46,614	60,138	64,794
Total capital A expenditure	0	0	0	0	500	1,000
Total capital B expenditure	0	0	0	0	0	0
Total Consolidated Fund Allocated Budget	38,999	53,975	47,675	46,614	60,638	65,794
Appropriation in aid (request pending)	0	0	0	0	0	0

The Commission's work programme is funded through Government subvention from the Consolidated Fund. During the year the budget was revised downwards from \$55.5 million to \$46.6 million. The actual subvention received for the year totalled \$47.1 million, this was down from \$48.2 million in the previous year.

- Salaries and travel expenses of \$29.3 million represented 62% of the subvention received in the current year. compared to \$31.8 million in the previous year. This reflected a reduction compared to \$31.8 million in the previous year due to the General Manager post remaining vacant for more than half of the year.
- Property rental costs moved from \$6.8 million in FY2015/16 to \$7.6 million on in the current year. Property rental costs represented 16% of the subvention received during the current year.
- Furniture and computer equipment was also purchased at a cost of \$1.0 million, this represented an increase over the \$0.3 million expended in the previous year. This was necessary to improve the efficiency of operations as the computer equipment being used by staff was fully depreciated.

Supplemental Resources Sought

The Commission has contemplated charging fees for its services, however our industry stakeholders have faced challenges garnering the resources to document cases that can be adjudicated by the Commission. As a result, it was not feasible to impose fees during the fiscal year. However, the policy issues are sufficiently important and broad in scope to warrant seeking funding assistance for projects and also possibly, performing consultancies. The Commission will seek to identify initiatives and sources of funds such as World Bank, USAID, IDB, European Union (10th EDF to secure such supplementary funding to assist its programme costs).

The Commission has received Technical Assistance from the World Trade Organisation in the form of rigorous training of officers and Commissioners, sometimes inclusive of travel and accommodation covered at no charge. The income and expenditures for the period appear in the financial records that follow.

COMPENSATION – BOARD OF COMMISSIONERS AND SENIOR EXECUTIVES

ANTI-DUMPING & SUBSIDIES COMMISSION SENIOR EXECUTIVE COMPENSATION FOR FY 2016/2017

Name and Position of Senior Executive	Year	Basic Salary	Gratuity or Performance Incentive	Travelling Allowance	Pension or Other Retirement Benefits	Other Allowances And Benefits	Non-Cash Benefits	Total
		\$	\$	\$	\$	\$	\$	\$
Andrea Marie Dawes Executive Director	2016/2017	4,696,446	2,624,356	1,222,992	NA	84,468	NA	8,628,261
Ryan Evans General Manager	2016/2017	1,662,778	0	369,451	NA	0	NA	2,032,229
Tara Marie Rose Senior Legal Counsel	2016/2017	3,428,671	1,746,307	842,830	NA	492,229	NA	6,510,037
Andrew Mighty Senior Economist	2016/2017	3,532,746	0	739,605	NA	0	NA	4,272,351
Maria Wedderburn FFA/Financial Controller	2016/2017	3,409,934	0	281,547	NA	0	NA	3,691,481
Total		16,730,575	4,370,663	3,456,425	NA	576,697	NA	25,134,359

Notes:

- i. During the year the Senior Legal Counsel received Library Allowance of \$182,364 per annum and Robing Allowance of \$140,000.
- ii. The General Manager post was filled in October 2016
- iii. The FFA/Financial Controller demitted office in March 2017.

**ANTI-DUMPING & SUBSIDIES COMMISSION
DIRECTORS' COMPENSATION FOR FY 2016/2017**

Name and Position of Director	Fees	Motor Vehicle Upkeep/Travelling or Value Assignment of Motor Vehicle	Honoraria	All Other Compensation including Non-Cash Benefits as applicable	Total
	\$	\$	\$	\$	\$
<i>Dr. Derrick McKoy</i> Chairman	625,000	NA	NA	NA	625,000
<i>Mr. Peter Champagnie</i> Commissioner	375,000	NA	NA	NA	375,000
<i>Mr. Clyde Jacks</i> Commissioner	375,000	NA	NA	NA	375,000
<i>Dr. Karl Reid</i> Commissioner	375,000	NA	NA	NA	375,000
<i>Ms. Gaunique Williams</i> Commissioner	375,000	NA	NA	NA	375,000
Total	2,125,000	NA	NA	NA	2,125,000

Notes:

- i. The Chairman and Commissioners were appointed in June 2016.

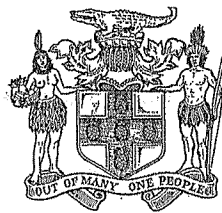
AUDITED FINANCIAL STATEMENTS FY2016-FY2017

**ANTI-DUMPING AND SUBSIDIES COMMISSION
FINANCIAL STATEMENTS
FOR THE YEAR ENDED
MARCH 31, 2017**

Anti-Dumping and Subsidies Commission
Financial Statements
March 31, 2017

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AUDITOR GENERAL'S DEPARTMENT
40 KNUTSFORD BOULEVARD
P.O. BOX 455
KINGSTON 5
JAMAICA

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of the
Anti-Dumping and Subsidies Commission

Opinion

I have audited the accompanying Financial Statements of the Anti-Dumping and Subsidies Commission (ADSC) set out on pages 1 to 13, which comprise the Statement of Financial Position as at March 31, 2017, Statement of Financial Performance, Statement of Changes in Equity and Statement of Cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

In my opinion, the Financial Statements give a true and fair view of the financial position of the Anti-Dumping and Subsidies Commission as at March 31, 2017, and of its financial performance, and its cash flows for the year then ended in accordance with International Public Sector Accounting Standards (IPSAS).

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of this report. I am independent of the Commission in accordance with the International Ethics Standards Board for Accountants Code of Ethics for Professional Accountants (IESBA Code) and I have fulfilled my other ethical responsibilities in accordance with the IESBA Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, were of most significance in the audit of the financial statements of the current period. I have determined that there are no key audit matters to communicate in this report.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these Financial Statements in accordance with International Public Sector Accounting Standards (IPSAS). This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

In preparing the financial statements, management is responsible for assessing ADSC's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless there are plans to liquidate ADSC or to cease operations, or has no realistic alternative but to do so.

Auditor's Responsibility for the audit of the Financial Statements

My responsibility is to express an opinion on these Financial Statements based on my audit. I conducted my audit in accordance with the auditing standards issued by the International Organization of Supreme Audit Institutions (INTOSAI). Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISSAIs, we exercise professional judgment and maintain professional skepticism throughout the audit.

I also:


- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

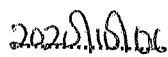
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the ADSC's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. The conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause ADSC to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that presents a true and fair view.

I have communicated with the Executive Director and Senior Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that was identified during the audit.

Report on Additional Requirements of the Custom Duties (Dumping and Subsidies) Act 1999 and the Safeguard Act 2001

I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit. In my opinion, proper accounting records have been maintained and the Financial Statements are in agreement therewith and give the information required in the manner so required.



 Auditor General of Jamaica

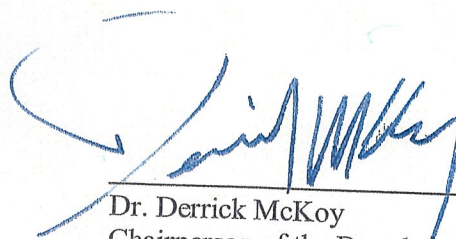

 Date

Anti-Dumping and Subsidies Commission
Statement of Financial Position
As at March 31, 2017

	Note	2017 \$	2016 \$
Non-current assets			
Property, plant and equipment	5	<u>2,398,207</u>	<u>1,853,562</u>
		<u>2,398,207</u>	<u>1,853,562</u>
Current assets			
Receivables and prepayments	6	561,139	453,568
Cash and cash equivalents	7	<u>2,944,552</u>	<u>2,872,660</u>
		<u>3,505,691</u>	<u>3,326,228</u>
Current liabilities			
Employee benefits	8	3,941,075	7,194,702
Payables and accrued charges	9	<u>6,057,758</u>	<u>4,171,886</u>
		<u>9,998,833</u>	<u>11,366,588</u>
Net current liabilities		<u>(6,493,142)</u>	<u>(8,040,360)</u>
Total assets		<u>(4,049,935)</u>	<u>(6,186,798)</u>
Equity and reserves			
General reserve		<u>(4,094,935)</u>	<u>(6,186,798)</u>
		<u>(4,094,935)</u>	<u>(6,186,798)</u>

Approved for issue on behalf of the Anti-Dumping and Subsidies Commission on July 2, 2020 and signed on its behalf by:


 Mrs. Andrea Marie Dawes
 Executive Director


 Dr. Derrick McKoy
 Chairperson of the Board

The accompanying notes on pages 5 to 13 form an integral part of the financial statements.

Anti-Dumping and Subsidies Commission
Statement of Financial Performance
For the year ended March 31, 2017

	Note	2017 \$	2016 \$
Revenue			
Subvention		47,107,897	48,151,833
Total operating revenue		<u>47,107,897</u>	<u>48,151,833</u>
 Operating expenses			
Staff costs	10	29,291,906	31,842,232
Public utilities		580,948	623,986
Premises related expenses		7,600,876	6,800,884
Administrative expenses	11	5,159,759	4,784,615
Commissioners' fees		2,153,000	2,400,000
Depreciation expense	5	544,802	620,151
Audit fees		176,643	176,643
Bank charges		21,818	19,678
Total operating expenses		<u>45,529,752</u>	<u>47,268,189</u>
 Operating surplus		1,578,145	883,644
 Interest income		1,538	2,683
Other income		512,180	319,022
Net surplus for the year		<u>2,091,863</u>	<u>1,205,349</u>

The accompanying notes on pages 5 to 13 form an integral part of the financial statements.

Anti-Dumping and Subsidies Commission
Statement of Changes in Equity
For the year ended March 31, 2017

	General Reserve \$	Total \$
Balance as at April 1, 2015	(7,392,147)	(7,392,147)
Surplus for the year	<u>1,205,349</u>	<u>1,205,349</u>
Balance as at March 31, 2016	<u>(6,186,798)</u>	<u>(6,186,798)</u>
Balance as at April 1, 2016	(6,186,798)	(6,186,798)
Surplus for the year	<u>2,091,863</u>	<u>2,091,863</u>
Balance as at March 31, 2017	<u>(4,094,935)</u>	<u>(4,094,935)</u>

The accompanying notes on pages 5 to 13 form an integral part of the financial statements.

Anti-Dumping and Subsidies Commission
Statement of Cash Flows
For the year ended March 31, 2017

	Note	2017 \$	2016 \$
Cash Flows from Operating Activities			
Surplus for the year		2,091,863	1,205,349
Adjustments			
Depreciation expense	5	544,802	620,151
(Increase)/decrease in receivables		(107,571)	44,086
(Decrease)/increase in current liabilities		(1,367,755)	(780,559)
Net cash outflow from operating activities		<u>1,161,339</u>	<u>1,089,027</u>
Cash Flows from Investing Activities			
Capital expenditure	5	<u>(1,089,447)</u>	<u>(347,885)</u>
Net Cash used in Investing Activities		<u>(1,089,447)</u>	<u>(347,885)</u>
Cash Flows from Financing Activities			
Net Cash Flows from Financing Activities		<u>-</u>	<u>-</u>
Increase/(Decrease) in Cash and Cash Equivalents		71,892	741,142
Cash and cash equivalents at the beginning of the year		<u>2,872,660</u>	<u>2,131,518</u>
Cash and cash equivalents at the end of the year		<u>2,944,552</u>	<u>2,872,660</u>

The accompanying notes on pages 5 to 13 form an integral part of the financial statements.

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
For the year ended March 31, 2017

1. Identification

The Anti-dumping and Subsidies Commission (ADSC) is a statutory not-for-profit organization established under the Custom Duties (Dumping and Subsidies) Act 1999 ('the Act') and the Safeguard Act 2001.

The principal function of the ADSC is to foster equity in international trade by vigorously enforcing laws which enhance fair trading practices between Jamaica and its international partners. The ADSC commenced operations in July 1999.

2. Statement of compliance and basis of preparation

i) Statement of compliance

The financial statements have been prepared in accordance with International Public Sector Accounting Standards (IPSAS) and their interpretation as adopted by the Anti-Dumping and Subsidies Commission. IPSASs are developed and issued by the International Public Sector Accounting Standards Board. The IPAS Board is an independent board of the International Federation of Accountants. IPSASs are based on International Financial Reporting Standards (IFRS).

IPSAS deals with public sector reporting issues that are not addressed by IFRS. The preparation of the financial statements to conform to IPSAS requires management to make estimates and assumptions that affect the reported amount of assets and liabilities, contingent assets and contingent liabilities at the statement of financial position date and revenue and expenses during the reporting period. Actual results could differ from those estimates. The estimates and the underlying assumptions are reviewed on an ongoing basis and any adjustments that may be necessary are reflected in the year in which the actual results are known.

ii) Basis of preparation

The financial statements are prepared under the historical cost convention, and are presented in Jamaican dollars (\$), which is the functional and reporting currency of the Commission.

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
For the year ended March 31, 2017

3. Significant accounting policies

i. Cash and cash equivalents

Cash and cash equivalents are carried in the Statement of Financial Position at fair value. For the purpose of the Cash Flow Statement, cash and cash equivalents comprise cash at bank and cash in hand.

ii. Receivables

Accounts receivables reflected in the statement of financial position comprise amounts receivable from employees and excess payments for statutory deductions. Accounts receivables are carried at fair value less any provision for impairment losses. A provision for impairment is established when there is sufficient evidence that the entity will not be able to collect all the amounts due according to the original terms of the receivables.

iii. Accounts payable and accrued charges

Accounts payable are carried at fair value for the supply of goods and services and accruals are based on fair estimates of liabilities at the date of the statement of financial position.

iv. Property, plant and equipment

Property, plant and equipment are stated at historical cost less accumulated depreciation and impairment.

Subsequent costs are included in the assets' carrying amount or are recognized as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Commission and the cost of the item can be measured reliably. All other repairs and maintenance costs are charged to other operating expenses during the financial period in which they are incurred.

Depreciation on assets is calculated on the straight-line basis at annual rates that will write off the carrying value of each asset over the period of its expected useful life. Annual depreciation rates are as follows:

	%
Computers hardware	25
Computer software	25
Office furniture, fixtures and fittings	10

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
For the year ended March 31, 2017

3. **Significant accounting policies (cont'd)**

iv. **Property, plant and equipment (cont'd)**

Property, plant and equipment are reviewed periodically for impairment. Where the carrying amount of an asset is greater than its estimated recoverable amount, it is written down immediately to its recoverable amount.

v. **Employee benefits**

A provision is made for the estimated liability for annual vacation leave earned but not taken and gratuity earned but not paid as at the date of the statement of financial position.

The Commission engages employees on a contractual basis and as such does not recognize a pension obligation.

vi. **Provisions**

Provisions are recognized when the Commission has a present legal or constructive obligation, as a result of past events, and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the amount of the obligation can be made.

vii. **Financial instruments**

A financial instrument is any contract that gives rise to both a financial asset of one enterprise and a financial liability or equity instrument of another enterprise. The Commission's Financial Instruments at March 31, 2017 were receivables and payables.

At the date of the statement of financial position there was no indication that an impairment loss had occurred. Consequently, no formal estimate of recoverable amount was required.

viii. **Revenue recognition**

Revenue is recognized in the Statement of Financial Performance when the significant risks and rewards of ownership have been transferred to the Commission.

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
For the year ended March 31, 2017

3. Significant accounting policies (cont'd)

viii. Revenue recognition (cont'd)

Subvention is recognized when actual amounts are received as well as when payments of Income and Education tax are made on behalf of the Commission by the portfolio Ministry.

Interest income is recognized in the Statement of Financial Performance for all interest bearing instruments on an accrual basis.

ix. Taxation

The Commission is tax exempt under Section 12 (b) of the Income Tax Act.

4. Financial risk management

The Commission's activities expose it to a variety of financial risks: market risks (including currency risk and interest rate risk), credit risk, liquidity risk and operational risk. The Commission's overall risk management policies are established to identify and analyze risk exposure, to set appropriate risk limits and controls and to monitor risks and adherence to established limits. The risk management framework is based on guidelines set by management and to minimize potential adverse effects on the Commission's financial performance and operational performance.

a. Market risk

The Commission is exposed to market risks, which is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in the market prices. Market risks mainly arise from changes in foreign currency exchange rates. The Commission had no significant exposure to market risk at the date of the statement of financial position.

i. Currency risk

Currency risk is the risk that the value of a financial instrument will fluctuate due to changes in exchange rates. At the end of the financial year the Commission had no material exposure to foreign currency risk.

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
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4. Financial risk management (cont'd)

a. Market risk (cont'd)

ii. Interest rate risk

Interest rate risk is the risk that the interest earned on interest bearing bank account balances will fluctuate due to changes in market interest rates. Income and operating cash flows are substantially independent of changes in market interest rates. The Commission's interest rate risk arises from cash held in savings accounts.

The interest bearing cash balances as March 31st were:

	2017	2016
	\$	\$
Savings Account	<u>1,662,590</u>	<u>672,754</u>

b. Liquidity risk

Liquidity risk is the risk that an organization will encounter difficulty in raising funds to meet its commitments associated with financial instruments. The Commission manages this risk by maintaining sufficient liquid funds and through the budgetary support from the Consolidated Fund.

Financial Liabilities	2017			
	Carrying Amount	Contract Amount	Due within 3 months	Due within 1 year
	\$	\$	\$	\$
Payables and accruals	6,057,758	6,057,758	6,057,758	-
Employee Benefits	<u>3,941,075</u>	<u>3,941,075</u>	<u>1,244,761</u>	<u>2,696,314</u>
	<u>9,998,833</u>	<u>9,998,833</u>	<u>7,302,519</u>	<u>2,750,829</u>

Financial Liabilities	2016			
	Carrying Amount	Contract Amount	Due within 3 months	Due within 1 year
	\$	\$	\$	\$
Payables and accruals	4,171,886	4,171,886	4,171,886	-
Employee Benefits	<u>7,194,702</u>	<u>7,194,702</u>	<u>-</u>	<u>7,194,702</u>
	<u>11,366,588</u>	<u>11,366,588</u>	<u>4,171,886</u>	<u>7,194,702</u>

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
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4. Financial risk management (cont'd)

c. Credit Risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. The following financial assets held by the Commission at the statement of financial position date are exposed to credit risks:

	2017	2016
	\$	\$
Cash and Cash Equivalents	2,944,552	2,872,660
Accounts receivable	425,978	229,740
	<u>3,370,530</u>	<u>3,102,400</u>

5. Property, plant and equipment

	Furniture and Equipment \$	Fixture and Fittings \$	Computer Hardware \$	Computer Software \$	Total \$
Cost:					
1 April 2016	5,082,195	551,691	3,998,377	135,000	9,767,263
Additions	148,745	9,000	890,496	41,206	1,089,447
Disposal	-	-	-	-	-
31 March 2017	<u>5,230,940</u>	<u>560,691</u>	<u>4,888,873</u>	<u>176,206</u>	<u>10,856,710</u>
Depreciation:					
1 April 2016	3,906,895	295,264	3,615,477	96,065	7,913,701
Charge for the year	189,529	55,844	263,103	36,326	544,802
Disposal	-	-	-	-	-
31 March 2017	<u>4,096,424</u>	<u>351,108</u>	<u>3,878,580</u>	<u>132,391</u>	<u>8,458,503</u>
Net Book Value:					
31 March 2017	<u>1,134,516</u>	<u>209,583</u>	<u>1,010,293</u>	<u>43,815</u>	<u>2,398,207</u>
31 March 2016	<u>1,175,300</u>	<u>256,427</u>	<u>382,900</u>	<u>38,935</u>	<u>1,853,562</u>

Anti-Dumping and Subsidies Commission
Notes to the Financial Statements
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6. Receivable and prepayments

	2017	2016
	\$	\$
Prepayments	135,161	223,828
Accounts receivable	425,978	229,740
	<u>561,139</u>	<u>453,568</u>

7. Cash and cash equivalents

	2017	2016
	\$	\$
Cash at bank	2,931,893	2,862,154
Cash in hand	12,659	10,506
	<u>2,944,552</u>	<u>2,872,660</u>

8. Employee Benefits

	2017	2016
	\$	\$
Provision for gratuity	3,697,404	6,272,766
Provision for vacation leave	243,671	921,936
	<u>3,941,075</u>	<u>7,194,702</u>

9. Payables and accrued charges

	2017	2016
	\$	\$
Accounts payable	394,720	455,470
Statutory deductions	1,594,800	1,594,800
GCT payable	2,106,457	879,865
Audit fees	529,929	529,929
Other payables	157,036	56,400
Rent payable	506,594	26,527
Payroll deductions	768,222	628,895
	<u>6,057,758</u>	<u>4,171,886</u>

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10. Staff Cost

	2017	2016
	\$	\$
Salaries, wages and related costs	22,877,648	22,507,270
Travelling expenses and subsistence	4,217,030	3,506,550
Employee benefits expense	2,197,228	5,441,712
	<u>29,291,906</u>	<u>31,842,232</u>

10a. Senior manager's remuneration

Senior Manager	Basic Salary p.a. \$	Gratuity \$	Motor Vehicle Upkeep Allowance \$	Other Allowance \$	Total \$	2016 \$
Executive Director	4,696,446	2,624,356	1,222,992	84,468	8,628,261	6,288,
General Manager	1,662,778	-	369,451	-	2,032,229	5,506,
Senior Legal Counsel	3,428,671	1,746,307	842,830	492,229	6,510,037	4,391,
Senior Economist	3,532,746	-	739,605	-	4,272,351	5,829,
FFA/Financial Controller	3,409,934	-	281,547	-	3,691,481	4,023,
	<u>16,730,575</u>	<u>4,370,663</u>	<u>3,456,425</u>	<u>576,697</u>	<u>25,134,359</u>	<u>26,040,</u>

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11. Administrative expenses include:

	2017	2016
	\$	\$
Consultancy fees	561,429	522,500
Stationery and office supplies	801,558	416,939
Repairs and maintenance	271,044	190,027
Miscellaneous expenses	71,239	306,636
Advertising & promotion	143,205	216,803
Insurance	157,500	165,000
Courier services	45,915	74,483
Meeting expenses	25,002	182,888
Office expenses	670,104	234,418
Penalties and other charges -TAJ	187,797	-
Training	51,335	-
Janitorial services	431,681	410,766
Legal service	-	43,750
General Consumption Tax Returns	1,741,950	2,020,405
	<u>5,159,759</u>	<u>4,784,615</u>

12. Contingent Liabilities

During the financial year, a former employee alleged that the Commission had breached her contract of employment as the compensation she received was less than the contract sum. The Commission is of the view that the employee was correctly compensated and has sought the Attorney General's formal written opinion on the matter. The Commission has not received a response from the Attorney General to date. As such, no provision was made in the financial statements.