



# THE ANTI-DUMPING AND SUBSIDIES COMMISSION

*A Portfolio Agency of the Ministry of Industry, Investment and Commerce*

## **ANNUAL REPORT** **April 1, 2020 to March 31, 2021**



*By Cabinet decision, effective October 1, 2024, the Ministry of Industry, Commerce, Agriculture and Fisheries was separated into 1. The Ministry of Industry, Investment and Commerce, which includes the ADSC and 2. The Ministry of Agriculture and Fisheries.*

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## List of Abbreviations

ADSC	The Anti-dumping and Subsidies Commission (The Commission)
AGC	Attorney General's Chambers
AGD	Auditor General's Department
A & F	Audit and Finance (Committee required under the PBMAA)
CDDSA	Customs Duties (Dumping and Subsidies) Act, 1999
CDDSB	Customs Duties (Dumping and Subsidies) Bill 2021 (or current Draft in progress)
DSU	Dispute Settlement Understanding
FAAA	Financial Administration and Accountability Act
FFA/FC	Forensic and Financial Analyst/ Financial Controller
FD	Final Determination
FY	Financial Year (Fiscal Year)
GLC	General Legal Council
GOJ	Government of Jamaica
HRM	Human Resource Management
ISO	International Standards Organization
ITC	International Trade Centre
JAMPRO	Jamaica Promotions Corporation
JCA	Jamaica Customs Agency
MDAs	Ministries, Departments and Agencies
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
MOAF	Ministry of Agriculture and Fisheries
MSME	Micro, Small and Medium Enterprises
MTF	Medium Term Socio-Economic Policy Framework
MOU	Memorandum of Understanding
NCTVET	National Council on Technical and Vocational Education
OP	Operational Plan
NT	National Treatment
PD	Preliminary Determination
PBMAA	Public Bodies Management and Accountability Act 2001
PPPRD	Policy, Planning, Projects and Research Division of MIIC
QMS	Quality Management System
SA	Safeguard Act 2001
SBP	Strategic Business Plan
SPPMED	Strategic Planning and Performance Monitoring and Evaluation Division of MICAF
WCO	World Customs Organization
WTO	World Trade Organization

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**ANNUAL REPORT OF THE ANTI-DUMPING AND SUBSIDIES COMMISSION**  
**For Financial Year April 1, 2020 to March 31, 2021**

**BOARD OF COMMISSIONERS' STATEMENT**

In accordance with Section 3(2) of the Public Bodies Management and Accountability Act 2001 (PBMAA), the Board of Commissioners of the Anti-dumping and Subsidies Commission (the Commission) here submits to the portfolio minister, the Annual Report for the agency, for Financial Year April 1, 2020 to March 31, 2021 (hereinafter FY2020-2021). The Annual Report includes the audited financial statements for the period. According to the Act, the Minister shall cause the report and statements to be laid on the Table of the House of Representatives and of the Senate.

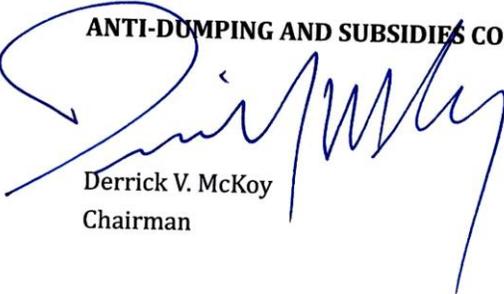
The Commission has prepared the annual report in accordance with Part 1 of the Second Schedule, without prejudice to the provisions of any relevant enactment or constituent documents in relation to the preparation of annual reports by a public body, as provided for in Section 22 of the PBMAA.

Part1 (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 plans;
- d) A summary of the achievement of the body measured against appropriate performance targets;
- e) Forecast and projects of the key financial and operating measures of the next twelve months; and;
- f) Where applicable, notifications of payments of dividends. The Anti-dumping and Subsidies Commission is an entity which does not pay dividends.

This Annual Report covers, according to the record of the Commission, the relevant sections outlined above for the period April 1, 2020 to March 31, 2021, during which the undersigned was Chairman of the Board of Commissioners.

**ANTI-DUMPING AND SUBSIDIES COMMISSION**



Derrick V. McKoy  
Chairman

## EXECUTIVE DIRECTOR'S MESSAGE



The financial year FY2020/2021 was a memorable one. It could fairly be dubbed “unprecedented” and “unusual times,” bringing to mind the wish, said to be a veiled curse of uncertain origin, “May you live in interesting times”. Without a doubt, like the whole world, we encountered remarkable challenges, but the Commission's dedicated and indefatigable team capitalized on opportunities that emerged in the period and delivered impressive accomplishments.

The year April 1, 2020 through March 31, 2021 marked the attainment of twenty years of the development and work of the Commission in Jamaica. The prior fiscal year ended with the identification of the first Covid-19 case in Jamaica. In response, the Government closed the ports in March 2020. Like other entities in Jamaica and across the globe, the word on all of our lips was “pivot”. The Commission demonstrated the required resilience as it met the triple-threat of challenges head-on: the onslaught of the Covid-19 pandemic, the reorganisation of the portfolio Ministry during the year, and the unheralded departure of staff in critical roles, with fortitude.

Under the 1999 Customs Duties (Dumping and Subsidies) Act (CDDSA) and 2001 Regulations, which implement the World Trade Organisation (WTO) Agreements on Dumping and on Subsidies and Countervailing Measures, and the Safeguard Act (SA) 2001, implementing the WTO Agreement on Safeguards, the Trade Remedies regime administered by the ADSC is a vital part of the enabling business environment for producers of goods in Jamaica.

The agency's plans included initiatives aligned with the goals of the portfolio Ministry to “Build Business Capacity to take Trade Remedy Defensive Action.” Among them were training industry stakeholders, particularly producers of goods in Jamaica and distributing publications to equip them to understand and use the remedies to strengthen their businesses and increase their resilience.

In this interesting year, various challenges arose. These ran the gamut from integrating the frequently revised Disaster Risk Management (Enforcement Measures) Orders and directives in the commendable bid by the Government to manage the impact of the pandemic, rapidly changing protocols for communication and meetings, identification and harnessing of resources, implementation of planned programmes and achievement of targets. The agency faced and overcame challenges to operate in a manner that allowed the ADSC team to eke out success, amid severe strain and constraints. The Commission accomplished much by humane treatment of staff, flexibility and the support provided by its Executive, Board and Committees to balanced leadership of the Permanent Secretary and Minister, all while achieving its targets.

The Board, Committees, and Staff met via Zoom and MS Teams; after evaluating online platforms. The Staff, the Chairman and the Board of Commissioners embraced technology and vaulted the learning curve necessary to accomplish the work planned and rework the plans. Even frequently revised health protocols and “lockdowns” became an intellectual challenge that the team overcame with innovation and resilience. The Staff began to arrange and deliver online training to businesses in aspects of trade remedies. The dedication and commitment of the staff resulted in good outturns, even in this unprecedented period of challenge. Compliance continued to be an important point of focus and much was accomplished in the period.

*Andrea Marie Dawes, Executive Director*

## AGENCY PROFILE

### Establishment

The **Anti-dumping and Subsidies Commission (“the Commission,” or “ADSC”)** is an agency of the Industry and Commerce portfolio of the Government of Jamaica. It was established under the 1999 Customs Duties (Dumping and Subsidies) Act (CDDSA). The Safeguard Act (SA) was passed in 2001 and Regulations in 2003, and implementation of Safeguards was added to the mandate of the Commission. During the previous reporting period FY2019/2020, the portfolio was a part of the Ministry of Industry, Commerce, Agriculture and Fisheries (MICAF). As of October 1, 2020, the ADSC was under the Ministry of Industry, Investment and Commerce (“MIIC”).<sup>1</sup> Each is referred to as “the Ministry” in the period when it is the portfolio Ministry of the Commission.

### Impact

The Commission defends manufacturing and agricultural production in Jamaica under the World Trade Organisation’s rules framework on antidumping; subsidies and countervailing duties; and safeguards. The Commission investigates complaints filed of dumping or subsidizing or a surge in imports and injury that results. The Commission determines an appropriate duty amount as a remedy. The Commission may also determine whether the establishment of an industry is being materially retarded by the presence in the Jamaican market of dumped or subsidized imports. Together known as Trade Remedies, these disciplines help to create an enabling business environment for producers of goods in Jamaica. In the practice of these disciplines, the Staff also provides robust research, analysis and advice to the Ministry to facilitate policy positions, legislation and trade agreement negotiations.

The ADSC is a key agency in the international trade infrastructure of the Government of Jamaica. Like most nations, Jamaica has developed strategies to manage the adverse impact of globalisation, while gleaning the benefits of international trade on its domestic economy, development and living standards. As Jamaica’s Trade Remedies Investigating Authority, the Commission defends Jamaica's economic interests from unfair global trade practices and routinely provides input in developing the country's trade legislation, policies and strategy.

The Commission supports an environment that helps to promote economic growth and job creation as implementing the trade remedies regime aids in defending local producers against unfairly traded and voluminous imports which can negatively affect sales, market share, employment and other aspects of the welfare of domestic producers. Trade remedies help to sustain the viability of Jamaican industries and maintain and even increase jobs in its goods-producing industries. The regime enhances the ability of Jamaican producers to compete in the open international trading environment. The Commission equips industry and professionals serving them to understand and use the remedies. The Commission works to increase the knowledge and the use of trade remedies by industries and awareness of the regime by the general public.

The ADSC has served as a resource for other members of CARICOM in building their capacity and knowledge of trade remedies. The ADSC has acted in an advisory capacity to comparable economies, nationally, regionally and outside the region, by sharing its experience and knowledge. ADSC officials have also participated in WTO dispute settlement work overseas.

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<sup>1</sup> By Cabinet decision, effective October 1, 2024, the Ministry of Industry, Commerce, Agriculture and Fisheries was separated into 1. The Ministry of Industry, Investment and Commerce, which includes the ADSC and 2. The Ministry of Agriculture and Fisheries.

## **Reorganization of the Parent Ministry in the Period**

The year brought about significant structural and operational changes for the Commission. Amid the pandemic, the Ministry of Industry, Commerce, Agriculture & Fisheries (MICAFA) underwent major reorganization, affecting the Commission's reporting activities. On October 1, 2020, MICAFA was officially divided into two separate entities: 1) The Ministry of Industry, Investment and Commerce (MIIC), and 2) The Ministry of Agriculture and Fisheries (MOAF). The Commission was in the Industry portfolio.

The Honourable Audley Shaw continued as Minister for MIIC and Honourable Dr. Norman Dunn was introduced to the portfolio as Minister without Portfolio. Mrs. Sancia Bennett-Templer was appointed Permanent Secretary. On the request of the Ministry, the Staff delivered an information package to Minister Dunn, and invited him to tour the Commission's facilities. Minister Dunn visited the Commission and discussed with the Technical Staff the work of the Commission, as it plays a pivotal role in fostering Jamaica's industrial development by its rigorous support for our manufacturing sector. Together with other MIIC Agencies, the Commission continued to facilitate an enabling environment by helping to ensure that our manufacturers have and increasingly use access to a robust trade remedy framework.

# Mission, Vision and Core Values



Jamaica's Trade Remedies Authority



## Vision



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

## Core Values



- Global Expertise
- Regional Integration
- Excellence
- Accountability
- Transparency
- Teamwork

## Mission



To identify and apply remedies to dumped, subsidized or increased imports that injure producers in Jamaica, promote awareness of trade remedy laws and assist in policy formulation and implementation while being:

-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.

-A high-performance, specialist organization with expert and motivated staff

-A provider of high-impact services to stakeholders, primarily producers, importers, and including all players in Jamaica's international trade environment.

## The ADSC – What We Do

Jamaica is an open economy and a Member of the World Trade Organisation (WTO), the only global organisation setting rules for international trade by agreements of its one hundred and sixty-four (164) members. Like many other trading nations, Jamaica has assessed its need for and has identified strategies to manage the effect of unrelenting imports on its economy and development and glean the benefits of international trade for its citizens. The ADSC and the framework of rules that it administers is a strategic policy response by the Government to assist goods-producing entities, including farmers in Jamaica to defend their market share and remain viable in the face of some of the challenges of global trade.

The mandate of the Commission is to defend manufacturing or agricultural production in Jamaica under the WTO framework, which sets out rules for doing so. The disciplines are antidumping; subsidies and countervailing duties; and safeguards; collectively called Trade Remedies. Trade remedies are exceptions to the basic tenets of the World Trade Organisation (WTO), which are:

- ✓ **Tariff Bindings** – agreements not to exceed agreed upon tariffs on imported goods;
- ✓ **Most Favoured Nation (MFN)**, any favourable treatment granted to one WTO Member is extended to all other Members; and
- ✓ **National Treatment (NT)**, requires a Member to give the same treatment to imports as domestically made goods

Accessing Trade Remedies is a complaints-driven process. Industries must understand the regime and file a complaint, also referred to as an application or a petition for an investigation to be opened and completed by the Commission. Trade remedy rules are perceived as complex and the administration of them is exacting. The Commission works to increase the knowledge of the use and benefits of trade remedies by industries and awareness of the regime of the general public.

Dumping, the most familiar of the three issues which Trade Remedies address, is the pricing strategy of firms. A product is dumped when it is sold for less in the importing country (Jamaica) than in the home market of the producer. Subsidies are financial contributions by or on behalf of a government to some producers or exporters in its territory, which give a benefit to the recipient. This allows beneficiaries to sell the goods at a lower price in Jamaica than it could have done otherwise. A significant surge or increase of imports, absolute or relative, though not unfair, may cause or threaten serious injury to producers in Jamaica of like or similar products. The remedies for these issues in international trade are:

- ✓ antidumping duties counteract dumping.
- ✓ countervailing duties counteract subsidisation; and
- ✓ safeguard measures (duty or quotas) counteract sudden increase in volumes imported.

The Commission is Jamaica's Investigating Authority under the regime. A petition may be filed with the Commission when imports that are dumped or subsidised cause or threaten material injury or a sudden increase of imports cause or threaten serious injury to the production in Jamaica of like goods. The Commission investigates allegations to determine whether there is dumping or subsidizing or sudden increase in imports. Injury is described to include whether an infant industry is being materially retarded by the presence in Jamaica's market of dumped or subsidised imports. The Commission determines appropriate levels of antidumping, countervailing duties and safeguards.

The Staff conducts robust research and analysis related to these disciplines and provides advice to the Minister to facilitate legislation, trade policy setting and negotiation. The Staff also assists others in and outside the region to address related issues.

## BOARD OF COMMISSIONERS AND GOVERNANCE

Under the provisions of the CDDSA, the Anti-dumping and Subsidies Commission, comprising the Chair and four Commissioners, is appointed by the Minister with portfolio responsibility for Industry and Commerce. The Commission is the Board of Directors and also an independent body of adjudicators for mandate matters.

On April 1, 2020, the beginning of the period covered by this report, Honourable Audley Shaw was the Minister of Industry, Commerce, Agriculture and Fisheries. The Chairman, Dr. Derrick McKoy and Commissioners, Mr. Clyve Jacks, Dr. Karl Reid, Ms. Gaunique Williams and Ms. Dorothy Lightbourne, Q.C. completed their two-year term which ran from May 21, 2018, on May 20, 2020. The Chairman and Commissioners continued to provide governance oversight to the Staff, rendering advice, meeting, and providing approvals as needed, so that the agency could continue to perform its work. In September 2020, pursuant to a reorganisation of the Cabinet, Honourable Audley Shaw was appointed Minister for the now separated Ministry of Industry, Investment and Commerce. Minister Shaw then reappointed the Board members for a further two-year term from November 23, 2020, to November 22, 2022, with Dr. Derrick McKoy continuing to give distinguished service as Chairman.

Commissioners are private citizens from diverse academic and commercial disciplines and backgrounds. They gave oversight and guidance to the Executive Director and Staff throughout the period. Commissioners undertook all Board functions, giving financial and operations performance oversight of the Staff. The Commissioners routinely, usually monthly, or at other appropriate periods, received the Report of the Staff through the Executive Director and the Financial Report and Statements through the Forensic and Financial Analyst/Financial Controller. In their capacity as adjudicators of the agency's mandate, they received from the Staff information about potential cases of dumping, subsidies and significant changes in volumes of imports where there was potential for injury or threat of injury to domestic producers. They gave attention to the matters presented to them in reports and in meetings where the Staff was in contact with industries in Jamaica which were facing challenges in the period. They also received reports of related matters on which the Staff was working, such as training of industries and other stakeholders and collaboration with the Ministry or other Ministries Departments and Agencies throughout the period.

**Table 1: The Board of Commissioners of The Anti-dumping and Subsidies Commission FY 2020 to 2021**

Role	Name	Occupation/Discipline	Attendance (10 meetings held)
<b>Chairman</b>	Dr. Derrick McKoy	Attorney-at-Law	9
<b>Member</b>	Mr. Clyve Jacks	Real Estate Developer	6
<b>Member</b>	Dr. Karl Reid	Management Consultant	8
<b>Member</b>	Ms. Gaunique Williams	Attorney-at-Law	9
<b>Member</b>	Miss Dorothy Lightbourne, Q.C.	Attorney-at-Law	6

The Board was supported by two sub-committees, appointed by the Chairman with the consensus of the full Board. The Audit and Finance (A&F) Committee, configured and operated according to the requirements of the governing legislation and the Human Resource and Management Committee, appointed to provide needed support to the Human Resources functions of the Board and related operations of the Management.

- (1) **The Audit and Finance (A&F) Committee** provided oversight and expert advice for sound financial management of the entity. It performed all the requirements of an Audit Committee in accordance with the Public Bodies Management and Accountability Act (PBMAA). The Committee was chaired by Commissioner, Dr. Karl Reid. A second Commissioner, Clyve Jacks, along with three (3) additional co-opted members with finance, accounting and budget expertise formed the Committee. The three (3) non-Commissioner members, Mrs. Kerry-Ann Lewars-Jackson, Mr. Emru Williams and Mr. Dwight Salmon, served successive Boards of Commissioners, with excellence and diligence.

The A&F Committee met twice during the reporting period, in July and September 2020. The members remained available throughout. They reviewed financial and related records, including budget, plans and documentation, queried actions, and advised the Staff and the Board, as needed.

- (2) **The Human Resource and Management (HRM) Committee**, chaired by Commissioner Gaunique Williams, included two other Commissioners, Dr. Karl Reid and Commissioner Dorothy Lightbourne, Q.C. This Committee met as needed to support the Executive Director and Management team in matters related to Human Resource Management and Administration. They answered management questions and reviewed documents as needed. They discussed with management and made recommendations to the Board related to staffing and management. They sometimes served on interview panels to assist with recruitment of some Technical Staff.

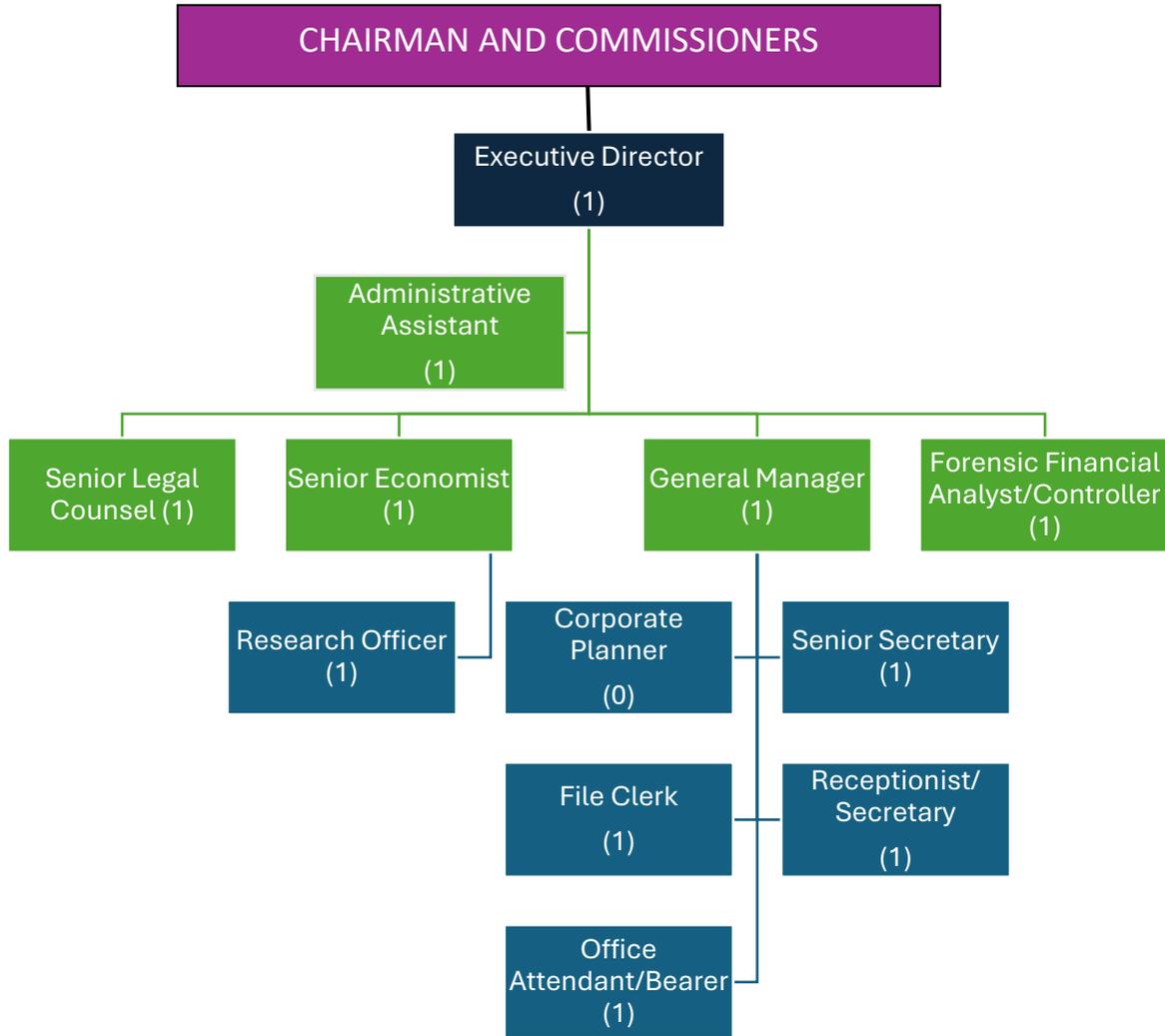
Payments to Board Members were administered in keeping with guidelines from the Ministry of Finance and Planning, which sets specific annual compensation for the Commissioners of this Agency. Payments were made quarterly, as reflected in the Financial Reports on page 35.

Payments to the Audit and Finance Committee were made according to the scheduled payments as directed by the Ministry of Finance via relevant circulars and made after attendance at scheduled meetings.

No payments were applicable for the HR&M subcommittee. The Commissioners who were members of that committee performed this service *gratis*.

The Executive Director and Management Team use the opportunity provided in issuing this report to place on the record our expression to the Board of Commissioners as well as the non-Commissioner Members of the sub-committees, sincere gratitude for the many hours of service they have rendered to Jamaica through their focussed and supportive service on the Board and sub-committees of the agency, of which the people of Jamaica are unaware.

## ORGANISATIONAL CHART



The Commission began the year with eleven (11) staff positions filled. The General Manager and File Clerk positions became vacant during the year and subsequently, nine (9) positions continued to be occupied for the remainder of FY2020/2021.

In September 2020, the Commission obtained approval from the MFPS to activate the Corporate Planner post on its establishment. Management commenced the recruitment process in anticipation of filling the post in the next financial year.

Information Technology and other needed support services were provided by external contractors.

## THE STAFF OF THE COMMISSION

The day-to-day operations of the ADSC are directed by the Executive Director. The ADSC entered the financial year with a staff complement of eleven (11) approved posts occupied. Despite the comparatively few staff, the team continued to exercise its commitment to operational excellence and to demonstrate its expertise in supporting producers of goods in Jamaica by enabling the effective use of trade remedy measures in Jamaica.

Leadership and technical proficiency are two of the cornerstones of performance as a Centre of Excellence. The leadership and every other staff member found both their talents and resilience tested, perhaps to the maximum in the year. First by the continuing onslaught of the Covid-19 pandemic throughout the entire year and the unpredictability and harsh reality of its impact on the human capital of the Commission.

The Commission is structured with a Technical Team and an Administrative Support team. The Technical Team is hired primarily to provide critical mandate support to the Commissioners in adjudicating trade remedy cases and advancing Jamaica's development of effective, coherent jurisprudence in trade remedies law and practice. The Executive Director leads the team both in technical matters and operational administration of the agency. The General Manager and Forensic and Financial Analyst/Controller (FFA/FC) and to an extent, the Senior Legal Counsel, and the Senior Economist, are required to serve as part of the management and supervisory team, in addition to their technical disciplines in respect of the mandate.

The severe challenge to the team was exacerbated by the departure after the General Manager in May 2020, of the Document Clerk in June 2020. This left nine (9) staff members in total for the rest of the year. The Executive Director led the Staff in continuing to deliver on its mandate, while managing the operations of the Agency. The Team however did admirably, scaling the steep learning curve of compounded workplace changes required to manage the vagaries of the Covid-19 pandemic and the reduced number of staff.

The organizational structure is shown in the chart on page 13 and Technical Staff members are listed below.

**Table 2: The Technical Staff of the Commission FY 2020 to 2021**

Technical Staff	Name
Executive Director	Mrs. Andrea Marie Dawes
General Manager	Demitted Office in May 2020
Senior Legal Counsel	Mrs. Tara Marie Rose
Senior Economist	Mr. Andrew Mighty
Forensic and Financial Analyst/ Financial Controller	Mr. Rickurt Galloway
Research Officer	Miss Abigale Hall

Each Technical Staff member had specialized responsibilities that contributed to the Commission's success which have evolved into the following reasonable summaries of their role and functions:

- **General Manager:** Conducted and oversaw the corporate services essential for the Commission to meet its obligations. This post also serves as Case Manager for investigations and projects.
- **Senior Legal Counsel (SLC):** Advised and represented the Commission in all legal matters, including the development of the legal framework, compliance with WTO agreements and legal issues touching both the mandate and corporate matters of the organisation.

- **Senior Economist:** Achieved and managed the data collection, verification, and analysis for investigations and general international economic trade analysis to support industry, while ensuring best practices in trade remedy research and analysis.
- **Forensic and Financial Analyst/Financial Controller:** Accomplished and managed the Commission's accounting and finance functions; also oversaw and analysed financial data submitted in preparation for or as part of cases filed with the Commission.
- **Research Officer:** Supports the review of trade remedies cases conducted in other countries, the creation of databases for use in intervention, consultation, market research, training and investigation on trade remedies matters.

In addition, Technical Staff developed, prepared and delivered training sessions to the industries and other stakeholders to promote the appropriate use of trade remedies in Jamaica and the Caribbean.

The Administrative Support Staff supported the team's operations. The Administrative Assistant provided administrative and executive secretarial support to the Executive Director and the Board of Commissioners. The Senior Secretary provided general secretarial support to the Technical Staff, especially the General Manager and the FFA/FC. The File Clerk and Receptionist provided general and clerical support to the team. An attendant/bearer provided ancillary and some courier services.

ADSC remained proactive in developing mitigation strategies to address human resource constraints. The Commission secured approval from the Ministry of Finance and Planning for a Corporate Planner position, initiating the recruitment process during the year. This role is critical for ensuring the Commission's proficiency in governance reporting and planning, aligning with ISO 9001:2015 guidelines. The Corporate Planner was expected to join in the next financial year and to significantly enhance the Commission's strategic planning, monitoring and reporting processes.

The Team managed its limited human resources to advantage. Effective human resource management was essential to the Commission's success. Despite not having a dedicated Human Resource Manager, the team performed all aspects of management and execution of recruitment, training and development, records creation and management. Information Technology, bearer services and janitorial services and other services needed were contracted in addition to the established posts.

**Staff Development.** Recognizing the critical importance of continuous professional development, the Commission prioritized staff training. This commitment resulted in 100% completion of planned training activities for the period. This included specialized training in which the ADSC Team had four persons trained by HEART Trust/NTA in evaluation of training courses which the Commission would later be able to use in its training of clients. It also included i-trADe modules and other training by the WTO. This investment in its human capital ensured that the Commission possessed the necessary expertise to effectively perform its role and maintain its position as an excellent trade remedy authority.

## ACHIEVING OUTCOMES THROUGH STRATEGIC PLANNING AND PERFORMANCE MONITORING

This Annual Report is issued according to Section 3(2) of the Public Bodies Management and Accountability Act 2001, as amended. The Annual Report captures the planned targets of the Commission articulated in its Strategic Business Plan for FY2020/2021 - FY2023/2024 and the Operational Plan for the first year of that period, FY2020/2021. The four-year Strategic Plan is a rolling plan, which is updated annually.

The Commission followed its established planning and performance monitoring procedures and practices to pursue effective execution of the Agency's responsibilities. The Agency's plans were aligned with the requirements of the GoJ governance structure outlined in the PBMAA and the FAAA, the CDDSA, SA and the framework for reporting achievements and outcomes through the Ministry to the Cabinet and the Parliament. The MICAF Strategic Planning (SPPMED) team continued to serve MIIC agencies through the annual strategic planning period, helping to support and assist in aligning plans of the former MICAF with the strategic plans and work programmes of the two resulting Ministries, MOAF and MIIC.

The Senior Directors of the Departments and Heads of Agencies of both the newly formed Ministries, MOAF and MIIC engaged in preparation sessions via Zoom. Thereafter the Senior Directors and Heads of Agencies of both Ministries attended the Strategic Planning Retreat convened at the Ocean Coral Springs Hotel in Trelawny from Thursday November 19, 2020 to Friday November 20, 2020. The Commission's Staff advanced its planned work and framed the agency's contribution to the Ministry's plans. The Executive Director represented the ADSC and engaged with colleagues at the Retreat, contributing to the brainstorming and highlighting planned undertakings by all the MDAs and alignment with the Ministry's plans.

Mr. Dermon Spence, Permanent Secretary presented for official signing and acceptance at the Ministry's Strategic Planning Retreat held from Thursday, November 19, 2020 – Friday, November 20, 2020 at the Ocean Coral Spring Hotel in Trelawny, the Jamaica Trade Information Portal (JTIP) Memorandum of Understanding, by Heads of Agencies, including the Commission's Executive Director. JTIP was launched May 2019. Partners' Memorandum of Understanding, which included the ADSC, was finalised in the period that followed.

The ADSC Team completed the required Strategic Business Plan template for the upcoming fiscal years FY2021/22 to FY2024/25. The Team completed the SBP on November 30, 2020 and submitted same to the Ministry's Planning Unit and to the Ministry of Finance early in December 2020. This comprehensive Plan included, *inter alia*, a detailed SWOT analysis, Stakeholder analysis, Risk Register and other components as outlined in the applicable legislation and guidelines. It became the standard for the ADSC in ensuing years. The ADSC's plan was aligned with the Ministry's Programmes, Policies and Projects and with the Government's Strategic Priorities, which included the Vision 2030 National Development Plan and current Medium-Term Socio-Economic Policy Framework (MTF).

The National Five-Year Manufacturing Growth Strategy for Jamaica is a collaborative effort led by MICAF, JAMPRO, and the Jamaica Manufacturers and Exporters Association (JMEA). It aims to enhance the manufacturing sector in the period 2020 through 2025.

The Strategy includes some key actions to help manufacturers to address issues to help them increase their competitiveness in international markets. The Ministry, supported by ADSC was charged to lead implementation efforts which included:

1. Amendments to legislation that result in greater clarity and ability of manufacturers to use the legislation.
2. Full Operation of an independent Trade Remedies Industry Help Desk.

The policy priorities forming the basis for the work of MIIC agencies, including the ADSC, were derived from Outcome No. 8 of Vision 2030 National Development Plan, “An Enabling Business Environment.” The Commission’s activities referenced National Strategy 8.3: “Use Trade and Foreign Relations to Create an Enabling External Environment for Economic Growth.” The Ministry’s priority which incorporated the work of the ADSC was to foster “an enabling environment and facilitatory framework, infrastructure, and services to support the growth of agriculture, industry, and commerce.”

The Ministry’s Sector Strategy implemented by the Commission was to “Build Business Capacity to Take Trade Remedy Defensive Action.” As required, ADSC shared with the Ministry’s Strategic Planning and Performance Monitoring and Evaluation Division (SPPMED) its SBP and OP for the relevant periods. Thereafter, the ADSC implemented its plans and collaborated with the Ministry in monitoring its performance against agreed targets by assessing its performance throughout the period. The Commission reported its activities and achievements outlined in the SBP, the OP. The agency also implemented the activities in the course of the year and reported on same to the Parliament, the Cabinet, through the Minister, the portfolio Ministry, the Commissioners, and other Ministries such as MFAFT. Internally, the Staff tendered regular reports to the Executive Director and through the Report of the Executive Director to the Board of Commissioners, with a matrix of reports made by and for the Agency gave monthly, quarterly, and annual updates on the Agency’s performance.

In addition to the regularly scheduled reports in relation to statutory requirements submitted to the Board, parent Ministry, MFAFT, MOF, Cabinet Office, the WTO and others, the Commission also responded throughout the period to requests received from MDAs, as appropriate, for reports on its governance activities and mandate work. In total the Agency submitted upwards of ninety (90) reports and responses to queries received throughout the year.

The OP for FY2020/2021 summarized the projected outcomes and planned targets shown below:

## ADSC Sector Strategy: Build Business Capacity to Take Trade Remedy Defensive Action

### Implementation of Jamaica's Trade Remedy Law

- 100% compliance with investigation, administrative adjudication and legislative guidelines
- 100% Biannual WTO notifications filed
- Implementation of Industry Help Desk

### Industry Training and Public Education

- Ten (10) companies sensitised/ trained
- Five (5) training courses accredited or approved for industries, companies and industry advisors
- 100% development of website

### Trade Policy Advice and Facilitation

- Consultation with stakeholders to apprise of amendments to the CDDSB.
- One (1) Partnership Agreement brokered

## PERFORMANCE AGAINST TARGETS FY 2020/2021

In FY2020/2021, the Commission effectively utilized available technology to achieve and even surpass planned targets. Even amidst the global economic and public health crisis and the unprecedented impact of pandemic-related lockdowns, the Staff managed to broaden its outreach initiatives, seeking to empower producers of goods in Jamaica and support national policy goals. This section highlights the Agency's performance against the targets outlined in the Operational Plan for the year FY2020/2021. Key initiatives undertaken to support the sector strategy are summarized below, highlighting the Commission's achievements and its vital role in enforcing and strengthening Jamaica's trade remedy infrastructure.

### 1. Implementation of Jamaica's Trade Remedy Law

No completed complaints or draft complaints were submitted by industry to the Commission in the period, and consequently, no case investigations were initiated. This was not surprising as disrupted business operations in the wake of the Covid-19 pandemic caused industries to prioritize other urgent concerns. Trade patterns were disrupted by other phenomena in the global trading environment and thus, isolating trade remedies indicators such as injury attributable to dumping, subsidies or surges in imports were not the focus of many businesses in the period.

Despite these challenges, however, the Commission made progress in advancing key initiatives it had planned. The Staff advanced its outreach to Jamaican producers and increased the information it disseminated to producers and other stakeholders, compared to the previous year.

Among the accomplishments were the following:

### **Consultations with Industry and Stakeholders**

Like all public-facing entities in the period, the Staff pivoted from a largely in- person form of assistance and effectively leveraged technology, such as Zoom, Go-to- Meeting, MS Office and even WhatsApp, to engage with industries facing import challenges. The Staff is precluded from giving direct drafting assistance to prepare formal filings to avoid apparent conflict of interest. However, the Commission provides extensive guidance on using trade remedy disciplines.

Two (2) industries received targeted consultations, as did JMEA staff, who took the opportunity to expand their internal capacity to support industry needs. The ADSC Team was happy to help them to increase their understanding of trade remedies and prepare to potentially assist Members who were experiencing challenges to draft complaints for review by the Staff.

The Staff provided tailored and documentation support on trade remedies and over the period, guided the entities through understanding and preparing a filing. In-depth consultations were conducted with two (2) industries. Extensive guidance and individual training were provided to staff members of the JMEA as the ADSC made progress on enabling JMEA staff members to support the preparation of a complaint for filing by companies who were JMEA members. In all, consultancy services were provided to four (4) entities.

### **Compliance with WTO Notification Requirements**

Jamaica is required to file a number of notifications with the WTO about investigations initiated and completed and legislative changes in respect of Trade Remedy activity. In the year, the Staff continued its established exemplary track record, maintaining 100% compliance with submission of bi-annual and other WTO notifications, ensuring that all required notifications were filed accurately and on time.

### **Trade Remedies Industry Help Desk – ADSC part of the Manufacturing Sector Growth Strategy**

Despite efforts to help domestic producers to understand and use the remedies, more is required for better frequency of use of the trade remedies regime by industry. The Staff conservatively estimates from its interaction with industry and information gleaned from analysing the situation of manufacturers in Jamaica,



including inchoate complaints they have lodged over the years, that at least one (1) investigation could be initiated each year if affected industries either possessed the resources to submit a properly-documented complaint or could access a well-resourced Trade Remedies Industry Help Desk. Despite extensive engagement, training and consultations provided by the Commission, industries which had cases to bring, struggled to file

applications because company managers and owners continued to indicate that they were otherwise engaged in running the businesses and had difficulty committing the time and resources to complete required written complaints. Accordingly, the Staff was convinced that aside from increasing the resources of the Commission, the single game-changer that could make its efforts on behalf of industry more fruitful, would be to establish such a Help Desk with independent staff who can file complaints on behalf of industries in a timely manner when they are experiencing dumping, subsidies or a surge in imports.

The Staff had for some time proposed and worked towards the implementation of a Trade Remedies Industry Help Desk to assist industries to file trade remedy cases. They researched and developed the concept for the Industry Help Desk. Its effort culminated in the recommendation to the MICAF and its inclusion and approval by Cabinet in the Manufacturing Growth Strategy 2020–2025. The initiative was tabled and accepted by the Cabinet in July 2020. Setting up the model for this activity and maturing its use over the period of this Strategic Plan became an important strategy which the Agency would now seek to implement.

The Industry Help Desk was envisioned to serve as a trade remedies consultant which would assist manufacturers to prepare and file trade remedy applications with the Commission. The Ministry with the Commission giving technical support moved decisively to implement aspects of the Industry Help Desk within the fiscal year. With the approval of the Help Desk concept in the Manufacturing Growth Strategy, the Staff of the Commission consulted with the Ministry and submitted a paper entitled, “Proposal for Industry Help Desk (Start-Up) Models” for consideration. Extensive discussions between the ADSC and the Ministry’s Director of Industry followed regarding the appropriate implementation model for the short to medium term, the ideal long-term model, and capacity-building programmes for Ministry staff who would be assigned to provide services. The Commission hoped to have the Ministry lead in the identification of Help Desk staff. The Commission would assist in that process and design an intensive training and development programme. However, due to resource constraints and competing priorities, further progress and the capacity-building programme had to be deferred to the next fiscal year.

## 2. Industry Training and Public Education

Recognizing the needs of stakeholders to still receive information and instruction, even during the challenges of the pandemic and to meet its targets for planned activities, the Commission pivoted to deliver training and educational material by expanding its outreach to industry and public and private sector stakeholders in trade through online platforms.

The target for the year was scheduled according to the previous approach of holding in-person and in-office sessions. The Staff aimed to sensitize ten (10) manufacturers and exporters. The Staff found that its invitation to manufacturers and exporters in the period, resulted in successful online engagement. The first webinar was conducted in partnership with the Jamaica Manufacturers and Exporters Association (JMEA) as part of the observance of National Exporters’ Month in May 2020.

**THE ANTI-DUMPING AND SUBSIDIES COMMISSION**  
AN AGENCY OF THE MICAF

IN PARTNERSHIP WITH THE  
JAMAICA MANUFACTURERS AND EXPORTERS ASSOCIATION  
FOR NATIONAL EXPORTERS' MONTH 2020

**JMEA**  
JAMAICA MANUFACTURERS AND EXPORTERS ASSOCIATION

PRESENTS  
**BUILDING A ROBUST EXPORT STRATEGY**  
TRADE REMEDIES

**PRESENTERS**

**TARA MARIE ROSE**  
SENIOR LEGAL COUNSEL

**ANDREW MIGHTY**  
SENIOR ECONOMIST

**TOPICS**

- BUILD TRADE REMEDIES CAPACITY**
- TAKE ADVANTAGE OF EXPORT OPPORTUNITIES**
- AVOID ANTIDUMPING CHALLENGES IN EXPORT MARKETS**

**MAY 26, 2020 | 10:00 A.M. – 12:00 P.M.**

IF YOU ARE AN EXPORTER, MANUFACTURER OR PRODUCER, ATTORNEY, ACCOUNTANT, ECONOMIST OR BUSINESS CONSULTANT IN JAMAICA, YOU SHOULD JOIN US AT [HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/680956549](https://global.gotomeeting.com/join/680956549)

**CONTRIBUTION: YOUR TIME**  
CALL US AT: 876.927.1800 OR 876.874.6187

VISIT US ON  
Facebook at anti-dumping and subsidies commission and Instagram: @antidump\_traderemedies

### **Building a Robust Export Strategy: Trade Remedies Webinar, Exporters’ Month, May 2020**

The Commission’s first online webinar in partnership with JMEA was delivered on May 26, 2020, in commemoration of National Exporters' Month. It was delivered free of charge and was a resounding success.

The two-hour event, themed “Building a Robust Export Strategy: Trade Remedies,” aimed to inform exporters and manufacturers that Trade Remedies were useful to them as part of their toolkits for crafting strategies to identify and penetrate international markets for their products. The session was designed to empower participants with basic technical knowledge of trade remedies, antidumping, subsidies and safeguards; and to help them to take the initiative to identify markets by capitalizing on export opportunities occasioned by trade remedy measures in place against other suppliers in overseas markets. They were also taught to recognise and encouraged to be sufficiently aware of antidumping issues to avoid antidumping challenges to their exports in overseas markets.

The webinar was attended by fifteen (15) participants. Exporters, manufacturers, producers, attorneys, accountants and representatives from MDAs were the groups present at the event. Senior Legal Counsel, Tara Marie Rose and Senior Economist, Andrew Mighty presented on behalf of the Commission’s Technical team. Through engaging discussions and insightful presentations, attendees gained invaluable insights and enhanced their trade remedy knowledge. They learned how to seize new opportunities and some nuances about navigating antidumping challenges.

### **Partnership Activities with JMEA**

The year presented opportunities to solidify the relationship between the ADSC and the JMEA. The JMEA staff members sought technical guidance and training from the Commission. Recognizing the critical need for expertise in trade remedies to address potential threats faced by its Members, the JMEA engaged with the ADSC for comprehensive training. ADSC is of the view that manufacturing is one of the key sectors which will support renewal and economic growth for Jamaica.

In September 2020, the manufacturing sector reported that manufacturing sales rebounded and economic activity in the grew. The theme for the JMEA’s observation of National Manufacturers’ Month in 2020 was “Recover and Renew with Manufacturing”. The Commission supported the sector, continuing to make information and analysis available to manufacturers and exporters. On September 29 and 30, 2020, the Commission and JMEA collaborated to offer a two-day trade remedies training seminar to the members of the organisation’s Trade Unit who participated in two intensive three-hour sessions, led by experts from the ADSC Technical Team. The primary goal was to equip the Unit with the knowledge and skills necessary to advocate effectively for Jamaican manufacturers and producers. The sessions equipped the JMEA to prepare and file complaints with the Commission on behalf of local industries. The training covered concepts required to prepare and submit trade remedy applications, necessary procedures, and content and materials, such as legislation, instruction kits, guidelines, and forms were shared.

The Executive Director and General Manager were invited and attended the JMEA’s Annual General Meeting for the first time in 2020. The Commission’s contribution to the enabling business environment for businesses was included by the newly installed JMEA President in his inaugural address at the AGM. He highlighted his appreciation that manufacturers could access antidumping duties, underscoring the relevance of the Commission in defending local industries.

The collaboration between the ADSC and the JMEA in the period included joint promotional activities in National Exporters Month 2020 in which the two entities collaborated on a training event. In National Manufacturers Month 2020, themed “Recover and Renew with Manufacturing”, the Commission commended the sector noting that it was crucial for economic renewal and growth in the pandemic. The Staff contributed an advertorial to JMEA’s Exporter’s Month E-Zine in October 2020. The publication was circulated to over 500 JMEA members, Ministries, Agencies, Departments and other JMEA partners locally and internationally. A snapshot of the one-page article from the JMEA’s E-Zine follows.



# THE ANTI-DUMPING AND SUBSIDIES COMMISSION

AN AGENCY OF THE MINISTRY OF INDUSTRY COMMERCE AGRICULTURE AND FISHERIES

## TRADE REMEDIES

### An Important Component of a Robust Export Strategy

The Anti-dumping and Subsidies Commission congratulates the Jamaica Manufacturers and Exporters Association and all Exporters as you celebrate National Exporters' Month. As Jamaica and the world navigate this challenging chapter in history, Exporters must continue, as many of you are doing, to identify opportunities and craft robust strategies to supply products to international markets. The ADSC provides strategic assistance to producers in Jamaica. We support you in your drive to survive, grow sustainably and flourish in the global marketplace.



### OUR SERVICES INCLUDE



TRADE REMEDIES CONSULTATION AND TRAINING TO DEFEND YOUR HOME MARKET



TAILORED TRAINING FOR YOUR STAFF AND CONSULTANTS, INCLUDING ACCOUNTANT(S), ATTORNEY(S) AND MANAGERS



KNOWLEDGE OF TRADE REMEDIES AND MARKET INTELLIGENCE RESEARCH TO HELP YOU IDENTIFY OPPORTUNITIES; NAVIGATE OVERSEAS MARKETS, EXPAND SALES AND FOSTER GROWTH



HELP TO FORMULATE STRATEGIC RESPONSE TO THREATS OR OPPORTUNITIES IN THE INTERNATIONAL TRADE ENVIRONMENT



ADVISE EXPORTERS TO AVOID OR DEFEND TRADE REMEDY ACTION IN FOREIGN MARKETS

Even in these uncertain times, we believe in you and want to encourage you Exporters increase employment and contribute to Gross Domestic Product of Jamaica Knowledge of Trade Remedies is a crucial part of a robust export strategy

**TOGETHER, WE ARE STRONGER. TOGETHER, WE GOT THIS!**

Contact us at The JAMPRO Trade and Invest Building | 18 Trafalgar Road, Kingston 10

Telephone: 876 978 1800 , 876 927 8665 | Fax: 876 978 1093

Email: [antidump@jadsc.gov.jm](mailto:antidump@jadsc.gov.jm) | website: [www.jadsc.gov.jm](http://www.jadsc.gov.jm)



anti-dumping and subsidies commission



@antidump\_traderemedies

**ADSC Contribution to JMEA National Exporters' Month E-Magazine**



### 3. Trade Policy Advice and Facilitation

#### Legislation

During the period, there was some progress in advancing the draft Customs Duties (Dumping and Subsidies) Bill (CDDSB) to repeal and replace the existing Customs Duties (Dumping and Subsidies) Act 1999. Drafts of the Bill were prepared in accordance with the drafting instructions provided. This was mediated through the Ministry and drafts which were received from the draftsman were reviewed by the Staff of the Commission and from time to time also by the Commissioners. Comments were then provided to and through the Legal Unit in the Ministry and the Attorney General's Chambers to the Office of the Parliamentary Counsel.

The Technical Staff of the Commission followed up with the respective agencies to help to move the matter forward. The advancement of the CDDSB is a key action in the Manufacturing Growth Strategy, aimed at arriving at clarification and a more robust, user-friendly legislative framework. The Commission aims to modernize the legislative format to increase compliance of the Jamaican Act to the WTO Agreements and to equip manufacturers and exporters with trade remedy tools which are easier to follow in order to help them to compete more effectively in international markets.

**4. Additional Targets Met and Exceeded.** In addition to targets specific to the mandate, other key operational goals were met in the period. These supported the Commission's ability to provide robust assistance to industry, ensure its compliance and undergird its excellent performance of its mandate and included:

- **Digital Engagement.** The Commission made significant strides in its digital engagement strategy, with its website development reaching 85% completion. This progress, along with an increase in social media activity, demonstrated the Commission's commitment to enhancing public education and engagement, even amidst reduced face-to-face interactions. The Commission reviewed drafts of its website and consulted with graphic artists and website developers to ensure the design that emerged aligned with its vision and expectations, in order to maximise the usefulness of the site and the use made of it by stakeholders. In October 2020, the website design was approved by the management and a schedule was set for populating and editing the site. As at March 31, 2021, the website was 85% complete, with a mock-up available for viewing and user interface testing underway.
- **Accredited Courses.** The Staff developed and submitted to the General Legal Council (GLC) for accreditation under its Continuing Legal Professional Development (CLPD) programme, five specialized training courses for lawyers in Trade Remedies. The courses were designed to equip legal professionals with the knowledge and expertise needed to better assist domestic industries in drafting and submitting properly documented trade remedy complaints. The GLC accredited the courses, awarding two (2) CLPD credits for each course.
- **International Standards Organization (ISO).** The Commission made progress in understanding and embracing the concept and engaging in the activity required for implementation of the ISO standard for Quality Management Systems, ISO 9001: 2015. The Quality Policy was approved:

**ADSC Quality Policy** - The Anti-dumping and Subsidies Commission (The Commission) is committed to providing high quality investigations and global expertise to empower Producers of goods in Jamaica to defend their fair share of the global market using Trade Remedies. The Commission adheres to a high standard of investigative and training excellence for our clients. We continually improve our processes by setting and meeting quality objectives and receiving feedback to enable us to provide satisfactory service, in keeping with our Quality Management System.

The Staff drafted documentation for its two core processes to be ISO certified as follows:

1. Pre-Filing Consultations and Investigations and
2. Industry Training.

To achieve progress, training and support in ISO principles and practice were prioritized. The ISO Steering Committee which was the ADSC's Management Team collaborated with the Ministry's ISO Unit. The ADSC Staff attended training sessions made available by the Ministry and received guidance on areas for improvement and documentation of its processes. Under the World Bank project which the Ministry was administering, the Commission was assigned and received the assistance of a Quality System Implementation Technician (QSIT). The Q-SIT assisted the Management Team to implement the system in line with the ISO standard. For a period of time, also, a consultant was assigned to assist the Commission. He assisted with reviewing the Commission's documentation and conducted a gap audit after which he provided comments and recommendations. The Management Team reviewed the Gap Audit Report, developed an action plan, documented processes and performed other activities toward ensuring alignment with ISO standards and made some progress toward full implementation of the QMS to be ready for certification audits.

**Public Sector Collaboration Activities.** The Commission also continued to pursue collaborations with public sector entities to increase its own and others' capacity in meaningful ways. Notably, negotiations were continued with Heart Trust/NSTA to for a formal partnership agreement. Four (4) ADSC Staff received specialized Training in Assessment from HEART. This training was designed to enhance the Commission's future engagements with industry stakeholders and other MDAs.

**Table 3: Summary of Achievements Against Targets**

Major Initiatives	Target	Summary of Performance
Legislation	Liaise with MIIC Legal Department and other stakeholders to advance Bill.	Reviews and follow-up with MIIC and the Attorney General's Chambers
	100% compliance with investigation, administrative adjudication and legislative guidelines	No draft complaint filed. Industries and JMEA instructed on how to file.
Trade Remedies Regime Compliance	100% Bi-annual WTO notifications filed	100% compliance - All Bi-annual WTO Notifications for Jamaica filed.
Consultations with Industry	Provide consultancy services to four (4) companies	Four (4) companies received consultancy services; Instruction, documents provided
Industry Training and Public Education	Ten (10) companies sensitised/ trained	Fifteen (15) companies sensitized/ trained
	Five (5) training courses accredited or approved for industries, companies and industry advisors	Five (5) training courses accredited for Lawyers by GLC.
	Development of new website	Website development was 85% complete
Industry Help Desk	Implementation of Industry Help Desk to be advanced	Cabinet approval of Industry Help Desk in Manufacturing Growth Strategy; Development of recommended model(s)
ISO Certification	40% completion of pre-certification activities.	Gap analysis done; meetings with consultant; QMS documentation drafted
Collaboration with MDAs; Partnerships for capacity building	One (1) Partnership Agreement	Partnership with HEART Trust NSTA Training Activities in Partnership with JMEA
GOJ Reporting Compliance	90% of Reports required filed	90% of Required Reports filed

## RESEARCH AND ANALYSIS:

### Global Trends in Trade Remedies in 2020 - Observations from the Senior Economist

The Commission plays a crucial role in supporting industries and stakeholders by providing in-depth research and analysis on trade-related challenges. The Commission conducts studies and offers expert advice to industries impacted by import competition which might be addressed by trade remedies. These analyses delve into the national, regional, and global business environments. The Staff examines import trends, trade remedy developments, and their effects on producers of goods in Jamaica. This valuable information is provided to industries to assist them to identify imports which create challenges for them and effectively address these. Furthermore, the Commission's research provides a foundation for its analysis for investigations into antidumping duties, countervailing duties, and safeguard actions. The team actively engages with other government officials and other stakeholders and offers critical insights to inform decision-making and facilitate strategic responses to evolving trade dynamics.



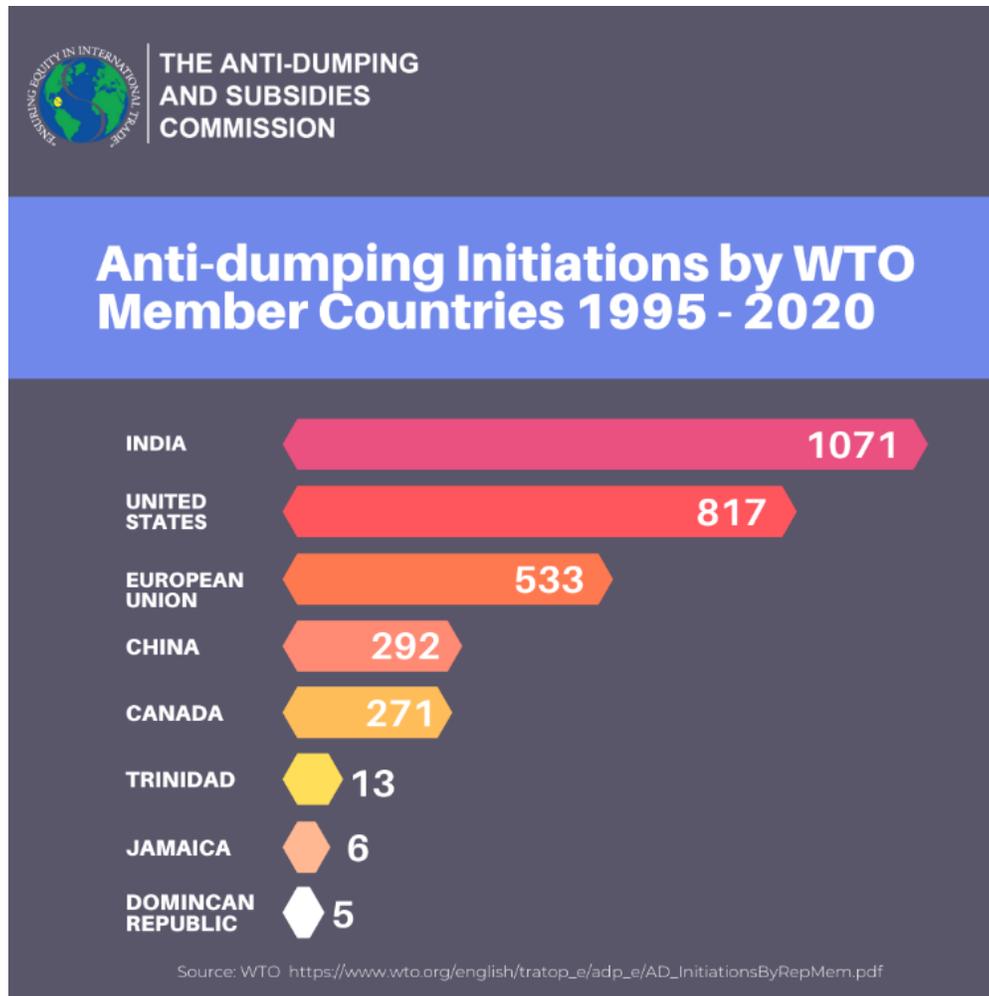
As we know, the COVID-19 pandemic presented significant challenges, including lockdowns and a shift in business priorities for many companies. The Commission's Senior Economist, from early on, sounded the warning that the pandemic would have an unwelcome impact on trade flows. The Senior Economist analysed available data on international trade remedies activity up to and including 2020, identifying several key trends and observations that are presented in this article

Generally, industries must file complaints with the Commission to initiate and complete investigations, which are required for implementing measures. Since the agency's inception, the Commission has completed seven investigations. In over 70% of the cases, affirmative determinations were made, providing relief to the domestic industry through additional duties applied on the imports.

Our review of trade remedy activities in other countries frequently show that their industries are more active, diligent and proactive in filing applications for trade remedies than industries in Jamaica. As a result, these industries in other countries have benefitted from trade remedy measures that significantly reduce or eliminate the unfair advantages of foreign producers in their domestic markets. Often, industries in other jurisdictions submit applications repeatedly, over short periods, in order to add remedies or to target additional countries supplying goods to their markets. Sometimes, these additional filings are deemed necessary to respond to those against which trade remedies have been imposed in one market who endeavour to circumvent trade remedy duties by transshipping through countries who were not subject to the prior investigations and hence would not be subject to the duties.

**Over the period reviewed**, there was a significant level of trade remedy investigations initiated and carried out by other WTO Members. Jamaica did not initiate any investigations in the period. However, the usefulness of robust trade remedies infrastructure for smaller economies can hardly be overstated. The robust trade remedy activity of other Members highlights the existence of unfair trading practices globally. The trade remedies infrastructure may be critical within smaller economies to ensure that manufacturing sectors within these economies remain viable.

## Trade Remedies: Global Antidumping Measures for Twenty-Five Years 1995-2020



This section highlights trends in trade remedy actions across three distinct periods: January to December 2018, January to December 2019, and January to December 2020. From 2018 to 2019, antidumping initiations across the globe rose by 5.9%, increasing from 202 to 214. This trend continued between 2019 and 2020, with a significant rise of 63.1% to reach 349 initiations.

In 2020, out of the 30 Members initiating antidumping investigations, India and the United States were the most prominent users. India initiated 92 new investigations, accounting for 26% of the total, while the United States followed closely with 89 new investigations, representing 25%. Therefore, these two countries were responsible for more than half of all antidumping investigations initiated in the period. Both nations had significant increases in initiations, driving the overall swell in the aggregate figure.

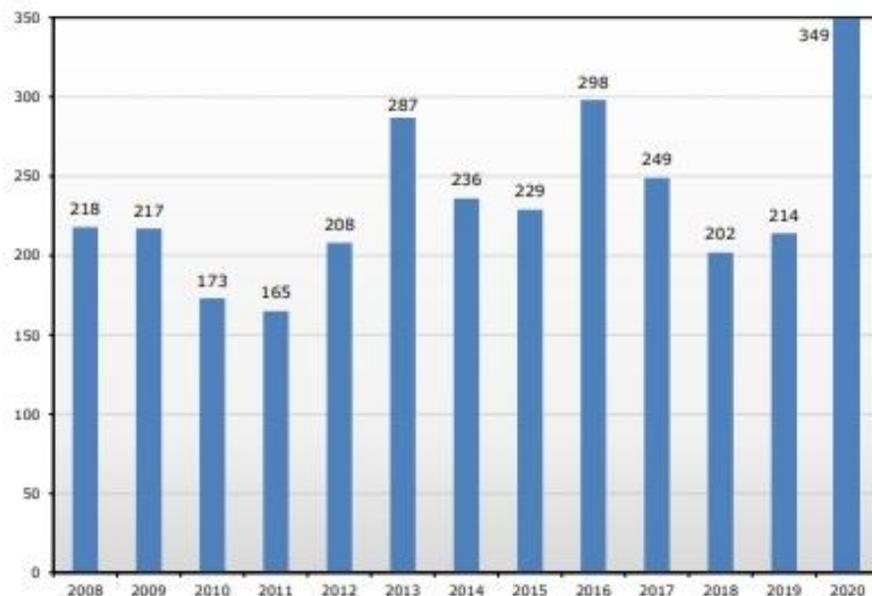
**Table 4: Initiations of anti-dumping investigations, 2018-2020**

Member	2018	2019	2020
Argentina	19	17	6
Australia	12	7	18
Kingdom of Bahrain, State of Kuwait, Oman, Qatar, Kingdom of Saudi Arabia and United Arab Emirates <sup>a</sup>	3	2	1
Brazil	7	1	9
Canada	14	6	24
Chile	2	0	2
China	16	14	4
Colombia	3	0	4
Dominican Republic	1	0	0
Egypt	1	6	10
European Union	8	11	12
India	32	59	92
Indonesia	0	6	2
Japan	0	1	1
Republic of Korea	5	5	3
Madagascar	0	1	0
Malaysia	2	7	9
Mexico	3	6	7
Morocco	0	0	3
New Zealand	2	0	4
Pakistan	8	6	3
Peru	0	1	3
Armenia, Kazakhstan, Kyrgyz Republic, and Russian Federation <sup>b</sup>	6	4	4
South Africa <sup>c</sup>	3	0	4
Chinese Taipei	2	0	5
Thailand	1	2	13
Turkey	6	2	3
Ukraine	10	8	6
United States	34	33	89
Viet Nam	2	9	8
<b>Total</b>	<b>202</b>	<b>214</b>	<b>349</b>

Source: WTO Secretariat – World Trade Monitoring Report: Mid-October 2020 to Mid-May 2021

Chart 1 below illustrates that the initiation of investigations has fluctuated over time. This fluctuation is due to the dynamic nature of the business environment because import pressures often vary across different periods. As a result, the demand for trade remedies also changes accordingly, but it does not go to zero in countries where domestic producers are proactive in defending their industries.

**Chart 1: Initiations of antidumping investigations, 2008-2020**



Source: WTO Secretariat – World Trade Monitoring Report: Mid-October 2020 to Mid-May 2021

## Trade Remedies: Countervailing and Safeguard measures

**Table 5: Initiations of countervailing duty investigations, 2018-2020**

Member	2018	2019	2020
Australia	3	0	7
Canada	4	3	4
China	3	1	4
Colombia	0	1	0
European Union	2	5	3
India	10	9	6
New Zealand	1	0	0
Peru	1	0	0
Chinese Taipei	5	0	0
Turkey	1	0	0
Ukraine	1	0	0
United States	24	17	30
Viet Nam	0	0	1
<b>Total</b>	<b>55</b>	<b>36</b>	<b>55</b>

Source: WTO Secretariat – World Trade Monitoring Report: Mid-October 2020 to Mid-May 2021

As illustrated in Table 5 (above), there was a notable decline of 35% in countervailing duty investigations in 2019 compared to 2018. Thereafter, CVD investigations increased dramatically, by 53% in 2020, returning to the same level as in 2018.

**Table 6: Initiations of safeguard investigations, 2018-2020**

Member	2018	2019	2020
Kingdom of Bahrain, State of Kuwait, Oman, Qatar, Kingdom of Saudi Arabia and United Arab Emirates <sup>a</sup>	0	1	0
Canada	1	0	0
Chile	1	0	0
Colombia	0	1	0
Costa Rica	1	1	0
Ecuador	0	1	0
Egypt	0	1	1
European Union	1	0	0
Guatemala	0	1	0
India	0	3	0
Indonesia	2	5	4
Jordan	0	1	0
Madaqascar	3	4	0
Malaysia	0	0	1
Morocco	1	2	0
Panama	0	1	0
Peru	0	0	1
Philippines	2	2	5
Russian Federation <sup>b</sup>	1	2	0
South Africa <sup>c</sup>	1	1	2
Thailand	0	0	1
Turkey	2	0	2
Ukraine	0	3	4
United Kingdom <sup>d</sup>	0	0	1
United States	0	0	1
<b>Total</b>	<b>16</b>	<b>30</b>	<b>23</b>

Source: WTO Secretariat – World Trade Monitoring Report: Mid-October 2020 to Mid-May 2021

Table 6 shows that eleven (11) WTO Members commenced at least one investigation in 2020. Three Members (Philippines, Ukraine, and Indonesia) were collectively responsible for over half of all initiations. Twenty-three (23), the total in 2020, represented a decline relative to the total for 2019. However, the increase the year before, 2019 was almost 100% relative to 2018. Jamaica's outcomes in its past investigations demonstrate that the availability and imposition of trade remedies are effective in defending Jamaica's producers of goods from this type of unfair trade. The international context highlights the need for continuous monitoring by market research and strategic action. The ADSC notes that monitoring by industries fosters the resilience of producers and helps them remain competitive in the global marketplace. While larger countries dominate trade remedy investigations, access to the measures remain vital for small island states like Jamaica and the ADSC remains resolute in its efforts to defend producers of goods in Jamaica against unfair challenges from offending imports.

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## OVERCOMING CHALLENGES: THE COMMISSION'S STRATEGY FOR PERFORMANCE AND SUPPORTING JAMAICAN PRODUCERS IN THE COVID-19 ERA

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The COVID-19 pandemic severely impacted the Jamaican economy, causing a record 18.4% contraction in the second quarter 2020. This downturn was driven by a number of situations but primarily by a 12.7% decline in the output of goods-producing industries, the sector served by the ADSC. In response, the Commission swiftly adapted its strategy to navigate the unprecedented challenges posed by the pandemic, including frequently revised government-mandated restrictions. The ADSC remained proactive, implementing measures to support local businesses and safeguard their competitiveness in the global market. Key initiatives, such as virtual training, capacity building, and digital engagement, allowed the Commission to meet its targets in adverse conditions.



### **Information Communication Technology (ICT) Developments**

The Commission placed significant emphasis on digital transformation in the years leading up to the reporting year. This effort was intensified, necessarily in the reporting year. The Commission focussed on digital strategies to remain in contact with producers of goods in Jamaica, exporters, and MDAs. The evolving strategies included online meetings, the new website and the use of digital and social media to train and engage industry. Focus was placed on increasing the capacity of the Technical Team to respond to the needs of stakeholders online. New training materials were developed, and existing materials altered to enhance industry engagement and to remain available to provide handholding and technical support to industries throughout the period. Due to the other pressing needs resulting from the pandemic, domestic industries which were previously trying to prepare a complaint reduced their engagement with the Commission as they instead focussed attention and resources on their plant and staffing conditions, sales, marketing and measures deemed more urgent in response to the pandemic.

Despite the unprecedented challenges posed by the pandemic and the resulting constraints, the Commission demonstrated resilience and adaptability. Several key milestones were reached, building on successes of the previous financial year and appropriating the opportunities which unfolded as a result of the pandemic. With the support of the Chairman and the Board and led by the Senior Legal Counsel, the Staff reviewed and developed a comprehensive digitalisation strategy. In keeping with current trends of increased social media usage, the Staff turned its attention to utilizing its main social media platforms, Facebook and Instagram to more consistently and better inform industry representatives and the public about Trade Remedies and the filing and investigation process.

By leveraging digital strategies, the staff ensured consistent engagements with businesses, enabling them to support domestic producers during the significant global changes which were occurring in the period.



## Other Key Achievements and Contributions

The Commission employs a strategy of developing itself as a Centre of Excellence in order to perform its mandate with a small but capable staff. The Staff and Commissioners are equipped with superior competencies in international trade remedies jurisprudence and practice and related disciplines. As a Centre of Excellence, the Commission demonstrated leadership in trade remedies through significant contributions both nationally and internationally. Through strategic initiatives, ADSC has strengthened its role in supporting Jamaican industries, while making meaningful contributions to the international trade discourse.

### **Trade Remedies on MIIC Live: Both Sides of the Story**

The Technical Staff was interviewed by popular radio host, Dervan Malcolm, on the informative programme put together by the Ministry and the producers on Power 106 FM Radio. On Thursday, February 18, 2020, the Executive Director, Senior Legal Counsel and Senior Economist appeared together on the half-hour segment, "MIIC Live" on the long-running afternoon programme, "Both Sides of the Story." The excellent preparation of the host and generous time allotted provided an excellent platform to discuss and improve the public's understanding and awareness of how Trade Remedies and the work done by the Commission support



Jamaican industry.

The discussion covered the Commission's role, its organizational structure, and its support to industries. The engagement aimed to address questions and clarify understanding related to antidumping and subsidies and explain safeguards to the listeners. The Staff also sought to encourage industries to effectively advocate for their position as producers of goods in Jamaica where they are injured by unfairly priced or surges in imports.

### **Service as Member of the Faculty for the WTO- ITTC Online Regional Trade Policy Course (E-RTPC) 2020**

The WTO Institute for Training and Technical Cooperation's (ITTC) mounted an Online version of the Regional Trade Policy Course (e-RTPC). The first edition of the course was rolled out for the Caribbean from 10 August to 13 November 2020. The course was an intermediate level training opportunity for government officials of WTO Members in the Caribbean, as a part of Level 2 of the ITTC's Progressive Learning Strategy. The shift to an online format was necessitated by the pandemic, replacing the usual face-to-face RTPC which had in the past been held in Jamaica and Barbados, in an effort to ensure continued capacity building for government officials during COVID-19.

The Commission's Executive Director was invited to bring her expertise to join the faculty of presenters for the course. Twenty participants from ten Caribbean Members attended the e-RTPC. The programme included a weekly one-hour webinar by a regional speaker, devoted to the regional context of the topic being addressed. The Executive Director presented on October 2, 2020 on Trade Remedies use in the Caribbean, the leadership role of the ADSC, the regional perspective and the relevance of Trade Remedies to challenges facing the region.

**The Executive Director Completed Service as Chairman of the Arbitrator  
– WTO Dispute Settlement Matter -  
*DS353 United States – Measures Affecting Trade in Large Civil Aircraft***

Under Articles 3.2 and 8.8 of the WTO Dispute Settlement Understanding (DSU), WTO Members such as Jamaica agreed to permit their officials to serve as panellists. In 2007, the Executive Director, Andrea Marie Dawes was first appointed by the then WTO Director General, Pascal Lamy to serve on a Dispute Settlement Panel. The Jamaican Government is a signor to the multilateral legal agreements, which include the Dispute Settlement Understanding (DSU), as a part of the so-called Single Undertaking. The DSU provided that from time to time, WTO Members would lend officials, as requested, to assist as one of three persons to adjudicate disputed matters between Members as they implement and operate under the Multilateral Agreements. Having been appointed to serve, the Executive Director was permitted by the Board and the Permanent Secretary to serve in several of these matters. She was loaned by the Government to help resolve disputes between WTO Members as wide-ranging as the European Union, the United States, Russia, Ukraine, China, Canada, and others. She was one of three Caribbean women up to then, who served as experts on panels.

The Executive Director’s assignment on the panel examining European Union - Measures Related to Price Comparison Methodologies (DS516) from the previous year, closed in June 2020, by the request of the complainant, China.

During the FY, the Executive Director served as the Chair of the Arbitrator in the matter of United States – Measures Affecting Trade in Large Civil Aircraft – Second Complaint (Recourse to Article 22.6 of the DSU by the European Communities). The Arbitrator’s Decision on the matter was circulated on October 13, 2020. The case was closed on October 26, 2020, when the Dispute Settlement Body gave effect to the Arbitrator’s decision and authorized the suspension of substantial concessions by the European Union.

WTO panels evaluate factual and legal issues in disputes between WTO Members to determine whether the challenged action comports with the covered agreement(s). The contribution made by the Executive Director to the work of the Dispute Settlement Body over more than twelve (12) years demonstrates the globally recognised expertise of the Commission, dedication to fair trade practices, and significant contribution in the international trade arena.



## PROJECTIONS FOR APRIL 2021 TO MARCH 2022

### Planned Financial and Operating Measures for The Next Year FY2021-2022

In its Strategic Business Plan (SBP) for the four-year period FY2021/2022 to 2024/2025, the Agency outlined its priority actions to increase the use and awareness of trade remedy measures among Jamaican industries. Although the Commission embarked on this plan, the COVID-19 pandemic continued to rage on at the close of the FY. The Commission recognised that adjustments would need to be made to accommodate unpredictable changes in its context. Global economic recovery was hoped for in the following year, FY2021/2022 which could result in heightened interest in ADSC services. The Commission focused its efforts on advancing its digital transformation. The Agency also planned to collaborate when possible, with other public sector bodies and others, to support industries as they navigate the changing business environment.

In FY2021/2022, the Commission planned to focus on achieving the following key targets:

- Operationalize Simple Model of Industry Help Desk
- Train/ sensitize ten (10) companies
- Five (5) Trade Remedies courses approved for industry and industry advisors
- Four (4) capacity building initiatives undertaken as Public Sector Partnerships or collaborations.
- Complete amendments to the Customs Duties (Dumping and Subsidies) Act and Regulations
- 100% completion of ISO pre-certification activities
- Undertake four (4) staff training interventions for Staff and Commissioners
- Complete at least one investigative indicator activity
- File timely WTO notifications per statutory requirements and respond to queries if received.

In the upcoming year, FY2020-2021, the Commission renewed its commitment to building capacity in industry and in professional consultants available to them to complete and lodge trade remedy applications. The Commission planned to collaborate with other MDAs to provide robust trade policy support. By leveraging increased use of technology, forming strategic partnerships, the Commission planned to intensify its contribution to national development.

This ANNUAL REPORT OF THE ANTI-DUMPING AND SUBSIDIES COMMISSION for FY2020 – 2021 is submitted by:

Andrea Marie Dawes  
Executive Director

Signed: 

Date: December 31, 2024

## 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	17/18	18/19	19/20	20/21	21/22 Planning	22/23 Planning
	(J\$ '000)	(J\$ '000)				
Total recurrent expenditure	54,496	66,597	66,597	82,437	71,462	76,027
Total capital A expenditure	0	0	0	0	0	0
Total capital B expenditure	0	0	0	0	0	0
Total Consolidated Fund Allocated Budget	54,496	66,597	66,597	79,602	86,845	89,060
Actual Subvention	50,360	62,537	66,079	73,089	-	-

The Commission's work programme is funded through Government subvention from the Consolidated Fund. The actual subvention received for the year totalled \$73.1 million, this included \$2.2 million for to prior years that was booked in the current fiscal year; this was up from \$66.08 million in the previous year.

- > Salaries and travel expenses of \$48.2 million represented 66.0% of the subvention received in the current year. This reflected an increase compared to \$42.2 million in the previous year due to increased gratuity payments paid during the year, and an increase in base salary paid to staff. The increase was partially offset by a reduction in salary costs as the General Manager post was vacant for 8 months during the year.
- > Property rental costs moved from \$10.24 million in FY2019/20 to \$11.38 million in the current year. Property rental costs represented 15.6% of the subvention received during the current year.
- > Administrative expenses totalled \$5.5 million for the current year, this was unchanged from the prior year. Administrative expenses costs represented 7.6% of the subvention received during the year.

## COMPENSATION – BOARD OF COMMISSIONERS AND SENIOR EXECUTIVES

### ANTI-DUMPING AND SUBSIDIES COMMISSION SENIOR EXECUTIVE COMPENSATION FOR FY 2020/2021

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	2020/2021	6,349,295	3,054,484	1,697,148	NA	-	NA	<b>11,100,927</b>
Ryan Evans General Manager	2020/2021	1,350,020	1,404,390	565,716	NA	-	NA	<b>3,320,126</b>
Tara Marie Rose Senior Legal Counsel	2020/2021	4,255,610	1,924,536	1,697,148	NA	322,364	NA	<b>8,199,658</b>
Andrew Mighty Senior Economist	2020/2021	4,255,610	-	1,697,148	NA	-	NA	<b>5,952,758</b>
Rickurt Galloway Forensic Financial Analyst/ Financial Controller	2020/2021	4,067,190	1,957,175	1,697,148	NA	-	-	<b>7,721,513</b>
<b>Total</b>		<b>20,277,725</b>	<b>8,340,585</b>	<b>7,354,308</b>	NA	<b>322,364</b>	NA	<b>36,294,982</b>

Notes:

- i. During the year the Senior Legal Counsel received Library Allowance of \$182,364 per annum and Robing Allowance of \$140,000. This amount is included in Other Allowances and Benefits.
- ii. The General Manager demitted office in July 2020, the post remained unfilled for the rest of the year.

**ANTI-DUMPING AND SUBSIDIES COMMISSION  
DIRECTORS' COMPENSATION FOR FY 2020/2021**

<b>Name and Position of Director</b>	<b>Fees</b>	<b>Motor Vehicle Upkeep/Travelling or Value Assignment of Motor Vehicle</b>	<b>Honoraria</b>	<b>All Other Compensation including Non-Cash Benefits as applicable</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<i>Dr. Derrick McKoy</i> Chairman	750,000	NA	NA	NA	<b>750,000</b>
<i>Mr. Clyve Jacks</i> Commissioner	450,000	NA	NA	NA	<b>450,000</b>
<i>Dorothy Lightbourne</i> Commissioner	450,000	NA	NA	NA	<b>450,000</b>
<i>Dr. Karl Reid</i> Commissioner	450,000	NA	NA	NA	<b>450,000</b>
<i>Ms. Gaunique Williams</i> Commissioner	450,000	NA	NA	NA	<b>450,000</b>
<b>Total</b>	<b>2,550,000</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>2,550,000</b>

**APPENDIX: FINANCIAL STATEMENTS FOR APRIL 1, 2020  
TO MARCH 31, 2021**

ANTI-DUMPING AND SUBSIDIES COMMISSION

FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 2021

ANTI-DUMPING AND SUBSIDIES COMMISSION  
Financial Statements  
Year ended March 31, 2021

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Statement of Cash Flows	4
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AUDITOR GENERAL'S DEPARTMENT  
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## **INDEPENDENT AUDITOR'S REPORT**

**To the Executive Director  
Anti-Dumping and Subsidies Commission**

### **Opinion**

I have audited the accompanying Financial Statements of the Anti-Dumping and Subsidies Commission, set out on pages 1 to 13, which comprise the Statement of Financial Position as at 31 March 2021, 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, 2021, 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 the International Standards of Supreme Audit Institutions (ISSAIs). My responsibilities under those standards are further described in the *Auditor's Responsibility 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 for the year ended 31 March 2021. I have determined that there are no key audit matters to report.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these Financial Statements in accordance with 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 the Commission'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 the Commission 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 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, I exercised professional judgment and maintained professional skepticism throughout the audit. I also:

- Identified and assessed the risks of material misstatement of the financial statements, whether due to fraud or error, designed and performed audit procedures responsive to those risks, and obtained 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 controls.
- Obtained an understanding of internal controls 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.
- Evaluated the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Concluded 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 Commission'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 the Commission to cease to continue as a going concern.
- Evaluated 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 those charged with governance 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 Anti-Dumping and Subsidies Commission Act**

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.

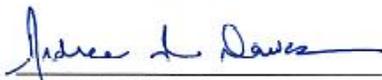
  
.....  
**Auditor General**

2024/04/24  
.....  
**Date**

**Anti-Dumping and Subsidies Commission**  
**Statement of Financial Position**  
**As at March 31, 2021**

	Note	2021 \$	2020 \$
<b>Non-current assets</b>			
Property, plant and equipment	5	1,761,044	1,640,172
		<u>1,761,044</u>	<u>1,640,172</u>
<b>Current assets</b>			
Receivables and prepayments	6	270,702	410,005
Cash and cash equivalents	7	7,319,774	6,183,360
		<u>7,590,476</u>	<u>6,593,365</u>
<b>Current liabilities</b>			
Employee benefits	8	6,468,221	9,124,107
Payables and accrued charges	9	2,286,542	4,924,251
		<u>8,754,763</u>	<u>14,048,358</u>
Net Current Liabilities		<u>(1,164,287)</u>	<u>(7,454,993)</u>
Net Assets/Liabilities		<u>596,757</u>	<u>(5,814,821)</u>
<b>Equity and reserves</b>			
General reserve		<u>596,757</u>	<u>(5,814,821)</u>
Total Equity and reserve		<u>596,757</u>	<u>(5,814,821)</u>

Approved for issue on behalf of the Anti-Dumping and Subsidies Commission on February 6, 2024 and signed on its behalf by:

  
 Mrs. Andrea Marie Dawes  
 Executive Director

  
 Mrs. Andria D. Whyte-Walters  
 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, 2021**

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	Note	2021 \$	2020 \$
<b>Revenue</b>			
Subvention		73,089,471	66,079,473
Total Revenue		<u>73,089,471</u>	<u>66,079,473</u>
<b>Operating expenses</b>			
Staff costs	10	45,566,082	46,582,866
Public utilities		632,454	572,376
Premises related expenses		11,377,162	10,238,200
Administrative expenses	11	5,522,748	5,478,062
Commissioners' fees		2,589,000	2,589,000
Depreciation expense	5	860,609	859,310
Audit fees		176,643	176,643
Bank charges		9,064	13,032
Total operating expenses		<u>66,733,762</u>	<u>66,509,489</u>
<b>Operating Surplus/(Deficit)</b>		<b>6,355,709</b>	<b>(430,016)</b>
Other income	12	55,869	5,624
<b>Net Surplus/(Deficit) for the year</b>		<u><b>6,411,578</b></u>	<u><b>(424,392)</b></u>

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

**Anti-Dumping and Subsidies Commission**  
**Statements of Changes in Equity**  
**For the year ended March 31, 2021**

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	General Reserve \$	Total \$
Balance as at April 1, 2019	(5,390,429)	(5,390,429)
Surplus for the year	(424,392)	(424,392)
Balance as at March 31, 2020	<u>(5,814,821)</u>	<u>(5,814,821)</u>
Balance as at April 1, 2020	(5,814,821)	(5,814,821)
Surplus/(Deficit) for the year	6,411,578	6,411,578
Balance as at March 31, 2021	<u>596,757</u>	<u>596,757</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, 2021**

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	Note	2021 \$	2020 \$
<b>Cash Flows from Operating Activities</b>			
(Deficit)/Surplus for the year		6,411,578	(424,392)
<b>Adjustments</b>			
Depreciation expense	5	860,609	859,310
(Increase)/Decrease in receivables and prepayments		139,303	39,708
(Decrease)/Increase in current liabilities		(5,293,595)	1,676,446
Net cash from operating activities		<u>2,117,895</u>	<u>2,151,072</u>
<b>Cash Flows from Investing Activities</b>			
Capital expenditure	5	<u>(981,481)</u>	<u>(144,005)</u>
Net Cash used in Investing Activities		<u>(981,481)</u>	<u>(144,005)</u>
<b>Cash Flows from Financing Activities</b>			
Net Cash Flows from Financing Activities		<u>-</u>	<u>-</u>
Increase in Cash and Cash Equivalents		1,136,414	2,007,067
Cash and cash equivalents at the beginning of the year		<u>6,183,360</u>	<u>4,176,293</u>
Cash and cash equivalents at the end of the year		<u>7,319,774</u>	<u>6,183,360</u>

**Anti-Dumping and Subsidies Commission**  
**Notes to the Financial Statements**  
**For the year ended March 31, 2021**

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**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.

**1. 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, 2021**

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**2. 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 receivable 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, 2021**

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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, 2021 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, 2021**

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

**viii. Revenue recognition (cont'd)**

Subvention is recognized when actual amounts are received as well as when statutory deductions are paid 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 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**  
**For the year ended March 31, 2021**

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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 31<sup>st</sup> were:

	2021	2020
	\$	\$
Savings Account	<u>1,116,556</u>	<u>1,415,721</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 budgetary support from the Consolidated Fund.

Financial Liabilities	2021			
	Carrying Amount	Contract Amount	Due within 3 months	Due within 1 year
	\$	\$	\$	\$
Payables and accruals	2,286,541	2,286,541	2,286,541	-
Employee Benefits	<u>6,468,221</u>	<u>6,468,221</u>	<u>1,869,890</u>	<u>4,598,331</u>
	<u>8,754,762</u>	<u>8,754,762</u>	<u>4,156,431</u>	<u>4,598,331</u>
Financial Liabilities	2020			
	Carrying Amount	Contract Amount	Due within 3 months	Due within 1 year
	\$	\$	\$	\$
Payables and accruals	4,924,251	4,924,251	4,924,250	-
Employee Benefits	<u>9,124,107</u>	<u>9,124,107</u>	<u>2,635,296</u>	<u>6,488,811</u>
	<u>14,048,358</u>	<u>14,048,358</u>	<u>7,559,546</u>	<u>6,488,811</u>

**Anti-Dumping and Subsidies Commission**  
**Notes to the Financial Statements**  
**For the year ended March 31, 2021**

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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:

	2021	2020
	\$	\$
Cash and cash equivalents	7,319,774	6,183,360
Accounts receivable (excluding prepayments)	<u>145,078</u>	<u>280,630</u>
	<u>7,464,852</u>	<u>6,463,990</u>

5. Property, plant, and equipment

	Furniture and Equipment	Fixture and Fittings	Computer Hardware	Computer Software	Total
	\$	\$	\$	\$	\$
Cost:					
1 April 2020	5,358,618	570,206	5,832,269	675,579	12,436,672
Additions	<u>461,494</u>	<u>84,050</u>	<u>372,926</u>	<u>63,011</u>	<u>981,481</u>
31 March 2021	<u>5,820,112</u>	<u>654,256</u>	<u>6,205,195</u>	<u>738,590</u>	<u>13,418,153</u>
Depreciation:					
1 April 2020	4,686,290	520,346	5,156,224	433,640	10,796,500
Charge for the year	<u>220,509</u>	<u>42,295</u>	<u>463,923</u>	<u>133,882</u>	<u>860,609</u>
31 March 2021	<u>4,906,799</u>	<u>562,641</u>	<u>5,620,147</u>	<u>567,522</u>	<u>11,657,109</u>
Net Book Value:					
31 March 2021	<u>913,313</u>	<u>91,615</u>	<u>585,048</u>	<u>171,068</u>	<u>1,761,044</u>
31 March 2020	<u>672,328</u>	<u>49,860</u>	<u>676,045</u>	<u>241,939</u>	<u>1,640,172</u>

**Anti-Dumping and Subsidies Commission**  
**Notes to the Financial Statements**  
**For the year ended March 31, 2021**

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**6. Receivable and prepayments**

	2021	2020
	\$	\$
Prepayments	125,625	129,375
Accounts receivable	145,077	280,630
	<u>270,702</u>	<u>410,005</u>

**7. Cash and cash equivalents**

	2021	2020
	\$	\$
Cash at bank	7,299,774	6,180,446
Cash in hand	20,000	2,914
	<u>7,319,774</u>	<u>6,183,360</u>

**8. Employee Benefits**

	2021	2020
	\$	\$
Provision for gratuity	5,584,288	8,390,275
Provision for vacation leave	883,933	733,832
	<u>6,468,221</u>	<u>9,124,107</u>

**9. Payables and accrued charges**

	2021	2020
	\$	\$
Accounts Payable	351,674	637,285
Statutory Deductions	778,433	2,896,041
GCT payable	246,693	166,220
Audit fees	883,215	706,572
Other payables	-	103,106
Rent payable	26,527	415,027
	<u>2,286,542</u>	<u>4,924,251</u>

**Anti-Dumping and Subsidies Commission**  
**Notes to the Financial Statements**  
**For the year ended March 31, 2021**

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**10. Staff Cost**

	<b>2021</b>	<b>2020</b>
	\$	\$
Salaries, wages and related costs	29,767,604	29,629,279
Travelling expenses and subsistence	8,979,472	9,753,634
Employee benefits expense	6,819,006	7,199,953
	<u>45,566,082</u>	<u>46,582,866</u>

**10a. Senior managers' remuneration**

<b>Senior Manager</b>	<b>Basic Salary</b>	<b>Gratuity</b>	<b>Motor Vehicle Upkeep Allowance</b>	<b>Other</b>	<b>Total</b>	<b>2020</b>
	\$	\$	\$	\$	\$	\$
Executive Director General	6,349,295	3,054,484	1,697,148	-	11,100,927	7,744,096
Manager Senior Legal Counsel	1,350,020	1,404,390	565,716	-	3,320,126	5,554,349
Senior Economist	4,255,610	1,924,536	1,697,148	322,364	8,199,658	6,072,474
FFA/Financial Controller	4,255,610	-	1,697,148	-	5,952,758	7,723,528
	4,067,190	1,957,175	1,697,148	-	7,721,513	5,554,349
	<u>20,277,725</u>	<u>8,340,585</u>	<u>7,354,308</u>	<u>322,364</u>	<u>36,294,982</u>	<u>32,648,796</u>

**Anti-Dumping and Subsidies Commission**  
**Notes to the Financial Statements**  
**For the year ended March 31, 2021**

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**11. Administrative expenses include:**

	<b>2021</b>	<b>2020</b>
	<b>\$</b>	<b>\$</b>
Consultancy fees	651,400	600,000
Stationery and office supplies	795,009	1,023,387
Repairs and maintenance	147,679	46,785
Miscellaneous expenses	25,970	38,625
Advertising & promotion	599,043	65,545
Insurance	171,250	168,750
Courier services	51,516	55,754
Meeting expenses	-	18,150
Office expenses	242,506	262,459
Penalties and other charges -TAJ	-	(140)
Training	28,500	389,044
Janitorial services	583,344	527,129
General Consumption Tax Returns	2,226,531	2,282,574
	<u>5,522,748</u>	<u>5,478,062</u>

**12. Other Income**

	<b>2021</b>	<b>2020</b>
	<b>\$</b>	<b>\$</b>
Donations	51,400	-
Interest Income	4,511	5,397
Other	(42)	227
	<u>55,869</u>	<u>5,624</u>

For more information on Trade Remedies and the Commission, please contact:

**THE ANTI-DUMPING AND SUBSIDIES COMMISSION**

*A Portfolio Agency of Ministry of Industry, Investment and Commerce (MIIC)*

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