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Trade Remedy Provisions in Regional Trade Agreements*

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Abstract

This paper maps and examines the provisions on anti-dumping, countervailing duties and safeguards in seventy-four regional trade agreements (RTAs). The RTAs vary in size, degree of integration, geographic region and the level of economic development of their members. The key policy concern of the paper is that the elastic and selective nature of trade remedies may lead to more discrimination, with reduced trade remedy actions against RTA partners, but a greater frequency of trade remedy actions against non-members. The adoption of RTA-specific trade remedy rules increases this risk of discrimination, with trade remedies against RTA members being abolished outright or being subjected to greater discipline. The templates used for mapping the trade remedy provisions reflect this central concern.

The results of the mappings suggest the need to be vigilant about increased discrimination arising from trade remedy rules in RTAs. A number of RTAs have succeeded in abolishing trade remedies. Probit and multinomial logit model estimations suggest that these RTAs are characterized by a higher share of intra-RTA trade and deeper forms of integration that go well beyond the dismantling of border measures. A fairly large number of RTAs have adopted RTA-specific rules that tighten discipline on the application of trade remedies on RTA members. In the case of anti-dumping for example, some provisions increase de minimis volume and dumping margin requirements and shorten the duration for applying anti-dumping duties relative to the WTO Anti-dumping Agreement. In similar fashion, many of the provisions on bilateral safeguards lead to tightened discipline or reduce the incentives to take safeguard actions. Safeguard measures can be imposed only during the transition period, have shorter duration periods and require compensation if put in place. Further, retaliation is allowed if there is no agreement on compensation. RTA provisions on global safeguards require that, under certain conditions, RTA partners be exempted from multilateral safeguard actions. This conflicts with multilateral rules which require that safeguard measures be applied to all sources of imports and highlights the problem of trade diversion. A small number of RTAs give a role to regional institutions to conduct anti-dumping and countervailing duty investigations and to review final determinations of national authorities. There is a theoretical presumption and some empirical evidence to suggest that this reduces the frequency of anti-dumping initiations and final determinations against RTA members. In the case of CVDs, we are unable to find major innovations in CVD rules and practice by past and present RTAs. A major reason for this may be the absence of commitments in the RTA on meaningful or significant curbs on subsidies or state aid.

1 Introduction

This paper examines trade remedy provisions in regional trade agreements (RTAs). By trade remedies are meant anti-dumping, countervailing and emergency or safeguard measures. Anti-dumping and countervailing duties can be levied on exporters who engage in “unfair” trading practices that cause material injury to domestic producers. These unfair trading practices can take the form of selling products below their “normal” price or of benefiting from government-provided subsidies. Safeguard actions can be taken even if there is no unfair trade practice so long as imports have increased to an extent that serious injury has been suffered by domestic producers. No matter the difference in conditions under which they can be triggered, all these instruments represent internationally agreed means for a country to temporarily increase the level of trade protection received by its injured domestic industry.

1.1 Brief introduction of the issues

Despite the extensive literature on regionalism, not a lot is known about the actual content of many of these RTAs. This is certainly true about the trade remedy provisions. Thus, a major contribution of this paper to the literature on regionalism is to provide baseline information about the contents of the trade remedy provisions in RTAs. How many have been able to abolish trade remedies and how many maintain the need for these instruments? What are common features of trade remedy provisions in RTAs? Beyond this role of filling gaps in our knowledge about the contents of RTA, the paper also attempts to answer a range of other questions. Are there identifiable families of trade remedy provisions (families differing by geographical regions or nature of RTA for example)? What role do trade remedies play in RTAs? Are there economic characteristics of the RTA members which are able to statistically explain some key features of the trade remedy provisions? Will the frequency of their use change as a consequence of RTA proliferation?

1.2 Survey of analytical and policy discussions surrounding trade remedies

1.2.1 Why are trade remedies needed?

Why do trade agreements need trade remedy provisions? One explanation for the near universal presence of trade remedy provisions in trade agreements is the political economy of protectionism (Tharakan, 1995). The

long-term process of tariff liberalization in the post-world war II era has successfully reduced tariff rates to very low levels worldwide. But import-competing sectors would continue to have an incentive to secure protection through whatever means they can find. Although trade remedy measures are typically administered by bureaucracies which appear to be insulated from political pressure, influence can be brought to bear on them indirectly “through the shaping of the laws and regulations” which govern their work (Finger, Hall and Nelson, 1982). One of the advantages offered by administered protection to import competing sectors is that it is inherently biased in their favour since it is a channel for complaints about an excess of import competition and not of its lack. By design, the trade remedy bureaucracy can only impose protection and not remove it (other than that which it imposes itself).¹

A second explanation sees trade remedy measures as a pragmatic tool to deal with the political demands for protection that trade liberalization provokes (Jackson, 1997). Trade liberalization may lead to costs of adjustment. If nothing is done to manage those costs, political pressure may build up to a point where protectionist forces would be able to engineer a permanent reversal of trade liberalization. The introduction of trade remedy measures in a trade agreement may be thought of as anticipating the possibility of such difficult adjustments and the political pressure for protectionism that they give rise to and providing a means to deflate this pressure with a temporary reversal of liberalization. This implies that the depth of liberalization that can be achieved by a trade agreement *ex-ante* may depend on whether there are built-in escape clauses that allow governments to depart temporarily from their liberalization commitments under well defined and circumscribed conditions. Trade remedy measures address this need. While the use of the trade remedy measures may result in *ex-post* welfare losses during periods when the level of protection is temporarily increased, the deeper liberalization that is allowed *ex-ante* means that this could be outweighed by the long-term welfare gains.²

¹Finger, Hall and Nelson (1982), p. 454. Moore (2002, 2006) offers an excellent overview of US sunset policy.

²A recent paper by Moore and Zanardi (2007) has examined whether this particular explanation for trade remedy measures can be empirically verified. They find that the evidence for a sample of 23 developing countries is not supportive of the argument that the availability of anti-dumping measures has contributed to tariff reductions. Instead, they conclude that past use of anti-dumping may have led to less trade liberalization.

1.2.2 Trade remedies in RTAs

Since RTAs have the objective of dismantling all barriers to intra-regional trade, one natural expectation is that RTA members will abolish the use of trade remedies against intra-bloc trade. In fact, there are those who view the elimination of trade remedies, in particular anti-dumping actions, as a requirement under Article XXIV of GATT 1994, which deals with customs unions and free trade areas. Paragraph 8(b) of GATT Article XXIV requires WTO members, who form a preferential trade area, to “eliminate duties and other regulations restricting trade”.³ Some have interpreted the reference to “other regulations restricting trade” to include trade remedies, and to anti-dumping actions in particular (Marceau, 1994). This view is strengthened by the fact that paragraph 8(b) of GATT Article XXIV allows, where necessary, RTA members to exclude certain GATT articles from the general requirement to “eliminate other regulations restricting trade”.⁴ It would have been easy to include GATT Articles VI (Anti-dumping and Countervailing Duties) and XIX (Emergency Action on Imports of Particular Products) to the excluded GATT articles, if that had been the intention of the framers of the GATT. That they are not would suggest to some that RTAs which retain the use of trade remedy instruments are inconsistent with GATT rules (Marceau, 1994).

But the elimination of intra-regional tariffs may create new demands for the protective effects of trade remedies. For a government entering into a free trade agreement, import-competing sectors need to be given assurance that they have the means to protect themselves from the unanticipated consequences of the regional liberalization programme. Retaining trade remedies in the regional trade agreement serves the useful purpose of soliciting political support for the agreement. In these circumstances, trade remedies could be seen in a similar light as long transition periods, complicated rules of origin, and sensitive sectors in regional trade agreements, all of which result in a slower process of liberalization for sensitive import-competing sectors.

³Article XXIV: 8(b) states that: “A free-trade area shall be understood to mean a group of two or more customs territories in which the duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated on substantially all the trade between the constituent territories in products originating in such territories.”

⁴The GATT articles not covered by the requirement to eliminate “other regulations restricting trade” include Article XI (General Elimination of Quantitative Restrictions), XII (Restrictions to Safeguard the Balance of Payments), XIII (Non-discriminatory Administration of Quantitative Restrictions), XIV (Exceptions to the Rule of Non-discrimination), XV (Exchange Arrangements) and XX (General Exceptions).

Instead of directly cushioning the effects of the RTA by drawing out the process of tariff elimination, trade remedies achieve a different cushioning effect by specifying a set of conditions – injury to the domestic industry – under which the regional liberalization programme may be temporarily suspended or partially reversed.

While abolishing trade remedies on RTA partners' imports will most likely increase intra-bloc trade, this does not necessarily mean that it is welfare-enhancing. The ambiguity of the welfare impact stems from the well-known insight that preferential trade arrangements have both trade creation and trade diversion effects (Viner, 1950). The impetus given to intra-regional trade by the abolition of trade remedy actions on RTA partners' trade may be at the expense of cheaper sources of imports that come from non-members.

The danger in fact is that as intra-regional trade expands because of falling intra-regional tariffs, administered protection becomes increasingly directed at the imports of non-members. Bhagwati (1993) and Bhagwati and Panagariya (1996) have argued that due to the “elastic” and selective nature of administered protection, they can increase the risk of trade diversion from RTAs. Administered protection is elastic because it is “subject to serious arbitrariness and manipulation”. So apart from discrimination introduced by preferential tariffs, the establishment of regional trade agreements can lead to more discrimination against non-members of the RTA through more frequent trade remedy actions. Thus, one key conclusion they derive is that in a world teeming with RTAs, there is greater need for stronger multilateral disciplines on trade remedies. It appears that both Bhagwati (1993) and Bhagwati and Panagariya (1996) envisioned that this increase in discrimination against non-members can take place without necessarily requiring the adoption of special RTA rules on trade remedies. The elastic and selective nature of trade remedy protection allows non-members to be targeted more frequently.

But to the extent that RTAs adopt special or additional rules on trade remedy actions on members' trade, they can effectively increase the level of discrimination against non-members. This increase in discrimination can occur when RTA members abolish trade remedy actions against the trade of RTA members but not against non-members' trade. It could occur when RTA members adopt rules that strengthen disciplines on trade remedy actions against the trade of RTA members but not against the trade of non-members. While moves to strengthen disciplines on trade remedy actions against RTA partners or to abolish trade remedy actions against RTA partners outright appear good for trade, the welfare effects are ambiguous. They

may simply lead to intra-regional imports substituting for cheaper sources of imports from non-members (trade diversion). Since regional trade agreements thrust us into the world of the second best, actions that look like they will lead to an increase in economic efficiency may achieve exactly the opposite effect.

The plan for the rest of the paper is as follows. Section 2 describes the key economic characteristics of the RTAs that were included in the analysis. Section 3 begins with a review of the available literature on the role of trade remedies in trade agreements. Based on this review, a number of issues are identified which need to be reflected in the mapping. One of those issues is the possibility that trade remedies worsen the problem of trade diversion in RTAs through rules that prohibit or deter trade remedy actions against RTA partners. We also document some of the patterns in the incidence or frequency of trade remedy actions over the past quarter of a century that motivates the central concern in this paper on trade remedy rules in RTAs. The section then presents the templates used in the mapping exercise and also discusses some of the limitations inherent in relying primarily on the legal text of the agreements. Section 4 discusses the results of mapping anti-dumping, countervailing duties and safeguards provisions in RTAs. The information from the mappings is used to describe general features of the trade remedy provisions and to provide answers to a few key questions. Since only a small number of RTAs have actually abolished trade remedy actions against RTA partners, Section 5 examines a number of proposed explanations for why this could be the case and complements the analysis with probit model estimates. Finally, Section 6 summarizes the results and offers some conclusions.

2 RTAs Included in the Mapping

Seventy-four RTAs were surveyed for this paper (the list of the RTAs appears in Annex 1). The RTAs were selected based on a number of criteria. As much as possible, they should be RTAs notified to the WTO. The sample of RTAs should be geographically diverse, involving arrangements from all major regions and should include North-North, South-South and North-South RTAs. The sample should also include the most economically important RTAs and there should be a greater representation of the more recent generation of RTAs.

2.1 Key economic characteristics of the RTAs

The bulk of the 74 RTAs included in the survey have been notified to the WTO.⁵ Collectively, the notified RTAs represented about 45% of the total number of RTAs notified to the WTO under Article XXIV of GATT 1994 and the Enabling Clause.⁶ The RTAs surveyed accounted for about 52.5 percent (\$ 4.7 trillion) of global merchandise import flows in 2005, although not all of that trade receives preferential treatment. Intra-RTA imports in 2005 for the surveyed RTAs ranged from a high of \$ 2.4 trillion (for the EC) to a low of \$ 73 million for the arrangement involving EFTA and the Former Yugoslav Republic of Macedonia. The share of intra-RTA trade was largest (61 percent) for the EC and NAFTA (34.5 percent) while the smallest share was for the FTA involving the EC with the Faroe Islands.

2.2 Other stylized facts

Crawford and Fiorentino (2005) and Fiorentino, Verdeja and Toqueboeuf (2007) have provided a comprehensive picture of the current RTA landscape. They document the continuing increase in the number of RTAs being formed. Even countries in East Asia that have traditionally eschewed preferential trade arrangements have now become active players in regional trade negotiations. RTAs between developed and developing countries and cross-regional agreements are on the increase. Many of the patterns they have documented are apparent in the list of RTAs included in our survey. A large number of the RTAs were formed just recently. Forty came into force at the beginning of the current decade and 22 in the 1990s. Only 4 came into force in the 1980s; 4 in the 1970s; and 4 before 1970 (see Figure 1). The list is also geographically diverse with RTAs from North America, the Caribbean, Latin America, Asia and the Pacific, Africa, the Middle East, Western Europe and Central and Eastern Europe. A large majority of the RTAs (46 RTAs) involve members who are a mix of developed and developing countries.⁷ Twenty-two RTAs involve only developing countries as members while 6 are RTAs with developed members only (see Figure

⁵Of the 74 RTAs included in this survey, only four have not yet been notified to the WTO as of 18 July 2007. They are the Andean Community, the Group of Three, Mexico-Northern Triangle and Mexico-Uruguay.

⁶As of 18 July 2007, 157 RTAs in force have been notified to the WTO under either Article XXIV of GATT 1994 or the Enabling Clause of 1979. A further 48 RTAs in force have been notified under Article V of the General Agreement on Trade in Services (GATS).

⁷“Developed countries” refer to Australia, Canada, EC, the members of EFTA, Japan, New Zealand and the US. All other countries are classified as developing countries.

2). There is a pronounced hub-and-spoke and cross-regional pattern in the RTAs in the sample (see Figure 3). The largest constellations are grouped around the EC (future accession countries, Euromed and others), EFTA and the US. But there are other active RTA players, which includes Mexico (with 10 RTAs), Singapore (with 6 RTAs), Australia (with 5 RTAs), Chile (with 5 RTAs) and Canada (with 4 RTAs). The sample is dominated by free trade agreements with just a few preferential agreements of partial scope (EC-OCT, SAPTA and SPARTECA), although there is a sizeable number of customs unions (Andean Community, CACM, CARICOM, CEMAC, EC, EC-Andorra, EC-Turkey, GCC, MERCOSUR and UEMOA).

The prominent hub-and-spoke and cross-regional pattern of the RTAs in the sample accentuates features of the trade remedy provisions negotiated by the major hubs – the EC, the US, the EFTA countries – and to a certain extent the other major players. It would appear that each major hub was negotiating according to certain trade remedy templates in mind. Thus, while there could be regional (Asia-Pacific vs. Latin American) and temporal (earlier as opposed to later RTAs) differences in trade remedy provisions, the more pronounced differences that are highlighted in this paper are those that arise from the identity of the hub country.

3 Methodological Approach to the Mapping

3.1 Review of previous approaches to examining trade remedy rules in RTAs

We know of no previous attempt to comprehensively and systematically analyze trade remedy rules in regional trade agreements. However, the anti-dumping rules in NAFTA have received some research attention. NAFTA provides for the creation of bi-national panels which have the authority to review anti-dumping determinations made by national authorities. To what extent can the existence of such a regional institution affect the frequency of anti-dumping initiations and measures against RTA partners?

The key policy concern that concern is the “elastic” and selective nature of trade remedies which can lead to more discrimination, with reduced trade remedy actions against RTA partners, but a greater frequency of trade remedy actions against non-members. While reduced trade remedy actions against RTA members may lead to more intra-regional trade, the welfare effects of this increased trade are ambiguous depending on the trade-creation and trade diversion effects.

3.1.1 Role of intra-regional institutions

The economic literature suggests one important avenue through which the specific trade remedy rules in RTAs can reduce actions against imports from RTA partners. It appears that the existence of a regional body which has the power to review the determinations of national investigating authorities can reduce the incidence of trade remedy actions against intra-RTA imports.

In the case of NAFTA and the Canada-US Free Trade Agreement (CUSFTA) for example, a member state can request a review of the final anti-dumping or countervailing duty determination made by the authority of another NAFTA partner. Under Chapter 19 of NAFTA, this would be undertaken by a bi-national panel, composed of five experts designated by the concerned NAFTA members. While the scope of the review is limited to determining whether the decision of the trade remedy authority is in accordance with national laws, the panel has the authority to remand it to the concerned authority for action if it judges that the determination has not been in accord with national laws. Chapter 19 also allows NAFTA partners to request a bi-national panel review of a proposed amendment of anti-dumping or countervailing duty statutes. The creation of bi-national panels in NAFTA appears to have reflected Canadian concerns over US anti-dumping and CVD actions (Gagné, 2000; Jones, 2000). If final determinations can be subject to review not only by the courts or tribunals of the country whose authorities imposed the measure but by a regional body as well, it may provide an additional layer of objectivity (Gagné, 2000). The existence of regional review bodies might also change the incentives for filing unfair trade petitions by reducing the likelihood of an affirmative finding of injurious unfair trade (Jones, 2000).

A number of empirical studies have tried to ascertain whether this specific provision in CUSFTA and NAFTA have had a discernible effect on the number of US trade remedy actions against NAFTA partners and on the final determinations by US authorities.

One possible test is to see whether there is a significant difference in outcome of the appeals before bi-national panels as opposed to national tribunals. Goldstein (1996) computes the ratio of the share of US unfair trade orders against Canada as a proportion of Canadian imports to the United States. She found that, in 1987, before the FTA, the Canadian ratio of AD orders to its share of U.S. imports was 0.83. By the close of 1990, that number had been reduced to 0.33. This reduction in unfair trade orders occurred only in Canadian trade as the same ratio computed for the European Community and Japan rose during the same period. She attributes this

shift to the rulings of the binational panels. Rugman and Anderson (1997) reviewed the initial five-year period (1989-94) of the operation of CUSFTA. They noted that two thirds of Canadian appeals of US trade remedy actions before bi-national panels were remanded compared with one third for non-NAFTA countries before US tribunals (the Court of International Trade). Although they are critical of the bi-national panels and make a number of recommendations for improving them, given this evidence they acknowledged that Canada obtained a unique benefit from the bi-national panels under CUSFTA.

Both the Goldstein and the Rugman and Anderson papers however did not apply any statistical tests to the data. Using anti-dumping and countervailing duty filings of the US from 1980-97 and similar data of Canada for 1985-97, Jones (2000) estimated a Poisson regression with macroeconomic variables, imports, industry characteristics and an FTA dummy as regressors. He found a robust inverse relationship between the introduction of NAFTA Chapter 19 and the number of unfair trade petition filings. He found that there was a statistically significant reduction in both US anti-dumping filings against Canada and Canadian anti-dumping filings against the US after NAFTA took effect.

Blonigen (2002) extended the study by Jones in a number of ways. First, Mexico was included in the study. Second, instead of representing Chapter 19 as a time dummy, he used the number of requests for panels and or remands, so more closely measuring the amount of Chapter 19 activity. Third, Blonigen not only examined the possible effect of Chapter 19 on the number of AD/CVD filings but also on the outcome of the reviews. Unlike Jones, he found no evidence that bi-national reviews under Chapter 19 of NAFTA affected the frequency of U.S. filings or affirmative determinations against Canada and Mexico. However, he did discover some indication that cumulative remands by Chapter 19 dispute panels to review U.S. decisions against Canada have led to fewer affirmative decisions against Canada.

Thus, the mapping of RTA rules on trade remedies will need to include a provision on regional institutions which are given the authority to review decisions made by national authorities.

3.1.2 Frequency of trade remedy use

Before moving on to present the templates to be used for the mapping, we document the frequency of anti-dumping activity over the past quarter of a century and since 1995 for countervailing duties and safeguards.

First, of all we note that countries have a revealed preference for us-

ing anti-dumping compared to countervailing duties or safeguard measures. Using the notifications made by members to the WTO over the 1995-2006 period, there were nearly nine times more anti-dumping initiations (3,044) than there were countervailing duty (191) and safeguard (155) initiations combined (see Table 1). Over the same period, there were ten times more anti-dumping measures (1,941) than there were countervailing duty (115) and safeguard measures (77) applied.⁸

Until the mid-1980s, most anti-dumping actions were taken by the four traditional users (Australia, Canada, the EC and the US). Beginning in the mid-1980s, anti-dumping actions began to spread beyond the traditional users and to involve many developing countries (see Miranda, et al, 1998; Prusa, 2005; Zanardi, 2004). Figure 4 gives an indication of the main trends. First, total anti-dumping initiations have continued to rise during the two decades since 1980, although there has been a significant drop in overall activity since 2001. Second, anti-dumping initiations by the traditional users have tailed off in the last decade. Third, the new users (primarily developing countries like Argentina, Brazil, India, and Mexico) have become quite active and have been responsible for much of the growth of anti-dumping activity since the mid-1990s. The new users initiate anti-dumping cases more intensively (15 to 20 times more frequently per dollar of imports) than historically predominant users like the US and the EC (Prusa, 2005). Lastly, anti-dumping actions by developing countries are increasingly directed at other developing countries. For the period 1995-2006, more than 70 percent of all anti-dumping initiations by developing countries were against other developing countries.

The average annual number of countervailing duty initiations has been about 16 per year but with an apparent decline in recent years. The bulk of all countervailing duty actions have been taken by the United States, the EC and Canada. Based on notifications to the WTO, the three WTO members accounted for nearly three-fourths of all CVD initiations during the past twelve years (see Figure 5). More than two-thirds of all CVD initiations were directed at developing countries, with India being the most frequent target. With regards to safeguards, the average annual number of initiations is about 13 per year. About 70 percent of all safeguard initiations are taken by developing countries, principally India, Jordan, Chile and Turkey.⁹

While all discriminatory applications of trade remedies increase the trade diversion effects of an RTA, the evidence presented here highlights the par-

⁸It should be noted though that a safeguard action may involve multiple import sources.

⁹See Yano (2006).

ticular importance of anti-dumping given the frequency with which it is applied by many developed and developing countries. RTA provisions that abolish or increase the discipline on anti-dumping actions against RTA members can potentially have far more damaging effects. One other implication is that while discriminatory anti-dumping rules in RTAs may reduce anti-dumping actions against RTA members, they will not necessarily reduce the total number of anti-dumping actions. Anti-dumping initiations or measures against non-members may increase to such an extent that the total incidence of anti-dumping actions at the global level remains unchanged.

3.2 Benchmarks (templates) used for the mapping

3.2.1 Introduction

The mappings that are presented in this paper are drawn almost exclusively from the legal text of the regional trade agreements. In a small number of cases primarily involving older RTAs, the mapping has also relied on directives or decisions that were enacted subsequently, several years after the RTA came into force. The purpose of the mappings is first of all to understand the nature of these rules but also to extract explanatory or predictive power from the mapping which could be used to test empirically testable hypotheses about trade remedies in RTAs. For this to hold, one needs to be able to assume that legal provisions in the RTAs coincide with actual practice. One important caveat to recognize then is the potential cleavage between the language contained in the agreements and how the provisions are actually implemented. Although the legal text controlling trade remedy practice may sometimes be similar across RTAs, there could be large variation in trade remedy practices that in turn generate differences in outcomes.

Blonigen and Prusa (2001) have emphasized the importance of the institutional process surrounding the anti-dumping investigation and determinations and argued that these have significant impacts beyond the anti-dumping duty finally observed. They pointed to the substantial discretion enjoyed by authorities in their decisions on dumping margins and injury determinations. They identified a number of differences in anti-dumping practices across countries. The level of transparency varied and seemed to be a problem for new users. Price undertakings were common in some countries but not in others. Some countries began collecting anti-dumping duties only a few days after a petition was filed although most countries waited until a preliminary injury determination was made. Some countries levied

an anti-dumping duty equal to the full dumping margin while others levied a lesser amount.

Blonigen (2003) noted that the average dumping margin calculated by the US Department of Commerce (DOC) had risen from an average of 15.5 percent in the early 1980s to an average of 63 percent by 2000. During the same time, the proportion of cases which the US International Trade Commission found material injury rose from 45 percent in the early 1980s to 60 percent by 2000. He concluded that DOC discretionary practices have played the major role in rising dumping margins. Importantly, the evolving effect of discretionary practices was due not only to increasing use of these practices over time, but apparent changes in implementation of these practices that meant a higher increase in the dumping margin whenever they were applied.

The recent survey by Horlick and Vermulst (2005) of the anti-dumping practices in ten major user countries – Australia, Brazil, China, the EC, India, Indonesia, Mexico, South Africa, Thailand and the US – showed that this problem extended to many countries. They identified a number of problem areas: procedural issues, determination of dumping margins, injury determinations and procedural issues. They found that the increasing use of constructed normal values gave too much discretion to anti-dumping authorities in determining the existence of dumping. They reached a similar conclusion that there was too much administrative discretion in the determination of injury, injury margins and causation.

What these studies imply is that while the legal provisions on trade remedies in RTAs provide important information, they may not be enough. The institutional setting, the administrative procedures and practices will need to be examined to ascertain what part they play in determining the trade and welfare effects of trade remedy actions. However, we are unable to take these factors into account in this paper. While acknowledging this concern, we nevertheless think that the mapping of trade remedy provisions continues to be a useful exercise and the only test of whether there is predictive power from the mapping will come from empirically grounded tests of specific hypothesis about trade remedy practice in regional trade agreements.

3.2.2 Anti-dumping

Given the discussion earlier about the importance of ascertaining whether trade remedy rules in RTAs treat RTA members more favourably than non-members, a two-level template is adopted for the comparative analysis of

anti-dumping provisions. In the first level of the template, the key questions that are asked are: (i) whether anti-dumping action is disallowed among the members and (ii) if specific rules on anti-dumping apply to RTA members' trade. If specific anti-dumping rules apply to RTA members, the second level of the template maps these specific provisions of the agreement.

Level 1 elements for anti-dumping The first and more important level of the template classifies anti-dumping provisions in RTAs into three mutually-exclusive categories. The first category of RTAs includes those which disallow anti-dumping actions among the RTA members. The second category includes RTAs which have no such prohibition, but which at the same time, develop no specific language or provisions on anti-dumping. The final category is made up of RTAs which allow anti-dumping action and which contain specific provisions on anti-dumping.

Level 2 elements for anti-dumping For those RTAs which contain specific rules on anti-dumping, the second level of the template maps these specific provisions in some detail. The second-level template is mainly patterned after the Anti-dumping Agreement of the WTO. Thus it includes elements such as determination of dumping, determination of injury, evidence, provisional measures, price undertakings, duration and review of anti-dumping duties and price undertakings, and notification and consultation. But it includes elements that are either quite unique in to regional agreements or which have been highlighted in the literature that is available on anti-dumping in RTAs.

As noted above, one important avenue through which trade remedy rules in RTAs can affect the probability of trade remedy actions among RTA partners is through the establishment of a regional body which has the power to conduct investigations or has the authority to review or remand final determinations of national authorities.

The template used to map the anti-dumping provisions of the RTAs appears in Table 2.

3.2.3 Countervailing duties

A similar two-level template is adopted in the case of countervailing duties. One addition to the first-level countervailing duty template is information concerning the presence of a common policy or programme on subsidies and any additional disciplines that are imposed on the use of subsidies and state aid. Under multilateral rules, countervailing duties can be levied on imports

which benefit from subsidies if they cause or threaten material injury to an established domestic industry, or are such as to retard materially the establishment of a domestic industry. If the RTA members have a common policy on subsidies or state aid, they may be able to dispense with the use of countervailing duties. Alternatively, if the RTA members are able to agree on additional disciplines that apply to subsidies or state aid, then it may be possible to limit the application of countervailing duties in the RTA. But absent a common subsidy policy or additional disciplines on subsidies, it is unlikely for the provisions governing countervailing duties in the RTA to depart from multilateral rules or practice.

Level 1 elements for countervailing duties The first level classifies CVD provisions in RTAs into three mutually-exclusive categories. The first group of RTAs are those RTAs which disallow CVD actions against RTA members. The second category includes RTAs with no specific CVD provisions. And the third are those with specific CVD rules that apply to RTA members' trade. And as discussed above, additional information about regional disciplines on subsidies and state aid are included in the first level of the template.

Level 2 elements for countervailing duties The second and more detailed level of the template involves determining whether certain provisions are present in the third category of RTAs and is basically patterned after the Subsidies and Countervailing Duties Agreement (SCM) of the WTO. These include provisions on: conditions for applying CVDs, initiation and subsequent investigation, evidence, consultation, determination of injury, definition of domestic industry, provisional measures, undertakings, imposition and collection of CVDs, retroactivity, duration and review of CVDs and undertakings, S & D treatment of developing countries, subsidization by third countries and dispute settlement. We include information on the role of regional institutions in the administration of countervailing duties. Regional bodies that have the authority to conduct CVD investigations and to review and remand final determinations seem to be the most important.

The template used to map the countervailing duties provisions of the RTAs appears in Table 3.

3.2.4 Safeguards

We need to distinguish between “bilateral” and “global” safeguard provisions in regional trading agreements.

Bilateral safeguard actions are meant to apply only to the trade of other RTA members. Bilateral actions provide a temporary escape hatch for members when as a result of undertaking the commitments under the agreement, i.e. reducing preferential tariffs, increased imports from RTA partners result in serious injury to the domestic industry. Triggering the safeguard provision in the RTA allows a member to relieve itself of its RTA obligations temporarily, with the period of relief providing the beleaguered domestic industry the opportunity to adjust towards free trade. In fact, these actions are worded in that way – bilateral safeguards – in a number of RTA agreements. But even in those RTAs where this distinction is not made explicitly, the safeguard provision is clearly meant to address emergency situations that occur as a result of the preferential treatment accorded to partners’ imports.

One aspect of bilateral safeguard actions that is of particular interest is the special safeguard mechanism. They are special in at least two ways. Firstly, they are triggered by a different mechanism, typically involving price and/or quantity thresholds. Second, they do not require that injury to the domestic industry be demonstrated. They are applied to traditionally sensitive sectors like agricultural products and textiles and clothing.

Global safeguard actions are those actions that are triggered under GATT Article XIX (Emergency Action on Imports of Particular Products) and the Agreement on Safeguards. Multilateral rules require that any safeguard measure be applied on a non-discriminatory basis.¹⁰ Typically, the RTA provisions on global safeguard actions specify the conditions under which RTA partners could be excluded from multilateral safeguard actions invoked by an RTA member.

Provisions of both bilateral and global actions are included in the safeguard template and mapping.

Level 1 elements for safeguards The first level of the template classifies safeguard provisions in RTAs into three mutually-exclusive categories. The first category includes RTAs which disallow safeguard actions among RTA partners. The second covers RTAs which allow such actions but have no specific provisions. The third category includes those RTAs which both allow safeguard actions and have specific language governing those actions. The second and more detailed level of the template involves a classification of the provisions contained in the third category of RTAs.

¹⁰Article 2.2 of the Agreement on Safeguards states that: “Safeguard measures shall be applied to a product being imported irrespective of its source.”

Level 2 elements for safeguards Much of the template used for mapping safeguard provisions is basically patterned after the Agreement on Safeguards of the WTO, although other elements are included as well. The elements include provisions on: conditions for the application of safeguards, determination of injury, investigation, application of safeguard measures, provisional measures, duration and review of safeguard measures, compensation (equivalent level of concession), retaliation (suspension of equivalent concessions), treatment of developing countries, existence of a regional authority, notification and consultation, dispute settlement, special safeguards and relationship to WTO agreements. Given that many of these elements are familiar from the Safeguards Agreement, we shall highlight those that are not found in that Agreement.

Like in the previous two templates, we allow a role for regional bodies in safeguard actions. Regional institutions could have a coordinating function, serving for example, as a clearinghouse for information on emergency action. Or regional authorities could conduct safeguard investigations and/or review safeguard measures taken by national authorities. The template maps information regarding provisions on global safeguard actions, if they exist in the RTA. Under what conditions can an RTA member exclude other RTA members from safeguard actions invoked under Article XIX of GATT 1994 and the WTO Agreement on Safeguards? Finally, given the role of trade remedy instruments in managing regional trade liberalization, the template also takes into account the existence of special safeguard provisions for products or sectors which are politically sensitive.

The template used to map the countervailing duties provisions of the RTAs appears in Table 4.

4 Analysis of the Mapping

4.1 Anti-dumping

A detailed mapping of the anti-dumping provisions of the 74 RTAs in our sample using the two levels of the anti-dumping template are presented in Tables 5A and 5B. Only a small number (9) of RTAs have disallowed anti-dumping. These are Canada-Chile, CER (Australia-New Zealand), China-Hong Kong, China-Macao, the European Communities (EC), European Economic Area (EEA), European Free Trade Association (EFTA), EFTA-Chile and EFTA-Singapore. In the case of the EEA, the prohibition on anti-dumping applies only to intra-regional trade of goods that fall under chapters 25 to 97 of the harmonized system. In other words, anti-dumping

measures can still be taken against agricultural and fishery goods.¹¹ The Chile-Mexico FTA, which came into force in 1999, stipulated future negotiations between the partners that will lead to the removal of anti-dumping actions. However, it appears that the negotiations to achieve this goal have not been successfully concluded. Eighteen RTAs have no specific anti-dumping provisions. The large majority (47) of the RTAs contain specific language or further elaboration of anti-dumping rules that applies to partners in the RTA. It should be noted though that 9 of those 47 RTAs only state that anti-dumping actions against RTA partners should adhere to GATT Article VI and the WTO's Agreement on Anti-dumping. Thus, they could as well have been classified as RTAs with no specific provision on anti-dumping.¹²

Some of the specific language in the RTAs increases the threshold required to apply anti-dumping duties or shortens its duration. For example, the Andean Community requires a higher *de minimis* volume (6%) and mandates a shorter period (3 years) for applying anti-dumping duties than the WTO Anti-dumping Agreement. The New Zealand-Singapore FTA has a higher *de minimis* dumping margin (5%) and a higher *de minimis* volume requirement (5%) than the WTO benchmark. MERCOSUR also limits the duration of anti-dumping duties to 3 years (compared to 5 years in the WTO agreement).

Of the 74 RTAs included in the survey, five (Andean Community, Central American Common Market, CARICOM, NAFTA and UEMOA) give a role to regional bodies to conduct investigations and/or review the final determinations of national authorities. In the Andean Community, the Secretary-General of the Andean Community is given the authority to open and conduct anti-dumping investigations and decide on provisional and final anti-dumping duties. The Secretariat for Central American Economic Integration (SIECA) is the regional body given the authority to conduct anti-dumping investigations in the CACM. In the CARICOM, one of the regional organs – the Council for Trade and Development (COTED) – has the authority to conduct anti-dumping investigations, to authorize member states to apply anti-dumping measures and to keep such measures under review. The UEMOA Commission is the regional body in charge of anti-dumping in UEMOA. In the case of NAFTA, the establishment of bi-national panels can be requested by any of the members to review final anti-dumping determinations.

¹¹This is based on communication with the EFTA Secretariat.

¹²The 9 RTAs are EC-Chile, EC-Egypt, EC-Lebanon, EC-Mexico, EC-South Africa, Korea-Chile, Mexico-Israel, SADC and US-CAFTA-Dominican Republic.

With the exception of NAFTA, the four other RTAs are customs unions. Some of these regional groupings have a history of relying heavily on regional institutions in the integration process. The Andean Community and the CARICOM, in particular, are composed of small member states and it could be argued that certain public goods may be better delivered by regional institutions than national ones because of the possibility of pooling expertise and resources. In the context of the current WTO negotiations for example, CARICOM countries have tabled proposals that will allow WTO Members to designate a regional body to carry out the functions necessary to implement the provisions of the Sanitary and Phytosanitary (SPS) Agreement, Technical Barriers to Trade (TBT) Agreement and the Trade-Related Intellectual Property Rights (TRIPS) Agreement. These WTO agreements have implementation obligations that seem to pose very high hurdles for developing countries, particularly for the smallest ones. This explanation has some similarity to the argument made by Andriamananjara and Schiff (1999) that a microstate's decision to form, expand, or join a regional organization is based on reduced negotiating costs and increased bargaining power, rather than on the traditional costs and benefits of trade integration. While the use of regional bodies in anti-dumping actions in these RTAs may have been intended as a device to lower the cost of public good provision, it also mitigates the ability of domestic producers to inveigle a compliant national investigating authority to find for them in dumping cases. Thus, all things being equal, an RTA that gives a role to regional institutions in conducting investigations and in final determinations may see less anti-dumping initiations and findings.

Almost all of the RTAs entered into by the EC contain specific language on anti-dumping. These provisions have a number of common characteristics. There is a regional body that is established to oversee the whole RTA. When (or even before) an anti-dumping action is initiated, the regional body is informed and attempts are made by the partners to arrive at a mutually agreed solution. If no mutually acceptable solution is found, the action (investigation or final determination) proceeds. Provisional anti-dumping measures can be taken if delay will lead to material injury. Almost all of these EC-centred RTAs establish regional bodies (joint committees) to oversee the implementation of the agreement. But apart from serving as a forum for consultations or notification, they play no central role in how the anti-dumping process affecting intra-regional trade unfolds. The RTAs which the EFTA countries have entered into with the same partners as the EC also exhibit similar characteristics.

With the big exception of NAFTA, the RTAs entered into by the US

(Australia-US, US-Bahrain, US-CAFTA & Dominican Republic, US-Chile, US-Jordan, US-Israel, US-Morocco, US-Singapore) have no specific provisions on anti-dumping. The bulk of these have been negotiated after NAFTA. One interpretation that can be put on this is that the US wants to preserve its autonomy in applying its anti-dumping procedures against RTA partners.

To our mind, the large number of RTAs (56) that have either abolished anti-dumping actions against RTA members or have drawn up specific rules on anti-dumping action against RTA members should raise some concern about increased discrimination, whether *per se* or de facto, against non-members. From a welfare standpoint, the concern is with the likelihood of greater trade diversion arising from the design of the anti-dumping rule of the RTA.

4.2 Countervailing duties

The detailed mapping of the countervailing duty provisions using the two levels of the countervailing duty template are presented in Tables 6A and 6B. Only five RTAs have abolished countervailing duties. These RTAs are China-Hong Kong, China-Macao, European Communities, EEA and EFTA. However, in the case of EFTA and the EEA, CVDs are disallowed only for products falling under chapters 25 to 97 of the Harmonized System, i.e. CVDs can be applied to agricultural and fishery products.¹³ The great majority of the surveyed RTAs either have no specific countervailing duty provisions (30 RTAs) or have specific provisions on CVDs that allow the use of such measures (39 RTAs). But of those RTAs with specific provisions on CVDs, 17 only state that all CVD actions should be in accord with GATT Article VI and the SCM Agreement. Thus, we only have 22 RTAs with any detailed provision on CVD actions. But even then, the only interesting RTA provisions are those where regional bodies are allowed to conduct CVD investigations or have the power to review and remand final CVD determinations. The four RTAs involved are the Andean Community, CACM, CARICOM and NAFTA.

This result suggests that there has been little tinkering with CVD rules in the sample of RTAs surveyed. This can in turn be traced to the lack of movement at the RTA level in agreeing on additional curbs on subsidies or state aid. We have included information in the template on the type of commitments made by RTA members on subsidies and state aid. The only quite

¹³This is based on communication with the EFTA Secretariat.

explicit provision we have found is the prohibition or elimination of export subsidies to agricultural products in sixteen RTAs, none of which involve the EC or EFTA. The RTAs which have prohibited export subsidies on agricultural products are Australia-Singapore, Australia-Thailand, Australia-US, Canada-Chile, Canada-Costa Rica, CER, Group of Three, Mexico-Chile, Mexico-Nicaragua, Mexico-Northern Triangle, Mexico-Uruguay, New Zealand-Singapore, US-Bahrain, US-CAFTA-Dominican Republic, US-Chile and US-Morocco. But apart from this, there is often only the quite general undertaking against state aid that distorts competition. It appears that countries have not put subsidy programmes on the table in their RTA negotiations and thus feel a continuing need for countervailing duties as a weapon to wield against such support. While it is possible to agree to a reduction or elimination of subsidies in an RTA negotiation, part of the trade benefits from that will be captured by non-members. The reluctance to give away a “freebie” may explain why the only meaningful negotiation on further reductions in agricultural subsidies is occurring at the multilateral level.

Given these, it does not appear that there is increased threat of trade diversion arising from the specific rules adopted on countervailing duties in the RTAs covered in this study.

4.3 Safeguards

A detailed mapping of the safeguard provisions in RTAs using the two levels of the safeguard template are presented in Tables 7A and 7B. Only five RTAs (Australia-Singapore, Canada-Israel, European Communities, MERCOSUR and New-Zealand-Singapore) have ruled out the use of safeguard measures against a partner’s trade. In the case of MERCOSUR, Annex IV of the Treaty of Asuncion only allowed the application of safeguard clauses to imports of products benefiting from the trade liberalization programme established under the Treaty up to 31 December 1994. Only 4 (CACM, CEMAC, EC-Andorra and GCC) have no specific safeguard provisions. The great majority of RTAs (65) surveyed have specific provisions on safeguards. Interestingly, none of the RTAs included in the survey give a role to regional institutions in conducting safeguard investigations or in reviewing findings by national authorities.

4.3.1 Bilateral safeguards

There is a clear difference between the EC and EFTA-centric RTAs and those involving the other major hubs: the US, Mexico, Chile, Australia,

Singapore and Canada. In these latter RTAs, safeguard measures are imposed only during the transition period, the stipulated period for intra-RTA tariffs to be eliminated. For the most part, the safeguard measure allowed is a suspension of the process of tariff reduction or, at worst, an increase of the preferential rate to the MFN level. The RTAs limit the duration of the safeguard measure to between one to three years, which is shorter than the prescribed limit of four years under the Agreement on Safeguards. The RTAs require a member to maintain an equivalent level of concession if that member imposes a safeguard measure. Unlike the Agreement on Safeguards, if no mutually acceptable compensation is agreed upon between the concerned members, the right to retaliation is not restricted.¹⁴

Limiting safeguard measures to the transition period and the shorter duration of such measures lessen the impact of safeguard actions on intra-regional trade. Further, the provisions on compensation and retaliation provide greater deterrence to the use of bilateral safeguard actions in the RTA. It is possible to argue that these features of the safeguard rule in RTAs do not increase discrimination against non-members of the RTA. Certainly, if the safeguard action is triggered by the RTA's tariff reduction programme and increased imports from RTA members, the action is solely bilateral – taken only against RTA partners and there is no spillover effect on non-members. However, one can contemplate situations where imports are increasing from many sources, RTA and non-RTA members alike, and the higher threshold for successfully mounting a bilateral safeguard action leads a country to invoke a global safeguard action. Thus, differences in the disciplines on safeguard actions applying to imports from RTA and non-RTA sources may lead to more frequent global actions penalizing non-members more than would otherwise have been the case.

4.3.2 Special safeguard mechanism

Sixteen RTAs have special safeguard provisions which create a different threshold for imposing additional protective measures on sensitive sectors. The RTAs include AFTA, Australia-Thailand, Australia-US, Canada-Chile, Canada-Costa Rica, EC-Chile, EC-South Africa, Group of Three, Korea-Chile, Mexico-Northern Triangle, NAFTA, US-Bahrain, US-CAFTA-DR, US-Chile, US-Morocco and US-Singapore. These special safeguard measures typically allow a RTA member to impose additional duties on sensitive im-

¹⁴ Article 8.3 of the Safeguard Agreement requires that retaliation not be exercised for the first three years that a safeguard measure is in effect, provided that there has been an absolute increase in imports.

ports, although the tariff should not exceed the MFN rate, once imports cross either a volume or price threshold. They could be imposed even without showing serious injury or threat of serious injury. Further, they normally extend beyond the transition period of the RTA. The sensitive sectors are usually agriculture and textiles and apparel. These special safeguard provisions should probably be seen as part of the portfolio of trade management instruments, which include long transition periods, sectoral carve-outs and complex and restrictive rules of origin, to mitigate the effects of the RTA on import-sensitive industries.

4.3.3 Provisions on global safeguards

The threat of discrimination becomes more explicit in those RTA provisions that touch on global safeguards. Eighteen RTAs have provisions on global safeguards with 14 taking exceptions to one or more provisions of GATT Article XIX and the Agreement on Safeguards. These exceptions take the form of RTA members excluding the imports of RTA partners from global safeguard actions, unless the imports account for a substantial share of total imports and they contribute importantly to the serious injury, or threat thereof. The RTAs include Australia-Thailand, Australia-US, Canada-Chile, Canada-Israel, EC-Chile, Mexico-Chile, Mexico-Israel, Mexico-Nicaragua, Mexico-Northern Triangle, Mexico-Uruguay, NAFTA, US-CAFTA-DR, US-Jordan and US-Singapore.

Now, the Agreement on Safeguards requires that safeguard measures be applied to all imports irrespective of source (non-discrimination).¹⁵ Thus, the exclusion of RTA partners from a safeguard action poses a potential conflict between regional and multilateral rules.¹⁶ This conflict has been addressed in a number of WTO dispute cases (*Argentina-Footwear*, *United States-Wheat Gluten*, *United States-Line Pipe* and *United States-Steel*). In these cases, the investigating authority had included imports from all sources in making the determination that imports were entering in such increased quantities so as to cause serious injury to the domestic industry. But instead of applying safeguard measures to all imports irrespective of their source, the country invoking the safeguard action excluded its RTA partners. In *Argentina-Footwear*, Argentina had included MERCOSUR imports in the analysis of factors contributing to injury to its domestic industry. But it

¹⁵Article 2, par. 2 of the Safeguards Agreement states that “Safeguard measures shall be applied to a product being imported irrespective of its source.”

¹⁶Bown (2004) discusses the discriminatory protection contained in the 2002 US steel safeguard action.

excluded MERCOSUR countries from the application of the safeguard measure. In *United States–Wheat Gluten*, the US excluded Canada from the application of its safeguard action although imports of wheat gluten from Canada were included in the investigation phase. In the *United States–Line Pipe* case, the US excluded imports from its NAFTA partners from the safeguard measure. And in *United States–Steel*, the US included all sources of imports in its analysis of increasing imports, injury serious injury and the causal nexus. However, it excluded its NAFTA partners, Israel and Jordan from the application of its safeguard action. In all four cases, the Appellate Body had ruled against the WTO member which included its RTA partners in the safeguard investigation but excluded them in the application of the safeguard measure.

The key concept that underlines all these cases has been called “parallelism”. The WTO’s Appellate Body acknowledged that the word parallelism is not found in the text of the Agreement on Safeguards; however, it considered that the requirement of parallelism is found in the language used in the first and second paragraphs of Article 2 of the Agreement on Safeguards.¹⁷ In brief, parallelism prohibits any asymmetry in the application of safeguards measures. Regionalism is just the most relevant and prominent application of parallelism to date. In the case of RTAs, parallelism means that when a WTO Member has conducted a safeguard investigation considering imports from all sources, it cannot, subsequently, without any further analysis, exclude imports from RTA partners from the application of the resulting safeguard measure.¹⁸ In order to be able to exclude imports from RTA partners, the investigating authority must establish explicitly that imports from non-RTA sources alone caused serious injury or threat of serious injury to the domestic industry. The investigating authority, in its causality analysis, should ensure that the effects of the excluded (RTA) imports are not attributed to the imports included in the safeguard measure.¹⁹

While the elaboration of the principle of parallelism by the Appellate Body in these four cases has clarified one issue, WTO jurisprudence has not provided a definitive ruling to what extent GATT Article XXIV could be relied on by a WTO member to exclude RTA partners from the application of a safeguard measure. One dispute (between the US and Korea) in which this issue was given some consideration was the *US–Line Pipe* case. There the US argued that GATT Article XXIV gave it the right to

¹⁷See Appellate Body Report, US – Steel, para. 439.

¹⁸Appellate Body Report, US – Steel, para. 441.

¹⁹Appellate Body Report, US – Steel, para. 453.

exclude its NAFTA partners from the scope of the safeguard measure. The panel accepted the US argument that the exclusion of its RTA partners from safeguard actions forms part of the required elimination of “restrictive regulations of commerce” on “substantially all the trade” among the free trade area members, which is a condition required by GATT Article XXIV. The panel decision was subsequently appealed by Korea. On appeal, the Appellate Body declared the ruling by the panel on Article XXIV as moot and having no legal effect.²⁰ The question whether Article XXIV of the GATT 1994 permits imports originating from an RTA partner to be exempted from a safeguard measure becomes relevant only in two circumstances. The first was when the imports from RTA members were not included in the safeguard investigation. The second was when imports from RTA members were included in the safeguard investigation it nevertheless was established explicitly that imports from sources outside the free-trade area, alone, satisfied the conditions for the application of a safeguard measure. Since neither of these applied to the circumstances surrounding the *US – Line Pipe* case, the issue was not relevant to the case. The Appellate Body was careful to point out though that, in taking this decision, it was not ruling on the question whether Article XXIV of the GATT 1994 permits exempting imports originating in a member of a free-trade area from a safeguard measure. This decision thus leaves the question of an appeal to GATT Article XXIV still very much open.²¹

The provisions excluding RTA partners from global safeguard actions raises concerns about increased discrimination against non-members and trade diversion. Although WTO dispute settlement panels have ruled against excluding RTA partners from safeguard measures if imports from those RTA partners had been included in the investigation, they appeared to have done so on quite narrow grounds – on the lack of parallelism in the application of safeguard measures. Conceivably, under a different set of circumstances, exclusion of RTA partners from safeguard measures could pass muster.

5 Abolishing Trade Remedies in RTAs

About a sixth of the RTAs surveyed have managed to abolish the application of trade remedies on intra-regional trade. Only one RTA – the European Communities – has managed to abolish all three forms of trade remedies on members’ trade. Are there any economic factors which distinguish these

²⁰ Appellate Body Report, *US – Line Pipe*, para. 199.

²¹ See Pauwelyn, J (2004) for a discussion of this issue.

RTAs and which could explain why they have been able to abolish trade remedy measures against members' trade?

Perhaps the leading candidate to explain the abolition of trade remedy measures, particularly anti-dumping, is the depth of market integration envisioned in the RTA. RTAs that aim at deeper integration, going beyond the elimination of border measures, and harmonizing or even in some cases adopting common internal regulations, are more likely to do away with trade remedy measures. We have already alluded to the role of a harmonized or a common subsidy policy in explaining the type of CVD provisions that can be adopted in an RTA. De Araujo, et al. (2001) have argued that the implementation of common macro- and micro-economic policies in the EU reduced the social and political cost related to the removal of anti-dumping. They point in particular to the role that structural funds played in easing the need for anti-dumping as a trade adjustment measure. Wooton and Zanardi (2002) link the phasing out of anti-dumping with the creation a single market. They point as examples to the experiences of the European Communities and the European Economic Area. In their view, the elimination of anti-dumping was a necessary step to achieving a common market.

A second explanation that is sometimes provided is the adoption of a common competition policy by members of the RTA. RTAs that adopt a common competition policy may find anti-dumping to be redundant. Of course, the two explanations are not mutually exclusive since a common competition policy may not make sense until a sufficiently high level of integration is achieved. However, Hoekman (1998) dismisses the notion of a link between the adoption of a common competition policy and the abolition of anti-dumping in a RTA. He argues that the adoption of a common competition policy in a RTA is often motivated by the need to manage the result of deeper integration.²² Its purpose is not to provide a substitute policy instrument so that anti-dumping measures can be abolished (although of course this could be one of the consequences of having a common competition policy). Another argument against this link is that there are important differences between competition policy and anti-dumping, e.g. competition policy is often concerned with consumer protection but anti-dumping is not, which may make one instrument rather than the other more likely to be hostage to protectionist interests. So to the extent for example that

²²Hoekman (1998) defines deep integration as consisting of explicit actions by governments to reduce the market segmenting effect of differences in national regulatory policies that pertain to products, production processes, producers and natural persons. In practice this will require decisions: (i) that a partner's policies are equivalent (mutual recognition); or (ii) to adopt a common regulatory stance in specific areas (harmonization).

anti-dumping is being used as a shield against imports, the adoption of a common competition policy need not automatically lead to the abolition of anti-dumping.

We have earlier noted the difference in how developing/developed countries use the three trade remedy instruments. For instance, developing countries have become more frequent users of anti-dumping and safeguard actions. One may therefore also need to examine what effect the development status of the members of the RTA have on the trade remedy rule adopted.

Table 8 brings together background data on those RTAs that have abolished trade remedies. The information includes level of development of RTA members, intra-RTA imports, share of intra-RTA imports, whether the RTA aims at “deeper” integration (which is explained in greater detail below), the presence of a competition policy provision in the RTA and the existence of a common external tariff. We also calculate the average of these indicators for the 13 RTAs that have abolished trade remedy instruments and the other RTAs in the sample who have not. On average, those RTAs that have abolished trade remedy instruments have greater intra-RTA trade (both in value and share), are more likely to have a competition policy provision in the RTA and to achieve deeper integration. But there does not seem to be any difference in terms of the adoption of a common external tariff. RTAs which have disallowed trade remedies and RTAs which retain the instruments appear equally like to have a common external tariff.

We have conducted a more formal test of what possible explanatory variables affect the decision to abolish trade remedies using a probit model. Our explanatory variables included the development level of RTA members, vintage of the RTA (when it came into force), average volume (as well as share) of intra-RTA trade prior to the establishment of the RTA, the existence of a common external tariff, the inclusion of a competition policy provision in the RTA and, the degree of integration achieved by the members.

Now it is possible to distinguish between several forms of integration. The adoption of harmonized or common behind-the-border measures such as standards and sanitary and phytosanitary measures will be one form of deeper integration. These would cover such RTAs as the EC, EEA, EFTA and CER. For example, CER has harmonized business regulations, including competition policy, standards, customs and quarantine. Another form of deeper integration would be arrangements that allow for free or freer movement of capital and labour. This characterizes the EC, the EEA and to a certain extent EFTA. The EEA has abolished restrictions on movement of goods, people, services and capital. EFTA has opened the labour markets of its member states. Workers, the self-employed and persons with no gainful

employment who otherwise have sufficient financial means, have the right of access to work, entry/exit and establishment (residence), the right to provide services for a period of up to 90 days per year and the right of equal treatment. Straddling all these RTAs is of course the EC with its single market, an *acquis communautaire* and a range of supranational institutions.

Another form of economic integration would be monetary union or the adoption of a single currency. Two RTAs in the sample have some form of monetary union, the EC and CEMAC. Although the euro has been adopted by only 12 countries of the EC, the euro zone countries account for more than half of EC GDP and trade. CEMAC groups together six central African countries which have adopted the franc as the common currency.

Yet a further form of integration would be political. Although the economic policies and political cultures of Hong Kong and Macao differ markedly from China, they are still governed by the political framework of China's "one country, two systems". Thus, it could be argued that they are integrated politically with the mainland. Following this approach, we have also considered Andorra, the Faroe Islands and the Overseas Countries and Territories (OCTs) as politically integrated with the EC.²³

We have incorporated all of these different dimensions into the integration variable we employ in the probit model. The probit model we use is given by equation (1) below:

$$(1) \quad \Pr(y = 1) = \Phi(\beta_0 + \beta_1 share + \beta_2 cet + \beta_3 comp + \beta_4 int + \beta_5 dev + \beta_6 year)$$

where:

y is a dummy variable that takes on a value of 1 if the RTA has abolished a trade remedy instrument and 0 otherwise;

$\Pr(y = 1)$ is the probability that y takes on the value 1, i.e. the RTA has abolished a particular trade remedy;

$\Phi()$ stands for the cumulative normal distribution function;

$share$ is the average value or share of intra-RTA imports during the 5-year period before the implementation of the RTA;

²³ Andorra is a co-principality with the President of France and the Bishop of Urgell, Spain as co-princes. The Faroe Islands are part of the Kingdom of Denmark. Denmark, France and Spain are all member states of the European Union.

cet is a dummy to indicate whether the members have a common external tariff;

comp is a dummy variable that takes on a value of 1 if the RTA has a competition policy chapter and 0 otherwise;

int is a dummy variable that takes on a value of 1 if the members have a common political system, or have established a monetary union or have liberalized movement of capital and persons or have harmonized or common behind-the-border measures;

dev is an index to indicate the development level of RTA members (1 for RTAs whose members are all developing countries; 2 for RTAs whose members are a mixture of developed and developing countries and 3 for RTAs whose members are all developed countries); and

year is the year in which the RTA came into force.

We present the results of the probit estimation for the 74 RTAs in the sample in Table 9A, separately for each trade remedy instrument. For anti-dumping and countervailing duties, the best result is obtained with the use of degree of integration as the explanatory variable. It best explains the pattern of anti-dumping and CVD abolition in RTAs. The existence of a common political system, or monetary union, or free movement in capital and people, or harmonized or common behind-the-border measures creates a higher likelihood of RTAs abolishing anti-dumping and countervailing duties. The dummy variable on competition provisions in the RTA was not statistically significant. In the case of safeguards, none of the variables that we used were statistically significant, although the common external tariff was on the cusp of being significant at the 10 percent level. In all three trade remedy instruments, the development status of RTA members and the vintage of the RTA were not statistically significant explanatory variables.

Finally, we ran a multinomial logit regression to take advantage of the distinct categories of RTAs that have emerged from the mapping. We observe five distinct RTA categories in trade remedy abolition. First, some RTAs (Canada-Chile, CER, and EFTA-Singapore) have abolished only anti-dumping. Second, some RTAs (Australia-Singapore, Canada-Israel, MERCOSUR and New Zealand-Singapore) have abolished only safeguards. Third, still some others (China-HK, China-Macao, EEA, EFTA and EFTA-Chile) have done away with both anti-dumping and countervailing duties. Fourth, one RTA (EC) has abolished all forms of trade remedies. Finally, the RTAs

which have retained all three forms of trade remedies fall into the last category. This last group of RTAs is chosen as the baseline or comparison category. Multinomial logit estimation allows us to estimate the likelihood, and the effect of the explanatory variables on that probability, of an RTA falling into any one of these categories. Formally, the likelihood of an RTA falling into category j is given by:

$$(2) \quad \Pr(y_i = j) = \frac{\exp(\beta_0^j + \beta_1^j \text{share} + \beta_2^j \text{cet} + \beta_3^j \text{comp} + \beta_4^j \text{int} + \beta_5^j \text{dev} + \beta_6^j \text{year})}{1 + \sum_j \exp(\beta_0^j + \beta_1^j \text{share} + \beta_2^j \text{cet} + \beta_3^j \text{comp} + \beta_4^j \text{int} + \beta_5^j \text{dev} + \beta_6^j \text{year})}$$

The baseline or comparison category is given by $j = 0$ with probability given by:

$$(3) \quad \Pr(y_i = 0) = \frac{1}{1 + \sum_j \exp(\beta_0^j + \beta_1^j \text{share} + \beta_2^j \text{cet} + \beta_3^j \text{comp} + \beta_4^j \text{int} + \beta_5^j \text{dev} + \beta_6^j \text{year})}$$

The results of the multinomial estimation are shown in Table 9B. In general, the multinomial estimates confirm the results of the probit estimations that the level of regional integration provides the best explanation for the abolition of trade remedy instruments. The degree of integration and the share of intra-RTA trade are significant in the case of RTAs that have abolished both anti-dumping and countervailing duties; the degree of integration is also statistically significant in the case of RTAs that have abolished only anti-dumping. However, none of the variables included in the regressions are statistically significant in the case of RTAs which have abolished only safeguards or those that have done away with all forms of trade remedies.

6 Conclusions

Trade remedies seem to be permanent fixtures in international trade agreements. One explanation for their omnipresence is that they provide governments entering into a trade agreement a useful policy tool to manage trade adjustment and the political pressure for protection that is created. They make it easier to obtain political support for the agreement. The trade agreement, in turn, makes possible a more liberal trade regime although

this will be at the cost of episodic recourse to protection during economic downturns.

There is an added layer of complexity to the role of trade remedies introduced by preferential trade agreement, which by nature discriminates between members and non-members. Even without modifications to the rules governing trade remedies, their elastic and selective nature may lead to more discrimination against non-members through greater frequency of trade remedy actions against them. The adoption of RTA-specific trade remedy rules increases this risk of discrimination, with trade remedies against RTA members being abolished outright or being subjected to greater discipline. As in much of theory of customs unions, the welfare effects of this increased discrimination are unclear. Any increase in intra-regional trade brought about by greater discipline on trade remedy action against RTA members may simply be substituting for cheaper sources of imports from non-members.

Based on the result of this mapping, about a sixth of the RTAs surveyed have dispensed with at least one type of trade remedy. What these RTAs seem to share in common is a greater level of integration (“deep” integration) as evidenced either by the adoption of common or harmonized behind-the-border policies and high shares of intra-regional trade.

There appears to be a large number of RTAs that have adopted RTA-specific rules that have tightened discipline on the application of these remedies on RTA members. In the case of anti-dumping for example, we noted that some specific provisions tightened discipline by increasing *de minimis* volume and dumping margin requirements, and shortening the duration for applying anti-dumping duties relative to the WTO Anti-dumping Agreement. We have also highlighted the possible contribution by regional bodies to reducing action against RTA members. In the EC-centred and EFTA-centred RTAs, members acting through a regional body notify and consult one another to arrive at a mutually acceptable outcome short of applying the measure. In the Andean Community, CACM, CARICOM, NAFTA and UEMOA, regional bodies have the authority to conduct their own investigations or to review conclusions reached by national bodies.

In similar fashion, many of the provisions on bilateral safeguards lead to tightened discipline or reduce the incentives to take safeguard actions. Safeguard measures can be imposed only during the transition period, have shorter duration periods and require compensation if put in place. Further, retaliation is allowed if there is no agreement on compensation. A final concern is with the exclusion of RTA partners in safeguard actions triggered under GATT Article XIX and the Agreement on Safeguards. This puts

RTA rules on safeguards in conflict with the non-discriminatory principle that underlies multilateral rules on safeguard action and squarely raises the problem of trade diversion. Although WTO panels have ruled against such exclusions so far, it is not clear that future panels will do so consistently given the particular ground of parallelism on which previous decisions have been made.

In the case of CVDs, we are unable to find major innovations in CVD rules and practice by past and present RTAs. We suspect that a major reason for this is due to the absence of agreements in the RTA on meaningful or significant curbs on subsidies or state aid. We have emphasized the possible role of regional bodies in mitigating any abuse of countervailing duties. However, only four RTAs provide a role for regional institutions as investigating bodies or give it the power to review determinations of national authorities.

The results of the mappings suggest the need to be vigilant about increased discrimination arising from trade remedy rules in RTAs. Discrimination against non-RTA partners through more frequent trade remedy actions can arise from the elastic and selective nature of already *existing* rules on trade remedies. Designing specific trade remedy rules that apply only to RTA partners increases the likelihood of discrimination. This takes place when an RTA abolishes trade remedy actions against the trade of RTA members but not against non-members' trade. It can take place when RTA members adopt rules that strengthen disciplines on trade remedy actions against the trade of RTA members but not against the trade of non-members.

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Table 1: Trade Contingent Actions, Initiations and Measures; 1995-2006

Trade contingent instrument	Initiations	Measures
Anti-dumping	3,044	1,941
Countervailing duty	191	115
Safeguard	155	77

Source: WTO Secretariat.

Table 2
Anti-dumping Template

Elements	
1.	Anti-dumping actions disallowed
2.	Anti-dumping actions allowed but with no specific provisions
3.	Anti-dumping actions allowed and with specific provisions
a	Determination of dumping
	- export price less than comparable price when destined for consumption in the exporting country
	- if there are no sales in the normal course of trade in the domestic market of the exporting country, : a comparable price of the like product when exported to an appropriate third country
	: cost of production in the country of origin plus a reasonable amount.
	- non-market economies
b	Determination of injury
	- volume of dumped imports
	- price effects of dumped imports
	- the consequent impact of dumped imports on the domestic industry: material injury
	- causality
	-material injury
c	Definition of domestic industry
d	Mutually acceptable solution
e	Initiation and conduct of investigations
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total.
	- no initiation if the collective output is less than 25% of total
	- de minimis dumping margin
	- de minimis dumped volume
f	Evidence
g	Provisional measures
h	Price undertakings
i	Imposition and collection of anti-dumping duties
	- duty shall not exceed the margin of dumping
	-lesser duty rule
	- collection on a non-discriminatory basis
j	Retroactivity
k	Duration and review of anti-dumping duties and price undertakings
	- duration: established period
	- review
l	Public notice and explanation of determinations
m	Anti-dumping action on behalf of a third country
n	Regional body/committee
	-conducts investigations and decides on AD duties
	-review/remand final determinations
	-other
o	Notification/Consultation
p	Dispute settlement
q	In accordance with GATT Art. VI/ AD Agreement

Table 3
Countervailing Duties Template

Elements	
I.	Subsidies
1.	Disciplines on subsidies
	<i>-prohibit export subsidies on agriculture</i>
	<i>-other</i>
2.	Disciplines on state aid
	<i>- incompatible if it distorts competition</i>
	<i>- Other</i>
II.	Countervailing duties
1.	Countervailing duties disallowed
2.	Countervailing duties allowed but no specific provisions
3.	Countervailing duties allowed and with specific provisions
a	Mutually acceptable solution
b	Conditions for applying countervailing measures
	<i>- effect of subsidization is to cause or threaten material injury to an established domestic industry</i>
	<i>- effect of subsidization is to retard materially the establishment of a domestic industry</i>
	<i>- other</i>
c	Evidence
d	Consultation
e	Provisional measures
f	Undertakings
g	Imposition and collection of countervailing duties
	<i>- duty shall not exceed the margin of the subsidy found to exist</i>
	<i>- collection on a non-discriminatory basis</i>
h	Duration and review of countervailing duties and undertakings
i	Special and differential treatment of developing country members
j	Subsidization by third countries
k	Regional body/committee
	<i>-conducts investigations and decides on CVD duties</i>
	<i>- reviews/remands/authorizes final determinations</i>
	<i>- other</i>
l	Dispute settlement
m	In accordance with GATT Article VI and/or SCM Agreement

Table 4
Safeguards Template

Elements	
1.	Safeguard measures disallowed
2.	Safeguard measures allowed but with no specific provisions
3.	Safeguard measures allowed and with specific provisions
a	Conditions for application of safeguard
	- <i>increasing imports causing serious injury to domestic industry</i>
	- <i>during transition period, reduction in tariffs lead to increased imports and to serious injury</i>
	- <i>other</i>
b	Investigation
c	Mutually acceptable solution
d	Application of safeguard measures
	- <i>only to the extent necessary to remedy serious injury and facilitate adjustment</i>
	- <i>suspend concessions, tariff reduction or revert to MFN</i>
	- <i>other</i>
e	Provisional measures
f	Duration and review of safeguard measures
	- <i>duration less than 4 years</i>
	- <i>not allowed beyond transition period</i>
g	Maintain equivalent level of concessions (Compensation)
h	Suspension of equivalent concessions (Retaliation)
i	Developing/LDC Members
j	Regional body/committee
	- <i>conducts investigations and decides on safeguard duties</i>
	- <i>review/remand final determinations</i>
	- <i>other</i>
k	Notification and consultation
l	Special safeguards
m	Global safeguard
n	Relationship to Art.XIX of GATT 1994 /Safeguard Agreement
	- <i>retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement</i>
	- <i>with exceptions</i>

Table 5A: Anti-Dumping Mapping

	Elements	AFTA	ALADI	Andean Community	Australia-Singapore	Australia-Thailand	Australia-US	CACM	Canada-Chile
1.	Anti-dumping actions disallowed	0	0	0	0	0	0	0	1
2.	Anti-dumping actions allowed but with no specific provisions	1	1	0	0	0	1	0	0
3.	Anti-dumping actions allowed and with specific provisions	0	0	1	1	1	0	1	0
	a Determination of dumping								
	- export price less than comparable price when destined for consumption in the exporting country	0	0	1	0	0	0	0	0
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	1	0	0	0	0	0
	: a comparable price of the like product when exported to an appropriate third country	0	0	1	0	0	0	0	0
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0	0
	b Determination of injury								
	- volume of dumped imports	0	0	1	0	0	0	0	0
	- price effects of dumped imports	0	0	1	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	1	0	0	0	0	0
	- causality	0	0	1	0	0	0	1	0
	- material injury	0	0	1	0	0	0	1	0
	c Definition of domestic industry	0	0	0	0	0	0	0	0
	d Mutually acceptable solution	0	0	0	0	0	0	0	0
	e Initiation and conduct of investigations								
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	1	0	0	0	0	0
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	0	0
	- de minimis dumping margin	0	0	1	0	0	0	1	0
	- de minimis dumped volume	0	0	1	0	0	0	1	0
	f Evidence	0	0	1	0	0	0	1	0
	g Provisional measures	0	0	1	0	0	0	1	0
	h Price undertakings	0	0	1	0	0	0	1	0
	i Imposition and collection of anti-dumping duties								
	- duty shall not exceed the margin of dumping	0	0	1	0	0	0	1	0
	- lesser duty rule	0	0	0	1	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
	j Retroactivity	0	0	0	0	0	0	0	0
	k Duration and review of anti-dumping duties and price undertakings								
	- duration: established period	0	0	1	0	0	0	1	0
	- review	0	0	1	0	0	0	1	0
	l Public notice and explanation of determinations	0	0	0	0	0	0	1	0
	m Anti-dumping action on behalf of a third country	0	0	0	0	0	0	0	0
	n Regional body/committee								
	- conducts investigations and decides on AD duties	0	0	1	0	0	0	1	0
	- review/remain final determinations	0	0	1	0	0	0	0	0
	- other	0	0	1	0	0	0	1	0
	o Notification/Consultation	0	0	1	1	0	0	1	0
	p Dispute settlement	0	0	0	0	0	0	1	0
	q In accordance with GATT Art. VI/AD Agreement	0	0	1	1	1	0	1	0

Table 5A: Anti-Dumping Mapping

Elements		Canada-Costa Rica	Canada-Israel	CARICOM	CEMAC	CER	China-Hong Kong	China-Macao	COMESA
1. Anti-dumping actions disallowed		0	0	0	0	1	1	1	0
2. Anti-dumping actions allowed but with no specific provisions		0	1	0	1	0	0	0	0
3. Anti-dumping actions allowed and with specific provisions		1	0	1	0	0	0	0	1
a Determination of dumping		0	0	1	0	0	0	0	1
	- export price less than comparable price when destined for consumption in the exporting country								
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	1	0	0	0	0	1
	: a comparable price of the like product when exported to an appropriate third country	0	0	1	0	0	0	0	1
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0	0
b Determination of injury		0	0	1	0	0	0	0	0
	- volume of dumped imports								
	- price effects of dumped imports	0	0	1	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	1	0	0	0	0	0
	- causality	0	0	1	0	0	0	0	1
	- material injury	0	0	1	0	0	0	0	1
c Definition of domestic industry		0	0	1	0	0	0	0	0
d Mutually acceptable solution		0	0	0	0	0	0	0	0
e Initiation and conduct of investigations		0	0	1	0	0	0	0	0
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total								
	- no initiation if the collective output is less than 25% of total	0	0	1	0	0	0	0	0
	- de minimis dumping margin	0	0	1	0	0	0	0	0
	- de minimis dumped volume	0	0	1	0	0	0	0	0
f Evidence		0	0	1	0	0	0	0	0
g Provisional measures		0	0	1	0	0	0	0	0
h Price undertakings		0	0	1	0	0	0	0	0
i Imposition and collection of anti-dumping duties		1	0	0	0	0	0	0	1
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0
	- lesser duty rule	0	0	1	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	1	0	0	0	0	0
j Retroactivity		0	0	1	0	0	0	0	0
k Duration and review of anti-dumping duties and price undertakings		0	0	0	0	0	0	0	0
	- duration: established period	0	0	0	0	0	0	0	0
	- review	0	0	1	0	0	0	0	0
l Public notice and explanation of determinations		1	0	1	0	0	0	0	0
m Anti-dumping action on behalf of a third country		0	0	0	0	0	0	0	1
n Regional body/committee		0	0	1	0	0	0	0	0
	- conducts investigations and decides on AD duties								
	- review/remain final determinations	0	0	1	0	0	0	0	0
	- other	0	0	1	0	0	0	0	1
o Notification/Consultation		1	0	1	0	0	0	0	0
p Dispute settlement		0	0	0	0	0	0	0	0
q In accordance with GATT Art. VI/AD Agreement		1	0	0	0	0	0	0	0

Table 5A: Anti-Dumping Mapping

Elements		European Communities	EC-Algeria	EC-Andorra	EC-Chile	EC-Croatia	EC-Egypt	EC-Faroe Islands	EC-FYROM	EC-Israel
1. Anti-dumping actions disallowed		1	0	0	0	0	0	0	0	0
2. Anti-dumping actions allowed but with no specific provisions		0	0	1	0	0	0	0	0	0
3. Anti-dumping actions allowed and with specific provisions		0	1	0	1	1	1	1	1	1
a Determination of dumping	- export price less than comparable price when destined for consumption in the exporting country	0	0	0	0	0	0	0	0	0
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0	0	0
	: a comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0	0	0
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0	0	0
b Determination of injury		0	0	0	0	0	0	0	0	0
	- volume of dumped imports	0	0	0	0	0	0	0	0	0
	- price effects of dumped imports	0	0	0	0	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	0	0	0	0	0	0	0
	- causality	0	0	0	0	0	0	0	0	0
	- material injury	0	0	0	0	0	0	0	0	0
c Definition of domestic industry		0	0	0	0	0	0	0	0	0
d Mutually acceptable solution		0	1	0	0	1	0	1	1	1
e Initiation and conduct of investigations		0	0	0	0	0	0	0	0	0
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	0	0	0	0	0	0	0
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	0	0	0
	- de minimis dumping margin	0	0	0	0	0	0	0	0	0
	- de minimis dumped volume	0	0	0	0	0	0	0	0	0
f Evidence		0	0	0	0	0	0	0	0	0
g Provisional measures		0	1	0	0	0	0	1	0	1
h Price undertakings		0	0	0	0	0	0	0	0	0
i Imposition and collection of anti-dumping duties		0	0	0	0	0	0	0	0	0
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0	0
	- lesser duty rule	0	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0	0
j Retroactivity		0	0	0	0	0	0	0	0	0
k Duration and review of anti-dumping duties and price undertakings		0	0	0	0	0	0	0	0	0
	- duration: established period	0	0	0	0	0	0	0	0	0
	- review	0	0	0	0	0	0	0	0	0
l Public notice and explanation of determinations		0	0	0	0	0	0	0	0	0
m Anti-dumping action on behalf of a third country		0	0	0	0	0	0	0	0	0
n Regional body/committee		0	0	0	0	0	0	0	0	0
	- conducts investigations and decides on AD duties	0	0	0	0	0	0	0	0	0
	- review/remain final determinations	0	0	0	0	0	0	0	0	0
	- other	0	1	0	0	1	0	1	1	1
o Notification/Consultation		0	1	0	0	1	0	1	1	1
p Dispute settlement		0	0	0	0	0	0	0	0	0
q In accordance with GATT Art. VI/AD Agreement		0	1	0	1	1	1	1	1	1

Table 5A: Anti-Dumping Mapping

	Elements	EC									
		EC-Jordan	EC-Lebanon	EC-Mexico	EC-Morocco	EC-OCTs	EC-Tai Auth.	EC-South Africa	EC-Swiz. & Lech.	EC-Syria	
1.	Anti-dumping actions disallowed	0	0	0	0	0	0	0	0	0	
2.	Anti-dumping actions allowed but with no specific provisions	0	0	0	0	1	0	0	0	0	
3.	Anti-dumping actions allowed and with specific provisions	1	1	1	1	0	1	1	1	1	
	a Determination of dumping										
	- export price less than comparable price when destined for consumption in the exporting country	0	0	0	0	0	0	0	0	0	
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0	0	0	
	: a comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0	0	0	
	: cost of production in the country of origin plus a reasonable amount.	0	0	0	0	0	0	0	0	0	
	- non-market economies	0	0	0	0	0	0	0	0	0	
	b Determination of injury										
	- volume of dumped imports	0	0	0	0	0	0	0	0	0	
	- price effects of dumped imports	0	0	0	0	0	0	0	0	0	
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	0	0	0	0	0	0	0	
	- causality	0	0	0	0	0	0	0	0	0	
	- material injury	0	0	0	0	0	0	0	0	0	
	c Definition of domestic industry	0	0	0	0	0	0	0	0	0	
	d Mutually acceptable solution	1	0	0	1	0	1	0	1	1	
	e Initiation and conduct of investigations										
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total.	0	0	0	0	0	0	0	0	0	
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	0	0	0	
	- de minimis dumping margin	0	0	0	0	0	0	0	0	0	
	- de minimis dumped volume	0	0	0	0	0	0	0	0	0	
	f Evidence	0	0	0	0	0	0	0	0	0	
	g Provisional measures	1	0	0	1	0	1	0	1	1	
	h Price undertakings	0	0	0	0	0	0	0	0	0	
	i Imposition and collection of anti-dumping duties										
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0	0	
	- lesser duty rule	0	0	0	0	0	0	0	0	0	
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0	0	
	j Retroactivity	0	0	0	0	0	0	0	0	0	
	k Duration and review of anti-dumping duties and price undertakings										
	- duration: established period	0	0	0	0	0	0	0	0	0	
	- review	0	0	0	0	0	0	0	0	0	
	l Public notice and explanation of determinations	0	0	0	0	0	0	0	0	0	
	m Anti-dumping action on behalf of a third country	0	0	0	0	0	0	0	0	0	
	n Regional body/committee										
	- conducts investigations and decides on AD duties	0	0	0	0	0	0	0	0	0	
	- review/remain final determinations	0	0	0	0	0	0	0	0	0	
	- other	1	0	0	1	0	1	0	1	1	
	o Notification/Consultation	1	0	0	1	0	1	0	1	1	
	p Dispute settlement	0	0	0	0	0	0	0	0	0	
	q In accordance with GATT Art. VI/AD Agreement	1	1	1	1	0	1	1	1	1	

Table 5A: Anti-Dumping Mapping

Elements		EC-Tunisia	EC-Turkey	EEA	EFTA	EFTA-Cilile	EFTA-Croatia	EFTA-PYROM	EFTA-Israel	EFTA-Jordan
1.	Anti-dumping actions disallowed	0	0	1	1	1	0	0	0	0
2.	Anti-dumping actions allowed but with no specific provisions	0	0	0	0	0	0	0	0	0
3.	Anti-dumping actions allowed and with specific provisions	1	1	0	0	0	1	1	1	1
	a Determination of dumping									
	- export price less than comparable price when destined for consumption in the exporting country	0	0	0	0	0	0	0	0	0
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0	0	0
	: a comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0	0	0
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0	0	0
	b Determination of injury									
	- volume of dumped imports	0	0	0	0	0	0	0	0	0
	- price effects of dumped imports	0	0	0	0	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	0	0	0	0	0	0	0
	- causality	0	0	0	0	0	0	0	0	0
	- material injury	0	0	0	0	0	0	0	0	0
	c Definition of domestic industry									
	- mutually acceptable solution	1	1	0	0	0	1	1	1	1
	d Initiation and conduct of investigations									
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	0	0	0	0	0	0	0
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	0	0	0
	- de minimis dumping margin	0	0	0	0	0	0	0	0	0
	- de minimis dumped volume	0	0	0	0	0	0	0	0	0
	f Evidence									
	- Provisional measures	1	1	0	0	0	0	1	1	1
	g Price undertakings									
	h Imposition and collection of anti-dumping duties									
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0	0
	- lesser duty rule	0	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0	0
	j Retroactivity									
	k Duration and review of anti-dumping duties and price undertakings									
	- duration: established period	0	0	0	0	0	0	0	0	0
	- review	0	0	0	0	0	0	0	0	0
	l Public notice and explanation of determinations									
	m Anti-dumping action on behalf of a third country									
	n Regional body/committee									
	- conducts investigations and decides on AD duties	0	0	0	0	0	0	0	0	0
	- review/remark final determinations	0	0	0	0	0	0	0	0	0
	- other	1	1	0	0	0	1	1	1	1
	o Notification/Consultation									
	p Dispute settlement									
	q In accordance with GATT Art. VI/AD Agreement	1	0	0	0	0	1	1	1	1

Table 5A: Anti-Dumping Mapping

	Elements	EFTA-Morocco	EFTA-Pal. Auth.	EFTA-Singapore	EFTA-Tunisia	EFTA-Turkey	GCC	Group of 3	Japan-Singapore
1.	Anti-dumping actions disallowed	0	0	1	0	0	0	0	0
2.	Anti-dumping actions allowed but with no specific provisions	0	0	0	0	0	1	0	1
3.	Anti-dumping actions allowed and with specific provisions	1	1	0	1	1	0	1	0
	a Determination of dumping	0	0	0	0	0	0	0	0
	- export price less than comparable price when destined for consumption in the exporting country								
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0	0
	: a comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0	0
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0	0
	b Determination of injury	0	0	0	0	0	0	0	0
	- volume of dumped imports	0	0	0	0	0	0	0	0
	- price effects of dumped imports	0	0	0	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	0	0	0	0	0	0
	- causality	0	0	0	0	0	0	0	0
	- material injury	0	0	0	0	0	0	0	0
	c Definition of domestic industry	0	0	0	0	0	0	0	0
	- material injury	0	0	0	0	0	0	0	0
	d Mutually acceptable solution	1	1	0	1	1	0	1	0
	e Initiation and conduct of investigations	0	0	0	0	0	0	0	0
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	0	0	0	0	0	0
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	0	0
	- de minimis dumping margin	0	0	0	0	0	0	1	0
	- de minimis dumped volume	0	0	0	0	0	0	1	0
	f Evidence	0	0	0	0	0	0	0	0
	g Provisional measures	1	1	0	0	1	0	1	0
	h Price undertakings	0	0	0	0	0	0	0	0
	i Imposition and collection of anti-dumping duties	0	0	0	0	0	0	0	0
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0
	- lesser duty rule	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
	j Retroactivity	0	0	0	0	0	0	0	0
	k Duration and review of anti-dumping duties and price undertakings	0	0	0	0	0	0	1	0
	- duration: established period	0	0	0	0	0	0	1	0
	- review	0	0	0	0	0	0	1	0
	l Public notice and explanation of determinations	0	0	0	0	0	0	1	0
	m Anti-dumping action on behalf of a third country	0	0	0	0	0	0	1	0
	n Regional body/committee	0	0	0	0	0	0	0	0
	- conducts investigations and decides on AD duties	0	0	0	0	0	0	0	0
	- review/remain final determinations	0	0	0	0	0	0	0	0
	- other	1	1	0	1	1	0	0	0
	o Notification/Consultation	1	1	0	1	1	0	1	0
	p Dispute settlement	0	0	0	0	0	0	1	0
	q In accordance with GATT Art. VI/AD Agreement	1	1	0	1	1	0	1	0

Table 5A: Anti-Dumping Mapping

Elements		Korea-Chile	MERCOSUR	Mexico-Chile	Mexico-EFTA	Mexico-Israel	Mexico-Japan	Mexico-Nicaragua
1. Anti-dumping actions disallowed		0	0	0	0	0	0	0
2. Anti-dumping actions allowed but with no specific provisions		0	0	1	0	0	1	0
3. Anti-dumping actions allowed and with specific provisions		1	1	0	1	1	0	1
a Determination of dumping	- export price less than comparable price when destined for consumption in the exporting country	0	0	0	0	0	0	0
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0
	: a comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0
b Determination of injury		0	0	0	0	0	0	0
	- volume of dumped imports	0	0	0	0	0	0	0
	- price effects of dumped imports	0	0	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	1	0	0	0	0	0
	- causality	0	0	0	0	0	0	0
	- material injury	0	0	0	0	0	0	0
c Definition of domestic industry		0	1	0	0	0	0	0
d Mutually acceptable solution		0	0	0	1	0	0	1
e Initiation and conduct of investigations		0	0	0	0	0	0	0
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	0	0	0	0	0
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	1
	- de minimis dumping margin	0	0	0	0	0	0	1
	- de minimis dumped volume	0	0	0	0	0	0	1
f Evidence		0	0	0	0	0	0	0
g Provisional measures		0	0	0	0	0	0	1
h Price undertakings		0	1	0	0	0	0	0
i Imposition and collection of anti-dumping duties		0	1	0	0	0	0	0
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0
	- lesser duty rule	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0
j Retroactivity		0	0	0	0	0	0	0
k Duration and review of anti-dumping duties and price undertakings		0	1	0	0	0	0	1
	- duration: established period	0	0	0	0	0	0	1
	- review	0	0	0	0	0	0	1
l Public notice and explanation of determinations		0	0	0	0	0	0	1
m Anti-dumping action on behalf of a third country		0	0	0	0	0	0	0
n Regional body/committee		0	0	0	0	0	0	0
	- conducts investigations and decides on AD duties	0	0	0	0	0	0	0
	- review/reward final determinations	0	1	0	0	0	0	0
	- other	0	0	0	1	0	0	1
o Notification/Consultation		0	0	0	0	0	0	1
p Dispute settlement		0	0	0	0	0	0	1
q In accordance with GATT Art. VI/AD Agreement		1	1	0	1	1	0	1

Table 5A: Anti-Dumping Mapping

Elements		Mexico - Northern Triangle	Mexico-Uruguay	NAFTA	New Zealand-Singapore	SADC	SAFTA	SPARTECA	Turkey-Israel
1. Anti-dumping actions disallowed		0	0	0	0	0	0	0	0
2. Anti-dumping actions allowed but with no specific provisions		0	0	0	0	0	0	0	0
3. Anti-dumping actions allowed and with specific provisions		1	1	1	1	1	1	1	1
a Determination of dumping	- export price less than comparable price when destined for consumption in the exporting country	0	0	0	0	0	0	0	0
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0	0
	: comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0	0
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	0
	- non-market economies	0	0	0	0	0	0	0	0
b Determination of injury		0	0	0	0	0	0	0	0
	- volume of dumped imports	0	0	0	0	0	0	0	0
	- price effects of dumped imports	0	0	0	0	0	0	0	0
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	0	0	0	0	0	0
	- causality	0	0	0	0	0	0	0	0
	- material injury	0	0	0	0	0	0	0	0
c Definition of domestic industry		0	0	0	0	0	0	0	0
d Mutually acceptable solution		1	0	0	0	0	0	1	1
e Initiation and conduct of investigations		0	0	0	0	0	0	0	0
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	0	0	0	0	0	0
	- no initiation if the collective output is less than 25% of total	0	0	0	1	0	0	0	0
	- de minimis dumping margin	0	0	0	0	0	0	0	0
	- de minimis dumped volume	0	0	0	1	0	0	0	0
f Evidence		0	0	0	0	0	0	0	0
g Provisional measures		1	0	0	0	0	0	1	1
h Price undertakings		0	0	0	0	0	1	0	0
i Imposition and collection of anti-dumping duties		0	0	0	0	0	0	0	0
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0
	- lesser duty rule	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
j Retroactivity		0	0	0	0	0	0	0	0
k Duration and review of anti-dumping duties and price undertakings		0	1	0	1	0	0	0	0
	- duration: established period	0	1	0	1	0	0	0	0
	- review	0	1	0	1	0	0	0	0
l Public notice and explanation of determinations		1	1	0	0	0	0	0	0
m Anti-dumping action on behalf of a third country		0	1	0	0	0	0	0	0
n Regional body/committee		0	0	0	0	0	0	0	0
	- conducts investigations and decides on AD duties	0	0	1	0	0	0	0	0
	- review/remain final determinations	0	0	0	0	0	0	0	1
	- other	1	1	1	1	0	1	1	1
o Notification/Consultation		0	0	1	0	0	0	0	0
p Dispute settlement		1	1	1	0	1	0	0	1
q In accordance with GATT Art. VI/AD Agreement		1	1	1	0	1	0	0	1

Table 5A: Anti-Dumping Mapping

Elements		US-Bahrain	US-CAFTA-Dom. Rep.	US-Chile	US-Israel	US-Jordan	US-Morocco	US-Singapore	WEMOA
1. Anti-dumping actions disallowed		0	0	0	0	0	0	0	0
2. Anti-dumping actions allowed but with no specific provisions		1	0	1	1	1	1	1	0
3. Anti-dumping actions allowed and with specific provisions		0	1	0	0	0	0	0	1
a Determination of dumping	- export price less than comparable price when destined for consumption in the exporting country	0	0	0	0	0	0	0	1
	- if there are no sales in the normal course of trade in the domestic market of the exporting country.	0	0	0	0	0	0	0	1
	: a comparable price of the like product when exported to an appropriate third country	0	0	0	0	0	0	0	1
	: cost of production in the country of origin plus a reasonable amount	0	0	0	0	0	0	0	1
	- non-market economies	0	0	0	0	0	0	0	1
b Determination of injury		0	0	0	0	0	0	0	1
	- volume of dumped imports	0	0	0	0	0	0	0	1
	- price effects of dumped imports	0	0	0	0	0	0	0	1
	- the consequent impact of dumped imports on the domestic industry: material injury	0	0	0	0	0	0	0	1
	- causality	0	0	0	0	0	0	0	1
	- material injury	0	0	0	0	0	0	0	1
c Definition of domestic industry		0	0	0	0	0	0	0	1
d Mutually acceptable solution		0	0	0	0	0	0	0	0
e Initiation and conduct of investigations		0	0	0	0	0	0	0	1
	- "on behalf of the domestic industry" if collective output constitutes more than 50 % of total	0	0	0	0	0	0	0	1
	- no initiation if the collective output is less than 25% of total	0	0	0	0	0	0	0	1
	- de minimis dumping margin	0	0	0	0	0	0	0	1
	- de minimis dumped volume	0	0	0	0	0	0	0	1
f Evidence		0	0	0	0	0	0	0	1
g Provisional measures		0	0	0	0	0	0	0	1
h Price undertakings		0	0	0	0	0	0	0	1
i Imposition and collection of anti-dumping duties		0	0	0	0	0	0	0	1
	- duty shall not exceed the margin of dumping	0	0	0	0	0	0	0	0
	- lesser duty rule	0	0	0	0	0	0	0	1
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
j Retroactivity		0	0	0	0	0	0	0	0
k Duration and review of anti-dumping duties and price undertakings		0	0	0	0	0	0	0	1
	- duration: established period	0	0	0	0	0	0	0	1
	- review	0	0	0	0	0	0	0	1
l Public notice and explanation of determinations		0	0	0	0	0	0	0	0
m Anti-dumping action on behalf of a third country		0	0	0	0	0	0	0	0
n Regional body/committee		0	0	0	0	0	0	0	0
	- conducts investigations and decides on AD duties	0	0	0	0	0	0	0	1
	- review/revamp final determinations	0	0	0	0	0	0	0	1
	- other	0	0	0	0	0	0	0	1
o Notification/Consultation		0	0	0	0	0	0	0	1
p Dispute settlement		0	0	0	0	0	0	0	0
q In accordance with GATT Art. VI/AD Agreement		0	1	0	0	0	0	0	1

Table 5B: Anti-dumping Provisions in Selected RTAs

Anti-dumping disallowed	Anti-dumping allowed		
	With specific RTA provisions		No specific RTA provisions
Canada-Chile	Andean Community	EFTA-Croatia	AFTA
CER	Australia-Singapore	EFTA-FYROM	ALADI
China-Hong Kong	Australia-Thailand	EFTA-Israel	Australia-US
China-Macao	CACM	EFTA-Jordan	Canada-Israel
European Communities	Canada-Costa-Rica	EFTA-Morocco	CEMAC
EEA	CARICOM	EFTA-Palestine Authority	EC-Andorra
EFTA	COMESA	EFTA-Tunisia	EC-OCT
EFTA-Chile	EC-Algeria	EFTA-Turkey	GCC
EFTA-Singapore	EC-Chile	EFTA-Turkey	Japan-Singapore
	EC-Croatia	Group of 3	Mexico-Chile
	EC-Egypt	Korea-Chile	Mexico-Japan
	EC-Faroe Islands	MERCOSUR	US-Bahrain
	EC-FYROM	Mexico-EFTA	US-CAFTA & Dom. Republic
	EC-Israel	Mexico-Israel	US-Chile
	EC-Jordan	Mexico-Nicaragua	US-Israel
	EC-Lebanon	Mexico-Northern Triangle	US-Jordan
	EC-Mexico	Mexico-Uruguay	US-Morocco
	EC-Morocco	NAFTA	US-Singapore
	EC-Palestine Authority	New Zealand-Singapore	
	EC-South Africa	SADC	
	EC-Switzerland-Liechtenstein	SAFTA	
	EC-Syria	SPARTECA	
	EC-Tunisia	Turkey-Israel	
	EC-Turkey	UEMOA	

Table 6A: Countervailing Duties Mapping

Elements		AFTA	ALADI	Andean Community	Australia-Singapore	Australia-Thailand	Australia-US	CACM
I. Subsidies								
1. Disciplines on subsidies								
	-prohibit export subsidies on agriculture	0	0	0	1	1	1	0
	-other	0	0	0	0	0	0	1
2. Disciplines on state aid								
	- incompatible if it distorts competition	0	0	0	0	0	0	0
	- Other	0	0	0	0	0	0	0
II. Countervailing Duties								
1. Countervailing duties disallowed								
2. Countervailing duties allowed but no specific provisions								
3. Countervailing duties allowed and with specific provisions								
a Mutually acceptable solution								
b Conditions for applying countervailing measures								
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	1	0	0	0	1
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	1	0	0	0	1
	- other	0	0	0	0	0	0	0
c Evidence								
d Consultation								
	0	0	0	1	0	0	0	1
e Provisional measures								
	0	0	0	1	0	0	0	1
f Undertakings								
	0	0	0	1	0	0	0	1
g Imposition and collection of countervailing duties								
	- duty shall not exceed the margin of the subsidy found to exist	0	0	1	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	1
h Duration and review of countervailing duties and undertakings								
	0	0	0	0	0	0	0	0
i Special and differential treatment of developing country members								
	0	0	0	0	0	0	0	1
j Subsidization by third countries								
k Regional body/committee								
	-conducts investigations and decides on CVD duties	0	0	1	0	0	0	1
	- reviews/remands/authorizes final determinations	0	0	1	0	0	0	1
	- other	0	0	1	0	0	0	1
l Dispute settlement								
	0	0	0	0	0	0	0	0
m In accordance with GATT Article VI and/or SCM Agreement								
	0	0	0	1	1	1	0	1

Table 6A: Countervailing Duties Mapping

Elements		Canada-Chile	Canada-Costa Rica	Canada-Israel	CARICOM	CEMAC	CER	China-Hong Kong
I. Subsidies								
1. Disciplines on subsidies								
	-prohibit export subsidies on agriculture	1	1	0	0	0	1	0
	-other	0	0	0	1	0	1	0
2. Disciplines on state aid								
	- incompatible if it distorts competition	0	0	0	0	0	0	0
	- Other	0	0	0	1	0	0	0
II. Countervailing Duties								
1. Countervailing duties disallowed		0	0	0	0	0	0	1
2. Countervailing duties allowed but no specific provisions		1	1	0	0	1	0	0
3. Countervailing duties allowed and with specific provisions		0	0	1	1	0	1	0
a Mutually acceptable solution		0	0	0	0	0	0	0
b Conditions for applying countervailing measures								
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	1	0	1	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	0	1	0
	- other	0	0	0	1	0	0	0
c Evidence		0	0	0	1	0	1	0
d Consultation		0	0	0	1	0	1	0
e Provisional measures		0	0	0	1	0	1	0
f Undertakings		0	0	0	1	0	0	0
g Imposition and collection of countervailing duties								
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	1	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0
h Duration and review of countervailing duties and undertakings		0	0	0	1	0	0	0
i Special and differential treatment of developing country members		0	0	0	0	0	0	0
j Subsidization by third countries		0	0	0	0	0	1	0
k Regional body/committee								
	-conducts investigations and decides on CVD duties	0	0	0	1	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	1	0	0	0
	- other	0	0	0	1	0	0	0
l Dispute settlement		0	0	0	0	0	0	0
m In accordance with GATT Article VI and/or SCM Agreement		0	0	1	1	0	1	0

Table 6A: Countervailing Duties Mapping

Elements		China-Macao	COMESA	European Communities	EC-Algeria	EC-Andorra	EC-Chile	EC-Croatia	EC-Egypt
I. Subsidies									
1. Disciplines on subsidies									
	-prohibit export subsidies on agriculture	0	0	0	0	0	0	0	0
	-other	0	1	0	0	0	0	0	0
2. Disciplines on state aid									
	- incompatible if it distorts competition	0	1	1	0	0	0	1	1
	- Other	0	0	0	0	0	1	1	0
II. Countervailing Duties									
1. Countervailing duties disallowed									
2. Countervailing duties allowed but no specific provisions									
3. Countervailing duties allowed and with specific provisions									
a Mutually acceptable solution									
b Conditions for applying countervailing measures									
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	1	0	0	0	0	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	1	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
c Evidence									
d Consultation									
	- Provisional measures	0	0	0	0	0	0	0	0
e Undertakings									
	- Imposition and collection of countervailing duties	0	0	0	0	0	0	0	0
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
h Duration and review of countervailing duties and undertakings									
	- Special and differential treatment of developing country members	0	0	0	0	0	0	0	0
i Subsidization by third countries									
j Regional body/committee									
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
l Dispute settlement									
m In accordance with GATT Article VI and/or SCM Agreement									
		0	0	0	1	0	1	1	1

Table 6A: Countervailing Duties Mapping

Elements		EC-Faroe Islands	EC-FYROM	EC-Israel	EC-Jordan	EC-Lebanon	EC-Mexico	EC-Morocco	EC-OCT
I. Subsidies									
1. Disciplines on subsidies									
	-prohibit export subsidies on agriculture	0	0	0	0	0	0	0	0
	-other	0	0	0	0	0	0	0	0
2. Disciplines on state aid									
	- incompatible if it distorts competition	0	0	1	1	0	0	1	0
	- Other	0	0	0	0	0	0	1	0
II. Countervailing Duties									
1. Countervailing duties disallowed		0	0	0	0	0	0	0	0
2. Countervailing duties allowed but no specific provisions		1	1	1	1	0	0	1	1
3. Countervailing duties allowed and with specific provisions		0	0	0	0	1	1	0	0
a Mutually acceptable solution		0	0	0	0	0	0	0	0
b Conditions for applying countervailing measures									
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	0	0	0	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
c Evidence		0	0	0	0	0	0	0	0
d Consultation		0	0	0	0	0	0	0	0
e Provisional measures		0	0	0	0	0	0	0	0
f Undertakings		0	0	0	0	0	0	0	0
g Imposition and collection of countervailing duties									
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
h Duration and review of countervailing duties and undertakings		0	0	0	0	0	0	0	0
i Special and differential treatment of developing country members		0	0	0	0	0	0	0	0
j Subsidization by third countries		0	0	0	0	0	0	0	0
k Regional body/committee		0	0	0	0	0	0	0	0
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
l Dispute settlement		0	0	0	0	0	0	0	0
m In accordance with GATT Article VI and/or SCM Agreement		0	0	0	0	1	1	0	0

Table 6A: Countervailing Duties Mapping

Elements		EC-Pal. Auth.	EC-South Africa	EC-Swiz. & Liech.	EC-Syria	EC-Tunisia	EC-Turkey	EFTA	EFTA
I. Subsidies									
1. Disciplines on subsidies									
	-prohibit export subsidies on agriculture	0	0	0	0	0	0	0	0
	-other	0	0	0	0	0	0	0	0
2. Disciplines on state aid									
	- incompatible if it distorts competition	1	1	1	0	1	0	1	1
	- Other	0	0	0	0	0	0	1	1
II. Countervailing Duties									
1. Countervailing duties disallowed		0	0	0	0	0	0	1	1
2. Countervailing duties allowed but no specific provisions		1	0	1	0	1	1	0	0
3. Countervailing duties allowed and with specific provisions		0	1	0	1	0	0	0	0
a Mutually acceptable solution		0	0	0	0	0	0	0	0
b Conditions for applying countervailing measures									
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	0	0	0	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
c Evidence		0	0	0	0	0	0	0	0
d Consultation		0	0	0	0	0	0	0	0
e Provisional measures		0	0	0	0	0	0	0	0
f Undertakings		0	0	0	0	0	0	0	0
g Imposition and collection of countervailing duties									
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
h Duration and review of countervailing duties and undertakings		0	0	0	0	0	0	0	0
i Special and differential treatment of developing country members		0	0	0	0	0	0	0	0
j Subsidization by third countries		0	0	0	0	0	0	0	0
k Regional body/committee									
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
l Dispute settlement		0	0	0	0	0	0	0	0
m In accordance with GATT Article VI and/or SCM Agreement		0	1	0	1	0	0	0	0

Table 6A: Countervailing Duties Mapping

Elements		EFTA-Chile	EFTA-Croatia	EFTA-PYROM	EFTA-Israel	EFTA-Jordan	EFTA-Morocco	EFTA-Pal. Auth
I. Subsidies								
1. Disciplines on subsidies								
	-prohibit export subsidies on agriculture	0	0	0	0	0	0	0
	-other	0	0	0	0	0	0	0
2. Disciplines on state aid								
	- incompatible if it distorts competition	0	0	0	1	0	1	1
	- Other	1	0	0	1	0	1	1
II. Countervailing Duties								
1. Countervailing duties disallowed								
2. Countervailing duties allowed but no specific provisions								
3. Countervailing duties allowed and with specific provisions								
a Mutually acceptable solution		0	1	1	1	1	1	1
b Conditions for applying countervailing measures								
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	0	0	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	0	0	0
	- other	0	0	0	1	0	1	1
c Evidence								
d Consultation		0	1	1	1	1	1	1
e Provisional measures		0	0	0	0	0	0	0
f Undertakings		0	0	0	0	0	0	0
g Imposition and collection of countervailing duties								
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0
h Duration and review of countervailing duties and undertakings								
i Special and differential treatment of developing country members		0	0	0	0	0	0	0
j Subsidization by third countries		0	0	0	0	0	0	0
k Regional body/committee								
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0	0
	- other	0	1	1	1	1	1	1
l Dispute settlement		0	0	0	0	0	0	0
m In accordance with GATT Article VI and/or SCM Agreement		1	1	1	0	1	0	0

Table 6A: Countervailing Duties Mapping

Elements		EFTA-Singapore	EFTA-Tunisia	EFTA-Turkey	GCC	Group of 3	Japan-Singapore	Korea-Chile
I. Subsidies								
1. Disciplines on subsidies								
	-prohibit export subsidies on agriculture	0	0	0	0	1	0	0
	-other	0	0	0	0	1	0	0
2. Disciplines on state aid								
	- incompatible if it distorts competition	0	0	1	0	0	0	0
	- Other	0	0	1	0	0	0	1
II. Countervailing Duties								
1. Countervailing duties disallowed		0	0	0	0	0	0	0
2. Countervailing duties allowed but no specific provisions		0	0	0	1	0	1	0
3. Countervailing duties allowed and with specific provisions		1	1	1	0	1	0	1
a Mutually acceptable solution		0	1	1	0	1	0	0
b Conditions for applying countervailing measures								
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	0	1	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	1	0	0
	- other	0	0	1	0	1	0	0
c Evidence		0	0	0	0	1	0	0
d Consultation		0	1	1	0	1	0	0
e Provisional measures		0	0	0	0	1	0	0
f Undertakings		0	0	0	0	0	0	0
g Imposition and collection of countervailing duties								
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0
h Duration and review of countervailing duties and undertakings		0	0	0	0	1	0	0
i Special and differential treatment of developing country members		0	0	0	0	0	0	0
j Subsidization by third countries		0	0	0	0	0	0	0
k Regional body/committee		0	0	0	0	0	0	0
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0	0
	- other	0	1	1	0	0	0	0
l Dispute settlement		0	0	0	0	0	0	1
m In accordance with GATT Article VI and/or SCM Agreement		1	1	0	0	1	0	1

Table 6A: Countervailing Duties Mapping

Elements		MERCOSUR	Mexico-Chile	Mexico-EFTA	Mexico-Israel	Mexico-Japan	Mexico-Nicaragua
I. Subsidies							
1. Disciplines on subsidies							
	-prohibit export subsidies on agriculture	0	1	0	0	0	1
	-other	0	0	0	0	0	1
2. Disciplines on state aid							
	- incompatible if it distorts competition	0	0	0	0	0	0
	- Other	0	0	1	0	0	0
II. Countervailing Duties							
1. Countervailing duties disallowed							
2. Countervailing duties allowed but no specific provisions							
3. Countervailing duties allowed and with specific provisions							
	a Mutually acceptable solution	0	0	1	0	0	1
	b Conditions for applying countervailing measures						
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	0	0	1
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	0	1
	- other	0	0	0	0	0	0
	c Evidence	0	0	0	0	0	1
	d Consultation	0	0	1	0	0	1
	e Provisional measures	0	0	0	0	0	1
	f Undertakings	0	0	0	0	0	0
	g Imposition and collection of countervailing duties						
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0
	h Duration and review of countervailing duties and undertakings	0	0	0	0	0	1
	i Special and differential treatment of developing country members	0	0	0	0	0	0
	j Subsidization by third countries	0	0	0	0	0	0
	k Regional body/committee	0	0	0	0	0	0
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0
	- other	0	0	0	0	0	0
	l Dispute settlement	1	0	0	0	0	0
	m In accordance with GATT Article VI and/or SCM Agreement	1	0	1	1	0	1

Table 6A: Countervailing Duties Mapping

Elements		Mexico-Northern Triangle	Mexico-Uruguay	NAFTA	New Zealand-Singapore	SADC	SAFTA
I. Subsidies							
1. Disciplines on subsidies							
	-prohibit export subsidies on agriculture	1	1	0	1	0	0
	-other	1	0	1	0	0	0
2. Disciplines on state aid							
	- incompatible if it distorts competition	0	0	0	0	0	0
	- Other	0	0	0	0	0	0
II. Countervailing Duties							
1. Countervailing duties disallowed							
2. Countervailing duties allowed but no specific provisions							
3. Countervailing duties allowed and with specific provisions							
a Mutually acceptable solution							
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	1	1	0	0	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	1	1	0	0	0	0
	- other	0	0	0	0	0	0
b Conditions for applying countervailing measures							
c Evidence							
	d Consultation	1	1	1	0	0	0
	e Provisional measures	1	0	0	0	0	0
f Undertakings							
	g Imposition and collection of countervailing duties	0	0	0	0	0	0
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	1	0	0	0	0
h Duration and review of countervailing duties and undertakings							
	i Special and differential treatment of developing country members	0	0	0	0	0	1
j Subsidization by third countries							
k Regional body/committee							
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	1	0	0	0
	- other	0	0	1	0	0	0
l Dispute settlement							
	m In accordance with GATT Article VI and/or SCM Agreement	1	1	0	0	1	0

Table 6A: Countervailing Duties Mapping

Elements		SPARTECA	Turkey-Israel	US-Bahrain	US-CAFTA-Dom. Rep.	US-Chile	US-Israel	US-Jordan	US-Morocco
I. Subsidies									
1. Disciplines on subsidies									
	-prohibit export subsidies on agriculture	0	0	1	1	1	0	0	1
	-other	0	0	0	0	0	1	0	0
2. Disciplines on state aid									
	- incompatible if it distorts competition	0	1	0	0	0	0	0	0
	- Other	0	1	0	0	0	0	0	0
II. Countervailing Duties									
1. Countervailing duties disallowed									
2. Countervailing duties allowed but no specific provisions									
3. Countervailing duties allowed and with specific provisions									
	a Mutually acceptable solution	0	0	0	0	0	0	0	0
	b Conditions for applying countervailing measures	0	0	0	0	0	0	0	0
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0	0	0	0	0	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
	c Evidence	0	0	0	0	0	0	0	0
	d Consultation	0	0	0	0	0	0	0	0
	e Provisional measures	0	0	0	0	0	0	0	0
	f Undertakings	0	0	0	0	0	0	0	0
	g Imposition and collection of countervailing duties	0	0	0	0	0	0	0	0
	- duty shall not exceed the margin of the subsidy found to exist	0	0	0	0	0	0	0	0
	- collection on a non-discriminatory basis	0	0	0	0	0	0	0	0
	h Duration and review of countervailing duties and undertakings	0	0	0	0	0	0	0	0
	i Special and differential treatment of developing country members	0	0	0	0	0	0	0	0
	j Subsidization by third countries	0	0	0	0	0	0	0	0
	k Regional body/committee	0	0	0	0	0	0	0	0
	-conducts investigations and decides on CVD duties	0	0	0	0	0	0	0	0
	- reviews/remands/authorizes final determinations	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	0
	l Dispute settlement	0	0	0	0	0	0	0	0
	m In accordance with GATT Article VI and/or SCM Agreement	0	0	0	1	1	0	0	0

Table 6A: Countervailing Duties Mapping

Elements		US-Singapore	UEMOA
I. Subsidies			
1. Disciplines on subsidies			
	-prohibit export subsidies on agriculture	0	0
	-other	0	0
2. Disciplines on state aid			
	- incompatible if it distorts competition	0	0
	- Other	0	0
II. Countervailing Duties			
1. Countervailing duties disallowed		0	0
2. Countervailing duties allowed but no specific provisions		1	1
3. Countervailing duties allowed and with specific provisions		0	0
a Mutually acceptable solution		0	0
b Conditions for applying countervailing measures			
	- effect of subsidization is to cause or threaten material injury to an established domestic industry	0	0
	- effect of subsidization is to retard materially the establishment of a domestic industry	0	0
	- other	0	0
c Evidence		0	0
d Consultation		0	0
e Provisional measures		0	0
f Undertakings		0	0
g Imposition and collection of countervailing duties			
	- duty shall not exceed the margin of the subsidy found to exist	0	0
	- collection on a non-discriminatory basis	0	0
h Duration and review of countervailing duties and undertakings		0	0
i Special and differential treatment of developing country members		0	0
j Subsidization by third countries		0	0
k Regional body/committee			
	-conducts investigations and decides on CVD duties	0	0
	- reviews/remands/authorizes final determinations	0	0
	- other	0	0
l Dispute settlement		0	0
m In accordance with GATT Article VI and/or SCM Agreement		0	0

Table 6B: Countervailing Duty Provisions in Selected RTAs

Countervailing duties disallowed	Countervailing duties allowed		
	With specific RTA provisions		No specific RTA provisions
China-Hong Kong China-Macao European Communities EEA EFTA	Andean Community Australia-Singapore Australia-Thailand CACM Canada-Israel CARICOM CER COMESA EC-Algeria EC-Chile EC-Croatia EC-Egypt EC-Lebanon EC-Mexico EC-South Africa EC-Syria EFTA-Chile EFTA-Croatia EFTA-FYROM EFTA-Israel EFTA-Jordan EFTA-Morocco EFTA-Palestine Authority EFTA-Singapore EFTA-Tunisia EFTA-Turkey Group of 3 Korea-Chile MERCOSUR Mexico-EFTA Mexico-Israel Mexico-Nicaragua	Mexico-Northern Triangle Mexico-Uruguay NAFTA SADC SAFTA US-CAFTA & Dom. Republic US-Chile	AFTA ALADI Australia-US Canada-Chile Canada-Costa-Rica CEMAC EC-Andorra EC-Faroe Islands EC-FYROM EC-Israel EC-Jordan EC-Morocco EC-OCT EC-Palestine Authority EC-Switzerland-Liechtenstein EC-Tunisia EC-Turkey GCC Japan-Singapore Mexico-Chile Mexico-Japan New Zealand-Singapore SPARTECA Turkey-Israel US-Bahrain US-Israel US-Jordan US-Morocco US-Singapore UEMOA

Table 7A: Safeguards Mapping

Elements		AFTA	ALADI	Andean Community	Australia-Singapore	Australia-Thailand	Australia-US	CACM	Canada-Chile
1.	Safeguard measures disallowed	0	0	0	1	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	1	0
3.	Safeguard measures allowed and with specific provisions	1	1	1	0	1	1	0	1
a Conditions for application of safeguard									
	- increasing imports causing serious injury to domestic industry	1	1	0	0	1	1	0	1
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	0	0	0	0	1	1	0	1
	- other	0	1	1	0	0	0	0	0
b	Investigation	0	0	0	0	1	1	0	1
c	Mutually acceptable solution	0	0	0	0	0	0	0	0
d Application of safeguard measures									
	- only to the extent necessary to remedy serious injury and facilitate adjustment	0	0	1	0	0	0	0	0
	- suspend concessions, tariff reduction or revert to MFN	1	0	0	0	1	1	0	1
	- other	0	0	0	0	0	0	0	0
e Provisional measures									
	- duration and review of safeguard measures	0	0	1	0	1	1	0	0
	- duration less than 4 years	0	1	0	0	1	1	0	1
	- not allowed beyond transition period	0	0	0	0	0	1	0	1
g	Maintain equivalent level of concessions (Compensation)	0	0	0	0	1	1	0	1
h	Suspension of equivalent concessions (Retaliation)	0	0	0	0	1	1	0	1
i	Developing/LDC Members	0	1	0	0	0	0	0	0
j Regional body/committee									
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0
	- other	1	1	1	0	0	0	0	0
k	Notification and consultation	1	1	1	0	1	1	0	1
l	Special safeguards	1	0	0	0	1	1	0	1
m	Global safeguard	0	0	0	0	1	1	0	1
n Relationship to Art.XIX of GATT 1994/Safeguard Agreement									
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	0	0	0	0	1	1	0	1
	- with exceptions	0	0	0	0	1	1	0	1

Table 7A: Safeguards Mapping

	Elements	Canada-Costa Rica	Canada-Israel	Cartoon	CEMAC	CEER	China-Hong Kong	China-Macao	COMESA
1.	Safeguard measures disallowed	0	1	0	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	1	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	1	0	1	0	1	1	1	1
3.	Conditions for application of safeguard	a	0	0	1	0	1	1	0
		- increasing imports causing serious injury to domestic industry - during transition period, reduction in tariffs lead to increased imports and to serious injury - other	1	0	0	0	1	0	0
	b Investigation	1	0	0	0	1	0	0	0
	c Mutually acceptable solution	0	0	0	0	1	0	0	0
	d Application of safeguard measures	0	0	1	0	1	0	0	0
	- only to the extent necessary to remedy serious injury and facilitate adjustment - suspend concessions, tariff reduction or revert to MFN - other	1	0	0	0	1	1	1	0
	e Provisional measures	0	0	1	0	0	0	0	0
	f Duration and review of safeguard measures	1	0	0	0	1	0	0	1
	- duration less than 4 years - not allowed beyond transition period	1	0	0	0	0	0	0	0
	g Maintain equivalent level of concessions (Compensation)	1	0	0	0	0	0	0	0
	h Suspension of equivalent concessions (Retaliation)	1	0	0	0	0	0	0	0
	i Developing/LDC Members	0	0	1	0	0	0	0	0
	j Regional body/committee								
	- conducts investigations and decides on safeguard duties - review/renand final determinations - other	0	0	0	0	0	0	0	0
	k Notification and consultation	1	0	1	0	1	1	1	1
	l Special safeguards	1	0	0	0	0	0	0	0
	m Global safeguard	0	1	0	0	0	0	0	0
	n Relationship to Art. XIX of GATT 1994/Safeguard Agreement								
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement - with exceptions	1	1	0	0	0	0	0	0
		0	1	0	0	0	0	0	0

Table 7A: Safeguards Mapping

	Elements	European Communities	EC-Algeria	EC-Andorra	EC-Chile	EC-Croatia	EC-Egypt	EC-Faroe Islands	EC-FYROM
1.	Safeguard measures disallowed	1	0	0	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	1	0	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	0	1	0	1	1	1	1	1
	a Conditions for application of safeguard								
	- increasing imports causing serious injury to domestic industry	0	0	0	0	1	0	0	1
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	0	0	0	0	0	0	1	0
	- other	0	0	0	1	1	0	1	0
	b Investigation	0	0	0	1	0	0	0	0
	c Mutually acceptable solution	0	1	0	1	1	1	1	1
	d Application of safeguard measures								
	- only to the extent necessary to remedy serious injury and facilitate adjustment	0	1	0	1	1	1	0	1
	- suspend concessions, tariff reduction or revert to MFN	0	0	0	0	1	0	0	1
	- other	0	0	0	0	0	0	1	0
	e Provisional measures	0	0	0	0	1	0	1	1
	f Duration and review of safeguard measures								
	- duration less than 4 years	0	0	0	0	1	0	0	1
	- not allowed beyond transition period	0	0	0	0	0	0	0	0
	g Maintain equivalent level of concessions (Compensation)	0	1	0	0	0	0	0	0
	h Suspension of equivalent concessions (Retaliation)	0	1	0	0	0	0	0	0
	i Developing/LDC Members	0	0	0	0	0	0	0	0
	j Regional body/committee								
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0
	- other	0	1	0	1	1	1	1	1
	k Notification and consultation	0	1	0	1	1	1	1	1
	l Special safeguards	0	0	0	1	0	0	0	0
	m Global safeguard	0	0	0	0	0	0	0	0
	n Relationship to Art. XIX of GATT 1994/Safeguard Agreement								
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	0	1	0	1	0	1	0	0
	- with exceptions	0	0	0	1	0	0	0	0

Table 7A: Safeguards Mapping

Elements		EC-Israel	EC-Jordan	EC-Lebanon	EC-Mexico	EC-Morocco	EC-OCT	EC-Pal Auth.	EC-South Africa	EC-Switz. & Liech.
1.	Safeguard measures disallowed	0	0	0	0	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	1	1	1	1	1	1	1	1	1
a Conditions for application of safeguard										
	- increasing imports causing serious injury to domestic industry	1	1	0	1	1	0	1	1	1
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	0	0	0	0	0	0	0	0	0
	- other	1	1	0	1	1	1	1	0	1
b	Investigation	0	0	0	0	0	0	0	0	0
c	Mutually acceptable solution	1	1	1	1	1	0	1	1	1
d Application of safeguard measures										
	- only to the extent necessary to remedy serious injury and facilitate adjustment	1	1	1	1	1	0	1	1	0
	- suspend concessions, tariff reduction or revert to MFN	0	0	0	0	0	1	0	1	0
	- other	0	0	0	0	0	0	0	0	1
e Provisional measures										
	- duration and review of safeguard measures	1	1	0	1	1	0	1	1	1
	- duration less than 4 years	0	0	0	0	0	0	0	1	0
	- not allowed beyond transition period	0	0	0	0	0	0	0	0	0
g Maintain equivalent level of concessions (Compensation)										
	- Maintain equivalent level of concessions (Retaliation)	0	0	0	1	0	0	0	0	0
h Suspension of equivalent concessions (Retaliation)										
	- Developing/LDC Members	0	0	0	1	0	0	0	0	0
i Developing/LDC Members										
j Regional body/committee										
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0	0
	- other	1	1	1	1	1	1	1	1	1
k Notification and consultation										
	- Special safeguards	0	0	0	0	0	0	0	1	0
l Global safeguard										
m Relationship to Art. XIX of GATT 1994/Safeguard Agreement										
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	0	0	1	0	0	0	0	1	0
	- with exceptions	0	0	0	0	0	0	0	0	0

Table 7A: Safeguards Mapping

	Elements	EC-Syria	EC-Tunisia	EC-Turkey	EEA	EFTA	EFTA-Chile	EFTA-Croatia	EFTA-FYROM	EFTA-Israel
1.	Safeguard measures disallowed	0	0	0	0	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	1	1	1	1	1	1	1	1	1
	a Conditions for application of safeguard									
	- increasing imports causing serious injury to domestic industry	0	1	0	0	0	0	1	1	1
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	0	0	0	0	0	1	0	0	0
	- other	1	1	1	1	1	0	1	1	1
	b Investigation	0	0	0	0	0	1	0	0	0
	c Mutually acceptable solution	1	1	0	1	1	1	1	1	1
	d Application of safeguard measures									
	- only to the extent necessary to remedy serious injury and facilitate adjustment	1	1	1	1	1	0	0	1	1
	- suspend concessions, tariff reduction or revert to MFN	0	0	0	0	0	1	1	0	0
	- other	0	0	0	0	0	0	0	0	0
	e Provisional measures	1	1	0	1	1	1	1	1	1
	f Duration and review of safeguard measures									
	- duration less than 4 years	0	0	0	0	0	1	1	0	0
	- not allowed beyond transition period	0	0	0	0	0	0	0	0	0
	g Maintain equivalent level of concessions (Compensation)	0	0	0	1	0	1	1	0	0
	h Suspension of equivalent concessions (Retaliation)	0	0	0	1	0	1	1	0	0
	i Developing/LDC Members	0	0	0	0	0	0	0	0	0
	j Regional body/committee									
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0	0
	- other	1	1	1	0	1	1	1	1	1
	k Notification and consultation	1	1	1	1	1	1	1	1	1
	l Special safeguards	0	0	0	0	0	0	0	0	0
	m Global safeguard	0	0	0	0	0	1	0	0	0
	n Relationship to Art. XIX of GATT 1994/Safeguard Agreement									
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	0	0	0	0	0	1	0	0	0
	- with exceptions	0	0	0	0	0	0	0	0	0

Table 7A: Safeguards Mapping

	Elements	EFTA-Jordan	EFTA-Morocco	EFTA-Pal. Auth	EFTA-Singapore	EFTA-Tunisia	EFTA-Turkey	GCC	Group of 3
1.	Safeguard measures disallowed	0	0	0	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	1	0
3.	Safeguard measures allowed and with specific provisions	1	1	1	1	1	1	0	1
	a Conditions for application of safeguard								
	- increasing imports causing serious injury to domestic industry	1	1	1	1	1	1	0	0
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	0	0	0	0	0	0	0	1
	- other	1	1	1	0	1	1	0	0
	b Investigation	0	0	0	1	0	0	0	1
	c Mutually acceptable solution	1	1	1	1	1	1	0	0
	d Application of safeguard measures								
	- only to the extent necessary to remedy serious injury and facilitate adjustment	1	1	1	0	1	1	0	1
	- suspend concessions, tariff reduction or revert to MFN	0	0	0	1	0	0	0	1
	- other	0	0	0	0	0	0	0	0
	e Provisional measures	1	1	1	1	1	1	0	0
	f Duration and review of safeguard measures								
	- duration less than 4 years	0	0	0	1	0	0	0	1
	- not allowed beyond transition period	0	0	0	0	0	0	0	0
	g Maintain equivalent level of concessions (Compensation)	0	0	0	1	0	0	0	1
	h Suspension of equivalent concessions (Retaliation)	0	0	0	1	0	0	0	1
	i Developing/LDC Members	0	0	0	0	0	0	0	0
	j Regional body/committee								
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0
	- other	1	1	1	1	1	1	0	0
	k Notification and consultation	1	1	1	1	1	1	0	1
	l Special safeguards	0	0	0	0	0	0	0	1
	m Global safeguard	0	0	0	0	0	0	0	1
	n Relationship to Art. XIX of GATT 1994/Safeguard Agreement								
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	0	0	0	0	1	0	0	1
	- with exceptions	0	0	0	0	0	0	0	0

Table 7A: Safeguards Mapping

	Elements	Japan-Singapore	Korea-Chile	MERCOSUR	Mexico-Chile	Mexico-EFTA	Mexico-Israel	Mexico-Japan	Mexico-Nicaragua
1.	Safeguard measures disallowed	0	0	1	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	1	1	0	1	1	1	1	1
	a Conditions for application of safeguard								
	- increasing imports causing serious injury to domestic industry	1	0	0	0	1	0	0	0
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	1	0	0	1	0	1	1	1
	- other	0	0	0	0	1	0	0	0
	b Investigation	1	0	0	1	0	1	1	1
	c Mutually acceptable solution	0	0	0	0	1	0	0	0
	d Application of safeguard measures								
	- only to the extent necessary to remedy serious injury and facilitate adjustment	1	0	0	0	1	0	0	0
	- suspend concessions, tariff reduction or revert to MFN	1	0	0	1	1	1	1	1
	- other	0	0	0	0	0	0	0	0
	e Provisional measures	0	0	0	0	1	0	1	0
	f Duration and review of safeguard measures								
	- duration less than 4 years	1	0	0	1	1	1	1	1
	- not allowed beyond transition period	0	0	0	1	0	0	0	1
	g Maintain equivalent level of concessions (Compensation)	1	0	0	1	1	1	1	1
	h Suspension of equivalent concessions (Retaliation)	1	0	0	1	1	1	1	1
	i Developing/LDC Members	0	0	0	0	0	0	0	0
	j Regional body/committee								
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0
	- other	1	0	0	0	1	0	0	0
	k Notification and consultation	1	0	0	1	1	1	1	1
	l Special safeguards	0	1	0	0	0	0	0	0
	m Global safeguard	0	0	0	1	0	1	0	1
	n Relationship to Art. XIX of GATT 1994/Safeguard Agreement								
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	1	1	0	1	0	1	1	1
	- with exceptions	0	0	0	1	0	1	0	1

Table 7A: Safeguards Mapping

Elements		Mexico - Northern Triangle	Mexico-Uruguay	NAFTA	New Zealand-Singapore	SADC	SAFTA	SPARTECA	Turkey-Israel
1.	Safeguard measures disallowed	0	0	0	1	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	1	1	1	0	1	1	1	1
a Conditions for application of safeguard									
	- increasing imports causing serious injury to domestic industry	0	1	1	0	1	1	1	1
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	1	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	1
b	Investigation	1	1	1	0	0	1	1	0
c	Mutually acceptable solution	0	0	0	0	0	0	1	1
d Application of safeguard measures									
	- only to the extent necessary to remedy serious injury and facilitate adjustment	0	1	0	0	1	0	0	1
	- suspend concessions, tariff reduction or revert to MFN	1	1	1	0	0	1	1	0
	- other	0	0	0	0	0	0	0	0
e Provisional measures									
	- duration and review of safeguard measures	0	1	1	0	0	1	0	0
	- duration less than 4 years	0	1	1	0	0	1	0	0
	- not allowed beyond transition period	0	1	1	0	0	0	0	0
g	Maintain equivalent level of concessions (Compensation)	1	1	1	0	0	0	0	0
h	Suspension of equivalent concessions (Retaliation)	1	1	1	0	0	0	0	0
i	Developing/LDC Members	0	0	0	0	0	1	0	0
j Regional body/committee									
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	1	1
k	Notification and consultation	1	1	1	0	0	1	1	1
l	Special safeguards	1	0	1	0	0	0	0	0
m	Global safeguard	1	1	1	0	0	0	0	0
n Relationship to Art. XIX of GATT 1994/Safeguard Agreement									
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	1	1	1	0	0	0	0	0
	- with exceptions	1	1	1	0	0	0	0	0

Table 7A: Safeguards Mapping

	Elements	US-Bahrain	US-CAFTA Dom. Rep.	US-Chile	US-Israel	US-Jordan	US-Morocco	US-Singapore	WEMOA
1.	Safeguard measures disallowed	0	0	0	0	0	0	0	0
2.	Safeguard measures allowed but with no specific provisions	0	0	0	0	0	0	0	0
3.	Safeguard measures allowed and with specific provisions	1	1	1	1	1	1	1	1
	a Conditions for application of safeguard								
	- increasing imports causing serious injury to domestic industry	0	0	0	1	0	0	0	0
	- during transition period, reduction in tariffs lead to increased imports and to serious injury	1	1	1	0	1	1	1	0
	- other	0	0	0	0	0	0	0	1
	b Investigation	1	1	1	0	1	1	1	0
	c Mutually acceptable solution	0	0	0	0	0	0	0	0
	d Application of safeguard measures								
	- only to the extent necessary to remedy serious injury and facilitate adjustment	0	0	0	0	0	0	0	0
	- suspend concessions, tariff reduction or revert to MFN	1	1	1	1	1	1	1	0
	- other	0	0	0	0	0	0	0	0
	e Provisional measures	0	0	0	0	1	1	1	1
	f Duration and review of safeguard measures								
	- duration less than 4 years	1	0	1	0	0	1	1	0
	- not allowed beyond transition period	1	1	1	0	1	0	1	0
	g Maintain equivalent level of concessions (Compensation)	1	1	1	0	1	1	1	0
	h Suspension of equivalent concessions (Retaliation)	1	1	1	0	1	1	1	0
	i Developing/LDC Members	0	0	0	0	0	0	0	0
	j Regional body/committee								
	- conducts investigations and decides on safeguard duties	0	0	0	0	0	0	0	0
	- review/renand final determinations	0	0	0	0	0	0	0	0
	- other	0	0	0	0	0	0	0	1
	k Notification and consultation	1	1	1	1	1	1	1	1
	l Special safeguards	1	1	1	0	0	1	1	0
	m Global safeguard	1	1	1	0	1	1	1	0
	n Relationship to Art. XIX of GATT 1994/Safeguard Agreement								
	- retains rights and obligations under/in accord with GATT Art. XIX/Safeguards Agreement	1	1	1	0	1	1	1	1
	- with exceptions	0	1	0	0	1	0	1	0

Table 7B: Safeguard Provisions in Selected RTAs

Safeguard measures disallowed	Safeguard measures allowed		
	With specific RTA provisions	No specific RTA provisions	
Australia-Singapore Canada-Israel European Communities MERCOSUR New Zealand-Singapore	AFTA ALADI Andean Community Australia-Thailand Australia-US Canada-Chile Canada-Costa Rica Caricom CER China-Hong Kong China-Macao COMESA EC-Algeria EC-Chile EC-Croatia EC-Egypt EC-Faroe Islands EC-FYROM EC-Israel EC-Jordan EC-Lebanon EC-Mexico EC-Morocco EC-OCT EC-Pal Auth. EC-South Africa EC-Switzerland & Liechtenstein EC-Syria EC-Tunisia EC-Turkey EEA EFTA EFTA-Chile EFTA-Croatia	EFTA-FYROM EFTA-Israel EFTA-Jordan EFTA-Morocco EFTA-Palestine Authority EFTA-Singapore EFTA-Tunisia EFTA-Turkey Group of 3 Japan-Singapore Korea-Chile Mexico-Chile Mexico-EFTA Mexico-Israel Mexico-Japan Mexico-Nicaragua Mexico-Northern Triangle Mexico-Uruguay NAFTA SADC SAFTA SPARTECA Turkey-Israel US-Bahrain US-CAFTA & Dom. Republic US-Chile US-Israel US-Jordan US-Morocco US-Singapore UEMOA	CACM CEMAC EC-Andorra GCC

Table 8: Characteristics of RTAs that have Disallowed Trade Remedies

RTAs	Development Level	Disallowed			Intra-RTA Imports		Common External Tariff	Competition Chapter	Integration
		AD	CVD	Safeguard	Value (\$ billion)	Share (%)			
Australia-Singapore	Mixed			■	9.9	3.1	0	1	0
Canada-Chile	Mixed	■			4.7	1.4	0	1	0
Canada-Israel	Mixed			■	3.9	1.1	0	1	0
CER	Developed	■			10.1	6.9	0	1	1
China-HK	Developing	■	■		202.4	21.1	0	0	1
China-Macao	Developing	■	■		55.4	8.4	0	0	1
EC	Developed	■	■	■	2,419.0	61.1	1	1	1
EEA	Developed	■	■		301.4	7.3	0	1	1
EFTA	Developed	■	■		1.4	0.8	0	1	1
EFTA-Chile	Mixed	■	■		0.3	0.2	0	1	0
EFTA-Singapore	Mixed	■			3.1	0.8	0	1	0
MERCOSUR	Developing			■	22.1	20.1	1	1	0
New Zealand-Singapore	Mixed			■	1.3	0.6	0	1	0
Group Average					233.5	10.2	15.4%	84.6%	46.2%
Average of Other RTAs					28.9	3.1	13.1%	70.5%	6.6%

Table 9A: Probit Estimation Results

Explanatory variables	Anti-dumping	Countervailing	Safeguards
int	1.93***	2.15***	
cet			0.83
constant	-1.68***	-2.15***	-1.68
	Prob > χ^2 = 0.0000	Prob > χ^2 = 0.0000	Prob > χ^2 = 0.12
Number of observations = 71			

Note: The three columns represent the results of using separate probit models to test what variables statistically explain the abolition of anti-dumping, countervailing duties and safeguard measures in RTAs. */**/** indicate significance at the 10%, 5% and 1% level respectively.

Table 9B: Multinomial Logit Estimation Results

Independent Variables	Trade Remedy Abolished			
	Safeguards	Anti-dumping	Anti-dumping Countervailing	Anti-dumping Countervailing Safeguards
year	0.04	-0.04	0.13	-0.21
cet	2.95	-41.92	-59.99	90.67
dev	1.21	2.83	0.99	41.89
share	-3.50	-51.07	16.03*	-34.29
int	-43.69	3.92*	5.83**	4.60
constant	-74.01	80.38	-256.46	232.04
Number of observations = 71				
Prob > χ^2 = 0.0022				

Note: */** indicate significance at the 10% and 5% respectively.

Legend:

- year: year that the RTA came into force;
- cet: dummy variable to indicate common external tariff;
- dev: index of level of development of RTA members;
- share: average share of intra-regional trade during the 5-year period before implementation of the RTA; and
- int: dummy variable to indicate deep integration.

Figure 1: Number of RTAs in Sample that Have Come into Force, by Decade

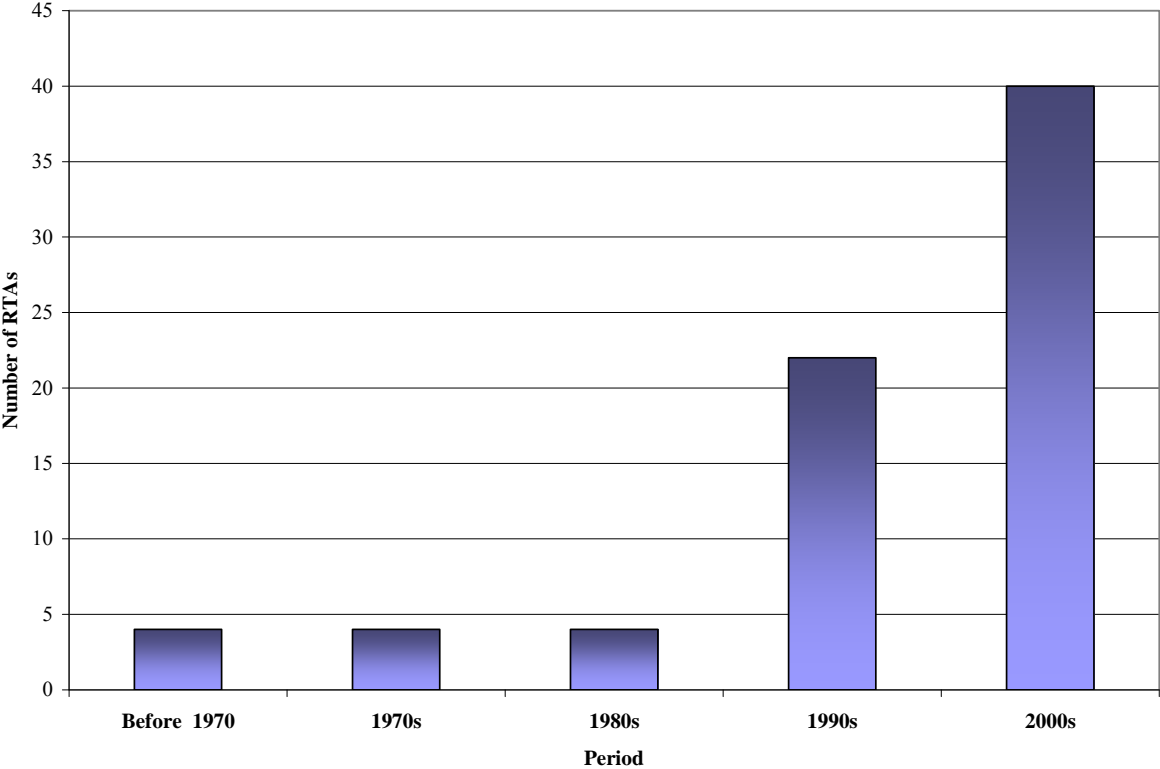


Figure 2 : RTAs by Level of Development of Members

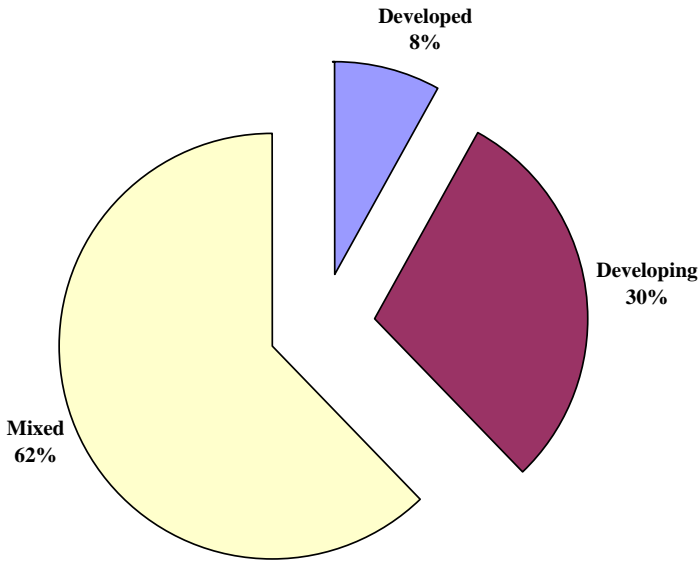
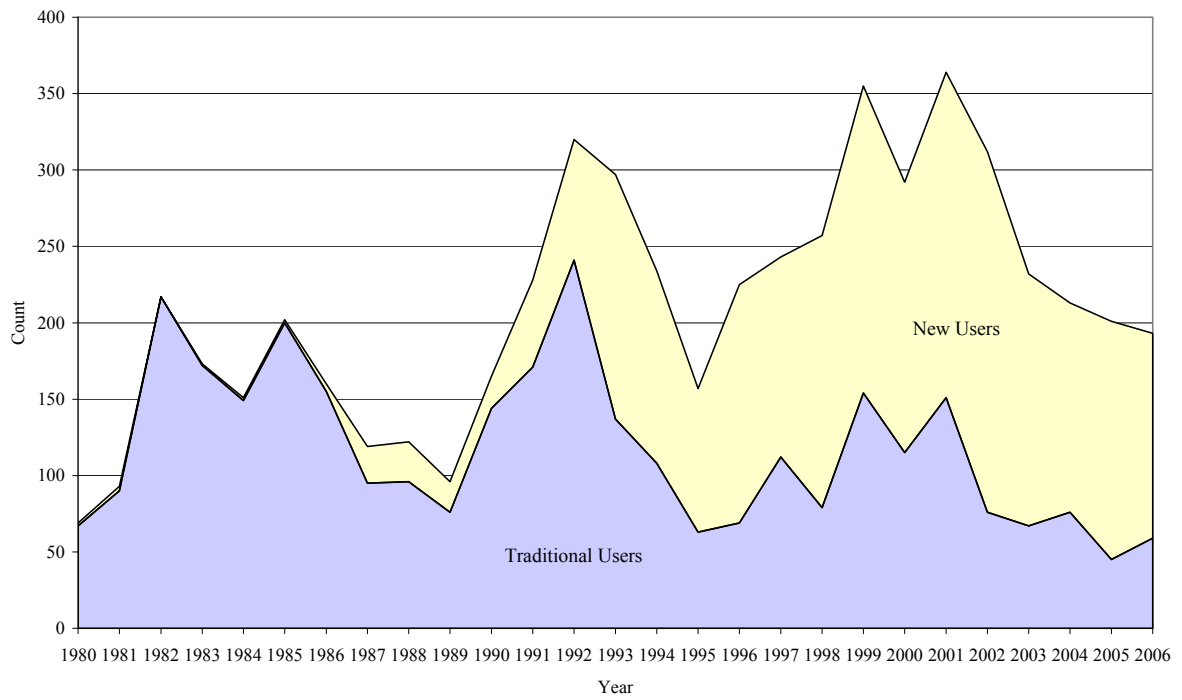


Figure 3 : Hub-and-spoke and Cross-regional Arrangement of RTAs

EC-Algeria							
EC-Andorra							
EC-Chile							
EC-Croatia							
EC-Egypt							
EC-Faroe Islands							
EC-FYROM							
EC-Israel							
EC-Jordan	EFTA-Chile						
EC-Lebanon	EFTA-Croatia						
EC-Mexico	EFTA-FYROM	Group of Three					
EC-Morocco	EFTA-Israel	Mexico-Chile	NAFTA				
EC-OCT	EFTA-Jordan	Mexico-EC	US-Australia				
EC-Pal Auth.	EFTA-Mexico	Mexico-EFTA	US-Bahrain				
EC-South Africa	EFTA-Morocco	Mexico-Israel	US-CAFTA-Dom. Rep.	AFTA			
EC-Switz. & Liech.	EFTA-Pal. Auth	Mexico-Japan	US-Chile	Singapore-Australia	Chile-Canada	Australia-Singapore	
EC-Svita	EFTA-Singapore	Mexico-Nicaragua	US-Israel	Singapore-EFTA	Chile-EC	Australia-Thailand	Canada-Chile
EC-Tunisia	EFTA-Tunisia	Mexico - Northern Triangle	US-Jordan	Singapore-Japan	Chile-Korea	Australia-US	Canada-Costa Rica
EC-Turkey	EFTA-Turkey	Mexico-Uruguay	US-Morocco	Singapore-New Zealand	Chile-Mexico	CER	Canada-Israel
EEA	EEA	NAFTA	US-Singapore	Singapore-US	Chile-US	SPARTECA	NAFTA
EC	EFTA	Mexico	US	Singapore	Chile	Australia	Canada

Figure 4A: Frequency of Anti-dumping Initiations, 1980-2006



Source: Prusa (2005) and WTO Secretariat.

Figure 4B: Frequency of Anti-dumping Measures 1995-2006

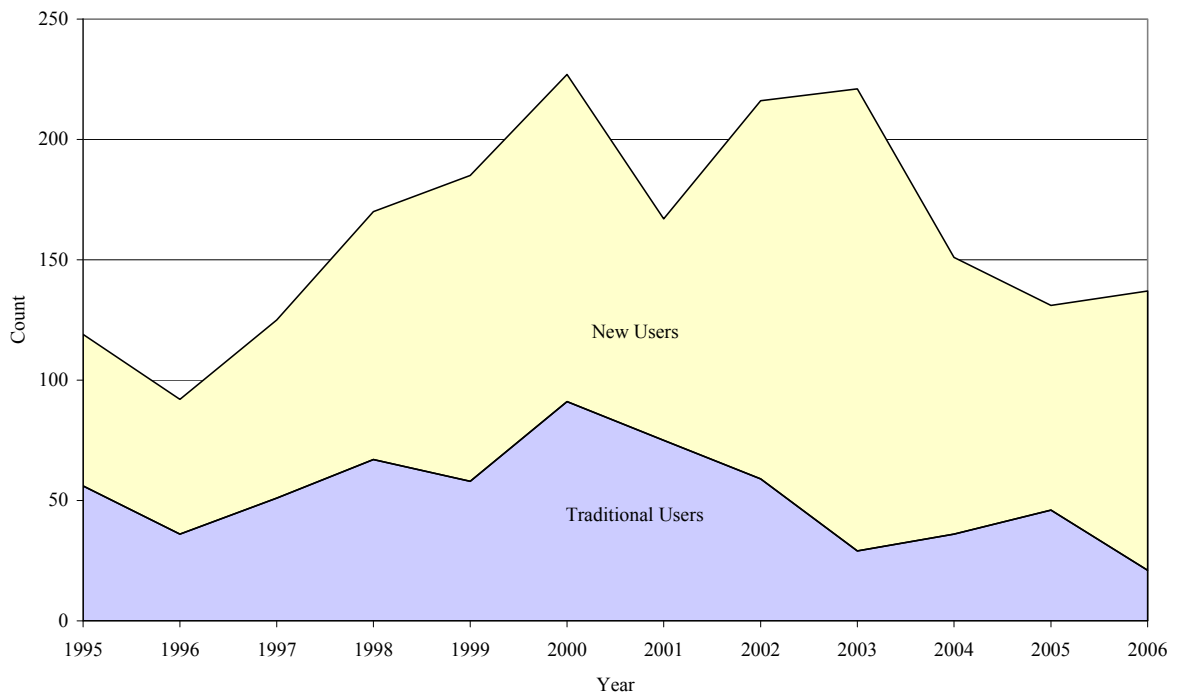
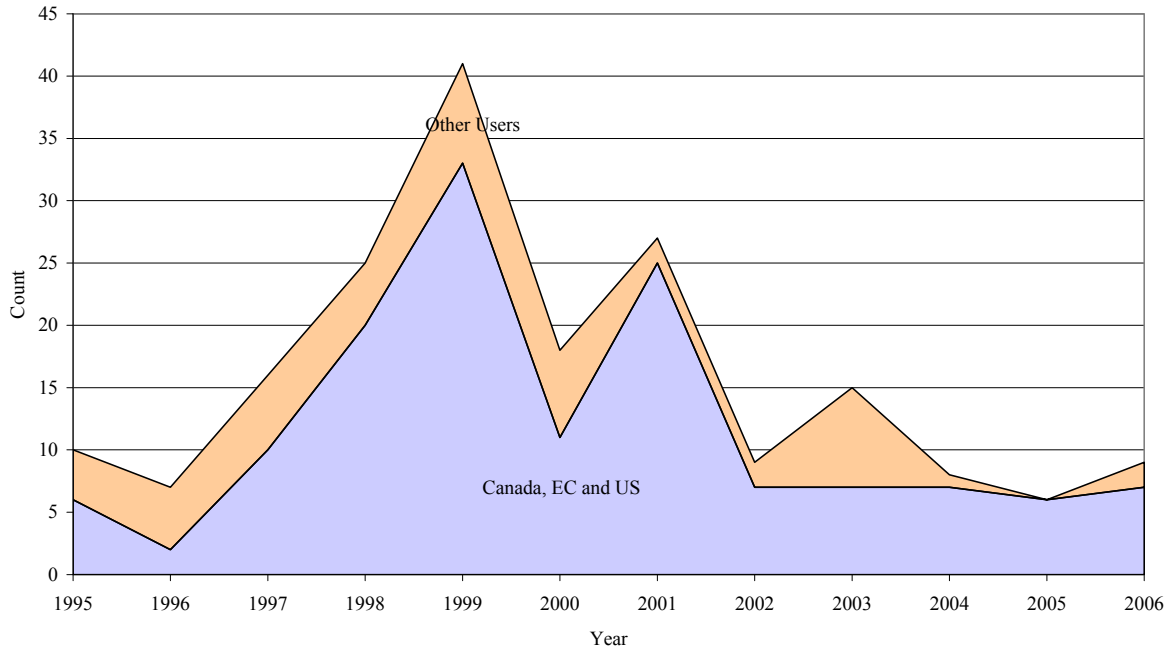


Figure 5A: Frequency of CVD Initiations, 1995-2006



Source: WTO Secretariat.

Figure 5B: Frequency of CVD Measures, 1995-2006

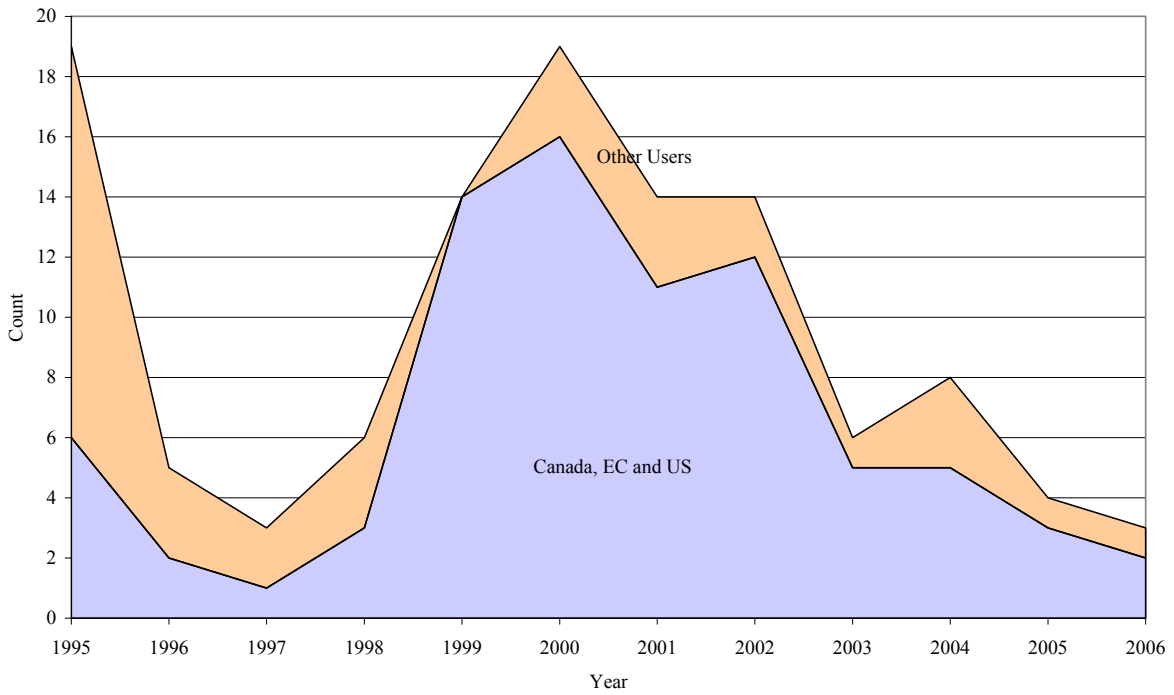
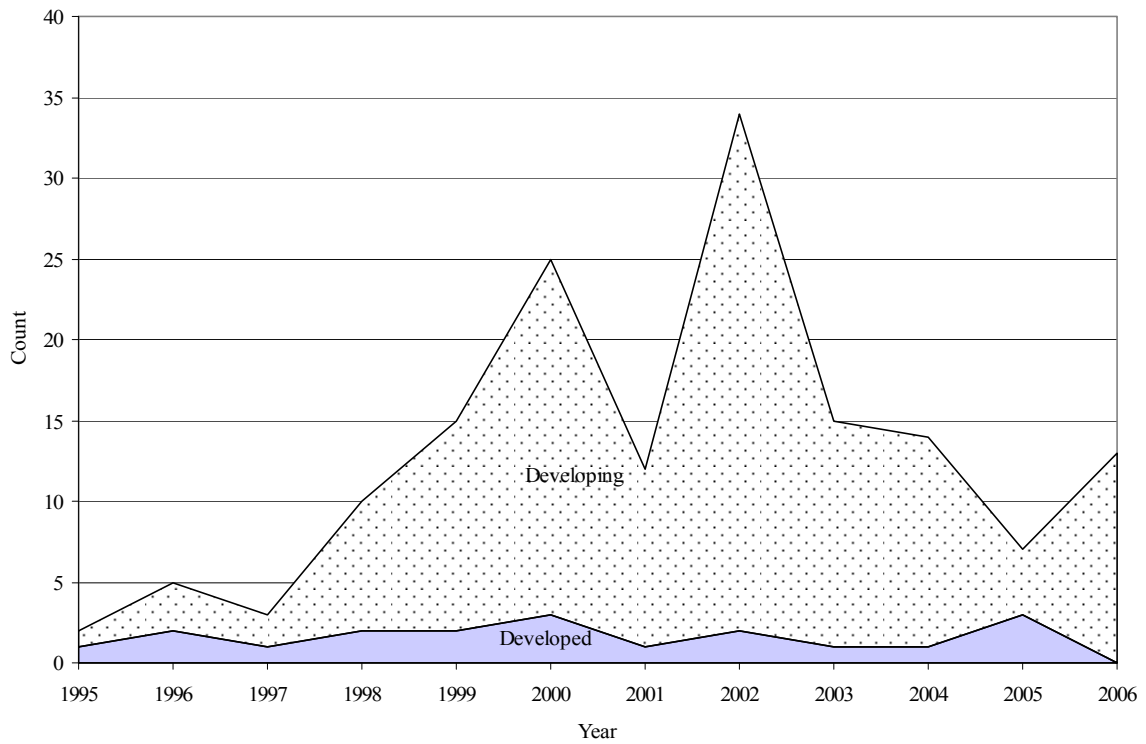
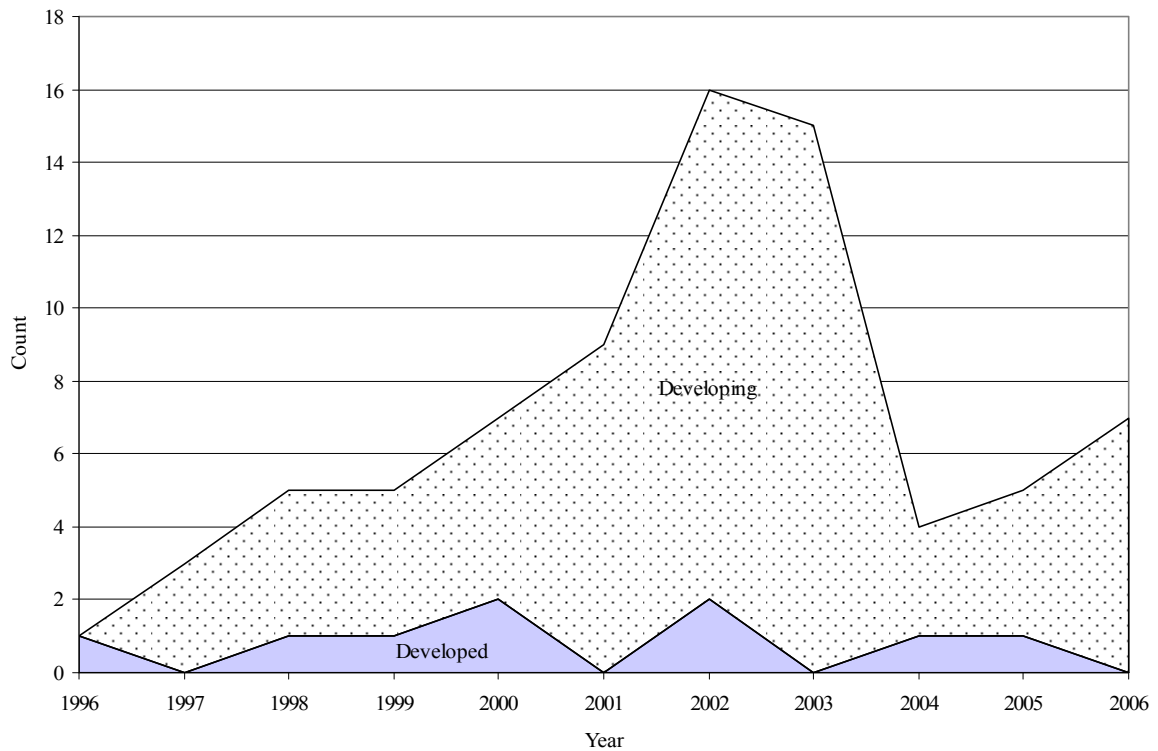


Figure 6A: Frequency of Safeguard Initiations, 1995-2006



Source: WTO Secretariat.

Figure 6B: Frequency of Safeguard Measures, 1996-2006



ANNEX 1

Agreement	Members	Date of Entry into Force	Relevant GATT Provision	Type of Agreement ¹	Development Status of Members	2005 Intra-RTA Imports	
						Value (\$ Billion)	Share (%)
AFTA	Brunei Darussalam Cambodia Indonesia Laos Malaysia Myanmar Philippines Singapore Thailand Vietnam	28 January 1992	Enabling Clause	FTA	Developing	104.4	24.1
ALADI (LALA)	Argentina Bolivia Brazil Chile Colombia Cuba Ecuador Mexico Paraguay Peru Uruguay Venezuela	18 March 1981	Enabling Clause	PS	Developing	68.4	16.8
Andean Community	Bolivia Colombia Ecuador Peru Venezuela	26 May 1969 ²	-	CU	Developing	7.5	16.4
Australia - Singapore		28 July 2003	GATT Art. XXIV	FTA	Mixed	9.9	3.1
Australia - Thailand		01 January 2005	GATT Art. XXIV	FTA	Mixed	8.7	3.7
Australia - United States		01 January 2005	GATT Art. XXIV	FTA	Developed	24.6	1.3
CACM	Costa Rica El Salvador Guatemala Honduras Nicaragua	12 October 1961	GATT Art. XXIV	CU	Developing	2.6	9.7
Canada — Chile		05 July 1997	GATT Art. XXIV	FTA	Mixed	4.7	1.4
Canada — Costa Rica		01 November 2002	GATT Art. XXIV	FTA	Mixed	3.3	1.0
Canada — Israel		01 January 1997	GATT Art. XXIV	FTA	Mixed	3.9	1.1
CARICOM	Antigua & Barbuda Bahamas Barbados Belize Dominica Grenada Guyana Haiti Jamaica Monserrat Trinidad & Tobago St. Kitts & Nevis St. Lucia St. Vincent & the Grenadines Surinam	01 August 1973	GATT Art. XXIV	CU	Developing	1.9	13.1
CEMAC	Cameroun Central African Republic Chad Congo Equatorial Guinea Gabon	24 June 1999	Enabling Clause	CU	Developing	0.2	3.7
China - Hong Kong, China		01 January 1983	GATT Art. XXIV	FTA	Developed	10.1	6.9
China - Macao, China		01 January 2004	GATT Art. XXIV	FTA	Developing	202.4	21.1
		01 January 2004	GATT Art. XXIV	FTA	Developing	55.4	8.4
COMESA	Angola Burundi Comoros Democratic Republic of Congo Djibouti Egypt Eritrea Ethiopia Kenya Madagascar Malawi Mauritius Namibia Rwanda Seychelles Sudan Swaziland Uganda Zambia Zimbabwe	08 December 1994	Enabling Clause	FTA	Developing	1.2	9.4
EC - Algeria ³	Austria Belgium Bulgaria Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands Poland Portugal Romania Slovakia Slovenia Spain Sweden United Kingdom	01 January 1958	GATT Art. XXIV	CU	Developed	2,419.0	61.1
EC - Andorra ³		01 September 2005	GATT Art. XXIV	FTA	Mixed	24.5	0.7
EC - Chile		01 July 1991	GATT Art. XXIV	CU	Mixed	1.6	0.0
EC - Croatia		01 February 2003	GATT Art. XXIV	FTA	Mixed	15.0	0.4
EC - Egypt		01 March 2002	GATT Art. XXIV	FTA	Mixed	17.0	0.4
EC - Faroe Islands		01 June 2004	GATT Art. XXIV	FTA	Mixed	10.8	0.3
EC - FYROM		01 January 1997	GATT Art. XXIV	FTA	Mixed	0.9	0.0
EC - Israel		01 June 2001	GATT Art. XXIV	FTA	Mixed	2.7	0.1
EC - Jordan		01 June 2000	GATT Art. XXIV	FTA	Mixed	29.8	0.7
EC - Lebanon ³		01 May 2002	GATT Art. XXIV	FTA	Mixed	2.8	0.1
EC - Mexico		01 March 2003	GATT Art. XXIV	FTA	Mixed	4.0	0.1
EC - Morocco		01 July 2000	GATT Art. XXIV	FTA	Mixed	37.7	0.9
		01 March 2000	GATT Art. XXIV	FTA	Mixed	20.0	0.5
EC - OCTs	EC Greenland New Caledonia French Polynesia French Southern and Antarctic Territories Wallis and Futuna Islands Mayotte Saint Pierre and Miquelon Aruba Netherlands Antilles Anguilla Cayman Islands Falkland Islands South Georgia and South Sandwich Islands Montserrat Pitcairn Saint Helena Ascension Island Tristan da Cunha Turks and Caicos Islands British Antarctic Territory British Indian Ocean Territory British Virgin Islands	01 January 1971	GATT Art. XXIV	FTA	Mixed	4.5	0.1
EC - Palestinian Authority		01 July 1997	GATT Art. XXIV	FTA	Mixed	-	-
EC - South Africa		01 January 2000	GATT Art. XXIV	FTA	Mixed	42.4	1.1
EC - Switzerland and Liechtenstein		01 January 1973	GATT Art. XXIV	FTA	Developed	176.0	4.3
EC - Syria		01 July 1977	GATT Art. XXIV	FTA	Mixed	5.0	0.1

Agreement	Members	Date of Entry into Force	Relevant GATT Provision	Type of Agreement ¹	Development Status of Members	2005 Intra-RTA Imports	
						Value (\$ Billion)	Share (%)
EC - Tunisia		01 March 1998	GATT Art. XXIV	FTA	Mixed	17.8	0.4
EC - Turkey		01 January 1996	GATT Art. XXIV	CU	Mixed	92.2	2.3
EBA	EC EFTA	01 January 1994	GATS Art. V	EIA	Developed	301.4	7.3
EFTA	Iceland Lichtenstein Norway Switzerland	03 May 1960	GATT Art. XXIV	FTA	Developed	1.4	0.8
EFTA - Chile		01 December 2004	GATT Art. XXIV	FTA	Mixed	0.3	0.2
EFTA - Croatia		01 January 2002	GATT Art. XXIV	FTA	Mixed	0.4	0.2
EFTA - FYROM		01 January 2001	GATT Art. XXIV	FTA	Mixed	0.1	0.0
EFTA - Israel		01 January 1993	GATT Art. XXIV	FTA	Mixed	3.0	1.3
EFTA - Jordan		01 January 2002	GATT Art. XXIV	FTA	Mixed	0.1	0.1
EFTA - Morocco		01 December 1999	GATT Art. XXIV	FTA	Mixed	0.4	0.2
EFTA - Palestinian Authority		01 July 1999	GATT Art. XXIV	FTA	Mixed	-	-
EFTA - Singapore		01 January 2003	GATT Art. XXIV	FTA	Mixed	3.1	0.8
EFTA - Tunisia		01 June 2005	GATT Art. XXIV	FTA	Mixed	0.2	0.1
EFTA - Turkey		01 April 1992	GATT Art. XXIV	FTA	Mixed	5.4	1.8
GCC	Bahrain Kuwait Oman Qatar Saudi Arabia United Arab Emirates	01 January 2003	GATT Art. XXIV	CU	Developing	7.5	8.8
Group of Three	Colombia Mexico Venezuela	13 June 1994 ²	-	FTA	Developing	4.8	2.0
Japan - Singapore		30 November 2002	GATT Art. XXIV	FTA	Mixed	25.9	3.6
Republic of Korea - Chile		01 April 2004	GATT Art. XXIV	FTA	Developing	3.4	1.2
MERCOSUR	Argentina Brazil Paraguay Uruguay	29 November 1991	Enabling Clause	CU	Developing	22.1	20.1
Mexico - Chile		01 August 1999	GATT Art. XXIV	FTA	Developing	2.5	1.0
Mexico - EFTA		01 July 2001	GATT Art. XXIV	FTA	Mixed	1.4	0.4
Mexico - Israel		01 July 2000	GATT Art. XXIV	FTA	Developing	0.4	0.1
Mexico - Japan		01 April 2005	GATT Art. XXIV	FTA	Mixed	15.6	2.1
Mexico - Nicaragua		01 July 1998	GATT Art. XXIV	FTA	Developing	0.4	0.2
Mexico - Northern Triangle	El Salvador Guatemala Honduras Mexico	29 June 2000 ²	-	FTA	Developing	1.6	0.7
Mexico - Uruguay		15 November 2005 ²	-	FTA	Developing	0.3	0.1
NAFTA	Canada Mexico United States	01 January 1994	GATT Art. XXIV	FTA	Mixed	782.1	34.5
New Zealand - Singapore		01 January 2001	GATT Art. XXIV	FTA	Mixed	1.3	0.6
SADC	Angola Botswana Lesotho Malawi Mauritius Mozambique Namibia South Africa Swaziland Tanzania Zambia Zimbabwe	01 September 2000	GATT Art. XXIV	FTA	Developing	7.7	11.1
SAPTA	Bangladesh Bhutan India Maldives Nepal Pakistan Sri Lanka	07 December 1995	Enabling Clause	PS	Developing	3.8	2.1
SPARTECA	Australia New Zealand Cook Islands Fiji Kiribati Marshall Islands Micronesia Nauru Niue Papua New Guinea Solomon Islands Tonga Tuvalu Vanuatu Western Samoa	01 January 1981	Enabling Clause	PS	Mixed	2.6	1.7
Turkey - Israel		01 May 1997	GATT Art. XXIV	FTA	Developing	2.0	1.3
United States - Bahrain		01 August 2006	GATT Art. XXIV	FTA	Mixed	0.7	0.0
United States - CAFTA - DR	Costa Rica Dominican Republic El Salvador Guatemala Honduras Nicaragua United States	01 March 2006	GATT Art. XXIV	FTA	Mixed	28.4	1.6
United States - Chile		01 January 2004	GATT Art. XXIV	FTA	Mixed	12.2	0.7
United States - Israel		19 August 1985	GATT Art. XXIV	FTA	Mixed	23.2	1.3
United States - Jordan		17 December 2001	GATT Art. XXIV	FTA	Mixed	1.9	0.1
United States - Morocco		01 January 2006	GATT Art. XXIV	FTA	Mixed	1.2	0.1
United States - Singapore		01 January 2004	GATT Art. XXIV	FTA	Mixed	38.8	2.0
WAEMU/UEMOA	Benin Burkina Faso Côte d'Ivoire Guinea Bissau Mali Niger Senegal Togo	01 January 2000	Enabling Clause	CU	Developing	0.5	4.4

Legend:

¹ CU=Customs Union; FTA=Free Trade Agreement; PS=Partial Scope; EIA=Economic Integration Agreement.

² Date of signature (See Organization of American States - http://www.sice.oas.org/agreements_e.asp).

³ Year 2004 trade data.

Sources: WTO Secretariat, UN Comtrade and Organization of American States.