

A BILL

FOR

AN ACT TO PROVIDE FOR ANTI-DUMPING AND COUNTERVAILING MEASURES IN NIGERIAN TRADE TRANSACTIONS, ESTABLISHMENT OF THE ANTI-DUMPING AND COUNTERVAILING MEASURES ADVISORY COMMITTEE TO SAVE INDIGENOUS INDUSTRIES AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Abdullahi Umar Faruk

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

PART I - PRELIMINARY PROVISIONS

1. This Act applies to all import and export products traded upon in the Federal Republic of Nigeria.

Application of this Bill

PART II - ESTABLISHMENT OF THE ANTI-DUMPING AND COUNTERVAILING MEASURES

2. There is established a Committee to be known as the Anti-Dumping and Countervailing Measures Advisory Committee (in this Act referred to as the Committee) empowered to carry out the functions contemplated in section 6 of this Act.

Advisory Committee

3.-(1) The Committee shall consist of-

Establishment of Committee

- (a) the Chairman;
- (b) one member representing the Federal Ministry for Commerce;
- (c) one member representing the Federal Ministry of Finance;
- (d) a representative of the Attorney-General of the Federation;
- (e) one member representing the Nigeria Chambers of Commerce, Industry and Agriculture;
- (f) one member representing the Federal Ministry of Industry;
- (g) one member representing the Federal Inland Revenue Service;

- 1 (h) one member representing the Standard Organization of Nigeria;
2 (in) one member representing Federal the National Planning Commission; and
3 (j) one member representing the National Agency for Food
4 Administration and Control (NAFDAC).

5 (2) The Chairman and members of the Committee shall be appointed
6 by the Minister.

7 (3) The Minister may, in addition to members under subsection (1),
8 appoint two persons one of whom shall be a woman to be members of the
9 Committee.

10 (4) The Committee shall elect from amongst its members, a Vice-
11 Chairman who shall serve for the whole period of the tenure of the Committee.

12 (5) The Director representing Trade in the Ministry of Commerce
13 shall be the secretary of the Committee.

Functions of the
Committee

14 4. -(1) The functions of the Committee shall be to-

15 (a) advise the Minister generally on the proper implementation of the
16 provisions of this Act;

17 (b) advise on urgent measures necessary for the protection of
18 domestic industries from injury caused by dumping or subsidy;

19 (c) ascertain whether the investigated product, through the effect of
20 dumping or subsidization, cause or threatens material injury to industry or
21 producer;

22 (d) advise the Minister on policy issues related to this Act;

23 (e) perform any other duties related to this Act assigned to it by the
24 Minister;

25 (f) recommend to the Minister the imposition of anti-dumping or
26 countervailing measures or any other appropriate action; and

27 (g) to conduct investigation on such matters as the Minister may
28 determine.

29 (2) The Committee may establish a subcommittee to assist in the
30 performance of such functions as it may delegate to the subcommittee.

1 5. -(1) The tenure of office for members of the Committee shall be
2 four years, and may be re-appointed to serve another four year term and no
3 more. Tenure and
Conditions of
Services

4 (2) Members of the Committee shall be paid such remuneration in
5 the course of their meetings and during the period of investigation as the
6 Minister may approve.

7 6.-(1) The Committee shall meet at least thrice in its ordinary Meeting of
Committee
8 meetings Meeting of Committee in every calendar year.

9 (2) Notwithstanding the provisions of sub-section (1), the
10 Committee may hold an extra ordinary meeting at any time, where special
11 circumstances referred to under section 28 occur.

12 7. The conduct and regulation of the business and affairs of the Committee may
make its own
procedures
13 Committee shall be as provided for in this Act, except that the Committee
14 shall regulate its own procedures.

15 PART III - ANTI-DUMPING AND COUNTERVAILING PROVISIONS

16 8.-(1) The imposition of anti-dumping or countervailing measures Principles of
Operation
17 on investigated products imported into Nigeria shall be made pursuant to
18 investigation initiated and conducted in accordance to this Act.

19 (2) The anti-dumping measures provided for in subsection (1) shall
20 be imposed after the Committee determines that-

21 (a) the investigated product is introduced into Nigerian market at a
22 price below its normal value;

23 (b) the imported products are, through the effects of dumping
24 causing or threatening to cause material injury to Nigerian industry; and

25 (c) there exists a causal link between the injury to the industry and
26 the dumping or subsidization of goods.

27 (3) The countervailing measures provided for in subsection (1)
28 shall be imposed after the committee determines that-

29 (a) there is a financial assistance of the government or any public
30 body of the exporting country which include-

1 (i) a government practice which involves a direct transfer of funds
2 (such as grants, loans and equity infusion), potential direct transfers of funds or
3 liabilities (loan guarantees);

4 (ii) where government revenue that is otherwise due is not collected;

5 (iii) where a government provides goods or services other than
6 general infrastructure, or purchases goods;

7 (iv) where a government makes payments to a funding mechanism, or
8 entrusts or directs a private body to carry out one or more of the type of
9 functions illustrated in paragraph (iii) above which would normally be vested
10 in the government and the practice, in no real sense, differs from practices
11 normally followed by governments;

12 (v) where there is any form of income or price support which operates
13 directly or indirectly to distort competition by favouring certain undertakings
14 or the production of certain goods in the exporting country;

15 (vi) where a benefit is conferred; and

16 (vii) where there is any form of income or price support.

17 (b) the support results in the sale of such product for export at a lower
18 price than the comparable price charged for the like product to buyers in the
19 country of origin;

20 (c) the support leads to the increase of exports of product into Nigeria;

21 and

22 (d) only specific firms and enterprises or industries are targeted to
23 receive such support, determination

24 9.-(1) The normal value of the investigated product shall be
25 established of normal value on the basis of the price paid or payable in the
26 ordinary course of trade in the country of export: Provided that, the provisions
27 of subsection (1) shall not apply in cases where the investigated products-

28 (a) are not produced in the country of export;

29 (b) are merely trans-shipped through the country of export from the
30 country of origin; or

1 (c) have no comparable price for such products in the country of
2 export.

3 (2) Notwithstanding the provisions of subsection (1), sales made to
4 related customers shall not be considered as made in the ordinary course of
5 trade unless it is demonstrated to the Committee that such sales are made at
6 arm's length. Determination. Where the Committee upon investigation
7 conducted in accordance of dumping with this Act finds that the investigated
8 product is introduced into Nigerian market at a price below its normal value,
9 the Committee shall conclude that such product is dumped into the country
10 market.

11 10.-(1) Where there are no sales of the like product in the ordinary
12 course of trade in the domestic market of the exporting country, or where
13 such sales do not permit a proper comparison because of the particular
14 market situation or the low volume of the sales in the domestic market of the
15 exporting country, the margin of dumping shall be determined by-

Where there are
no sales or like
products etc.

16 (a) comparison with a comparable price of the like product when
17 exported to an appropriate third country where such price is representative;

18 (b) comparison with the cost of production in the country of origin
19 plus a reasonable amount for administrative, sale, and any other costs and
20 profits:

21 Provided that, another ratio may be applied where the evidence submitted by
22 interested parties or otherwise available, demonstrates that domestic sales at
23 such lower ratio are nonetheless of sufficient magnitude to provide a proper
24 comparison.

25 (2) A price shall be considered as representative under this Act
26 where the sales of the investigated product in a third country constitute less
27 than five percent of the sales of the product in Nigeria.

28 11.-(1) Sales of the like product in the domestic market of the
29 exporting country; or sales to a third country at prices below per unit fixed
30 and variable costs or production plus sale, general and administration costs

Sales not in
ordinary course
of trade

1 may be treated as not being in the ordinary course of trade by reason of price
2 and such sales may be disregarded in determining normal value where the
3 Committee determines

4 that such sales were made-

5 (a) within period of one year but not less than six months;

6 (b) in substantial quantities; and

7 (c) at prices which do not provide for recovery of all costs within a
8 reasonable period of time, in which case the Committee shall determine in each
9 case what should be considered as a reasonable period of time for the recovery
10 of all costs.

11 (2) For the purposes of this section, sales below per unit costs shall be
12 considered as made in substantial quantities where the Committee establishes
13 that-

14 (a) the weighted average selling price of the transactions under
15 consideration for the determination of the normal value is below the weighted
16 average unit costs; or

17 (b) the volume of sales below per unit costs represents twenty percent
18 or more of the volume sold in transactions under consideration for the
19 determination of the normal value.

20 **12.-(1)** Costs of production shall be calculated on the basis of records
21 cost of kept by the exporter or producer under investigation, provided that,
22 such records Exporting are in accordance with the generally accepted
23 accounting principles of the exporting country and reasonably reflect the costs
24 associated with the production and sale of the product under consideration.

25 (2) The committee shall consider all available evidence on the proper
26 allocation of costs, including that which is made available by the exporter or
27 producer in the course of the Investigation provided that, such allocations have
28 been historically utilized by the exporter or producer, in particular in relation to
29 establishing appropriate amortization and depreciation periods and allowances
30 for capital expenditures and other development costs.

Calculating the
cost of production
by Exporting
Country

1 (3) Unless already reflected in the cost allocations under this
2 section, costs shall be adjusted appropriately for those non-recurring items
3 of costs which benefit future and current production, or for circumstances in
4 which costs during the period of investigation are affected by start-up
5 operations.

6 (4) The adjustment made for start-up operations shall reflect the
7 costs at the end of the start-up period or, if that period extends beyond the
8 period of investigation, the most recent costs which can reasonably be taken
9 into account by the authorities during the investigation.

10 13.-(1) the amounts of administrative, selling and general costs and
11 of amounts of, profits under this Act shall be based on actual data pertaining
12 to production and Selling and sales in the ordinary course of trade of the like
13 product by the exporter or general costs under investigation.

Ascertaining
amount of
administrative
selling and general
costs

14 (2) Where such amounts cannot be determined on this basis, the
15 amounts may be determined on the basis of-

16 (a) the actual amounts incurred and realized by the exporter or
17 producer in question in respect of production and sales in the domestic
18 market of the country of origin of the same general category of products; and

19 (b) the weighted average of the actual amounts incurred and
20 realized by the other exporters or producers subject to investigation in
21 respect of production and sales of the like product in the domestic market of
22 the country of origin.

23 14. Where there is no export price or where it appears to the
24 Committee Calculation of that the export price is unreliable because of
25 association or a third party, the export price export price may be construed
26 on the basis of the price at which the imported products are first resold to an
27 independent buyer, or if the products are not resold to an independent buyer,
28 or not resold in the condition as imported, on such reasonable basis as the
29 Committee may determine.

Calculation of
export price

Comparison of
export price and
normal value
adjustment

1 15.-(1) a fair comparison shall be made between the export price and
2 Comparison of Export the normal value, at the same level of trade, normally at
3 the ex-factory level, price and normal value and in respect of sales made at as
4 nearly as possible the same time adjustment.

5 (2) In making the comparison, due allowance shall be made in each
6 case, on its merits, for differences which affect price comparability, including-

7 (a) differences in conditions and terms of sale;

8 (b) taxation;

9 (c) levels of trade;

10 (d) quantities;

11 (e) physical characteristics; and

12 (f) any other differences which are also demonstrated to affect price
13 comparability.

14 (3) Where the export price is construed on the basis of the price at
15 which the imported products are first resold to an independent buyer,
16 allowances for costs, including duties and taxes incurred between importation
17 and resale, and for profits arising from importation and distribution shall also
18 be made.

19 (4) Where price comparability has been affected, the Committee shall
20 establish the normal value at a level of trade of the constructed export price, or
21 shall make due allowance as warranted under this section.

22 (5) The Committee shall indicate to the parties in question what
23 information is necessary to ensure a fair comparison and shall not impose an
24 unreasonable burden of proof on those parties.

Currency
conversion

25 16.-(1) Where the price comparison requires a conversion of
26 Currency currencies, such conversion shall be made using the rate of exchange
27 on the date of sale as available from the exporter or from commercial banks in
28 the country of export.

29 (2) The date of sale shall be the date on which the material terms of the
30 sale, the nature of products, quantities and price are established, either in a

1 contract, a purchaser order, and order confirmation of an invoice.

2 17.-(1) Subject to the provisions of this Act, the existence of Margin of dumping
3 margin of margins of dumping during the investigation phase shall be during the
4 established on the basis of a comparison of a weighted average normal value investigating phase
5 with a weighted average of prices of all comparable export on a transaction-
6 to-transaction basis.

7 (2) A normal value established on a weighted average basis may be
8 compared to prices of individual export transaction if the Committee finds a
9 pattern of export prices which differ significantly among different
10 purchasers, regions or time periods, and if a reasonable explanation is
11 provided as to why such differences cannot be taken into account
12 appropriately by the use of a weighted average-to-transaction comparison.

13 18.-(1) Where products are not imported directly from the country Determination
14 of origin but are exported into Nigeria from an intermediate country, the price price
15 price at which the products are sold from the country of export to Nigeria
16 shall normally be compared with the comparable price in the country of
17 export.

18 (2) A comparison may be made with the price in the country of
19 origin, if the products are merely transshipped through the country of export,
20 or such products are not produced in the country of export, or there is no
21 comparable price for them in the country of export.

22 19. In an investigation under this Act into allegations of Determination
23 subsidization, the Committee shall advise the Minister to impose of injurious
24 countervailing measures where- subsidies

25 (a) the allegations relate to investigated products which benefit
26 from a subsidy;

27 (b) the alleged subsidy is specific to an enterprise or an industry or
28 a group of enterprises or industries, located within a designated
29 geographical area of the granting government, and countervail able within
30 the meaning of this Act; and

1 (c) the investigated products are through the effect of subsidization,
2 likely to cause material injury to the local industry.

3 PART IV - DETERMINATION OF INJURY

Examination of
volume of dumped
or subsidized
import and their
effect on production
and price

4 **20.** A determination of injury shall be based on positive evidence and
5 shall involve an objective examination of:-

6 (a) the volume of the dumped or subsidized imports and the effect of
7 the dumped or subsidized imports on prices in the market for like products; and

8 (b) the consequent impact of these imports on the local (domestic)
9 producers of such products.

Examination of
volume of dumped
or subsidized
imports

10 **21.** In determining the volume of dumped or subsidized imports, the
11 Examination of volume of Committee shall consider whether there has been a
12 significant increase in dumped or subsidized dumped or subsidized imports,
13 either in absolute or relative terms to production imports or consumption.

Simultaneous
investigation

14 **22.-(1)** The Committee may cumulatively assess the effects of such
15 imports only if they determine that-

16 (a) the margin of dumping or subsidization established in relation to
17 the imports from each country is less than two per cent of the export price and
18 the volume of imports from each country is not negligible; and

19 (b) a cumulative assessment of the effects of the imports is
20 appropriate in light of the conditions of competition between the imported
21 products and the conditions of competition between the imported products and
22 the like domestic product.

23 (2) The volume of dumped or subsidized imports shall normally be
24 regarded as negligible if such imports from a particular country is found to
25 account for less than three per cent of imports of the like product in the country,
26 unless countries which individually account for less than three per cent of the
27 imports of the like product in the country collectively account for more than
28 seven percent of imports of the like product in the country.

Causal link

29 **23.** The Committee shall base its demonstration of causal relationship
30 between the dumped or subsidized investigated products and the injury to the

1 country industry on an examination of all relevant evidence before the
2 Committee, including-

3 (a) the volume and prices of imported products identical to the
4 investigated products which are not under investigation within the meaning
5 of this Act;

6 (b) the change in demand or patterns of consumption of the
7 investigated product;

8 (c) the existence of trade restrictive practices and competition
9 between the foreign and the producers of the investigated product; and

10 (d) the development in technology and the export performance and
11 productivity of the industry.

12 **24.-(1)** An investigation to determine the existence, degree and
13 effect of dumping or subsidization shall be commenced by an application in
14 writing to the Minister.

Application for
the dumping

15 (2) An investigation to determine the existence, degree and effect
16 of any alleged dumping or subsidization may be initiated by-

17 (a) a domestic industry;

18 (b) any person on behalf of a domestic industry; or

19 (c) a member of the Committee.

20 (3) Upon receipt of application by or on behalf of an industry, the
21 Minister assisted by the department responsible for trade shall examine the
22 accuracy and adequacy of the evidence provided in the application to
23 determine whether there is sufficient evidence to justify initiation of
24 investigation.

25 (4) Where the Minister is satisfied that, sufficient evidence exist in
26 favour of an investigation, he shall convene the Committee for that purpose.

27 **25.-(1)** The Committee may in special circumstances initiate an
28 investigation without having received a written application by or on behalf
29 of a domestic industry for the initiation of such investigations.

Limitation of
investigation by
the Committee

30 (2) Initiation of investigations shall only proceed if the Committee

1 is satisfied that it has sufficient information of dumping or subsidization and a
2 causal link as provided for in section 26 to justify the initiation of an
3 investigation.

Decision to
initiate on
investigation

4 **26.**-(1) The decision on whether or not to initiate an investigation and
5 the evidence of both dumping or subsidization and injury shall be considered
6 simultaneously.

7 (2) Investigations shall be started on a date not later than the earliest
8 date on which provisional measures may be applied.

Rejection and
termination of
investigation

9 **27.**-(1) An application for initiation of investigations shall be
10 terminated Rejection and termination of promptly as soon as the Committee is
11 satisfied that there is not sufficient investigation evidence of either dumping,
12 subsidization or injury to justify proceeding with the case.

13 (2) Where the Committee determines that-

14 (a) the margin of dumping or subsidization is insignificant; or

15 (b) the volume of dumped or subsidized imports, actual or potential;
16 or the injury is negligible, it shall immediately terminate investigation.

17 (3) For the purpose of subsection (2) -

18 (a) the margin of dumping or subsidization shall be considered to be
19 insignificant if this margin is less than two per cent, expressed as a percentage
20 of the export price;

21 (b) the volume of dumped or subsidized imports shall normally be
22 regarded as negligible if the volume of the dumped or subsidized imports from
23 a particular country is found to account for less than three per cent of imports of
24 the like produce in the country unless countries which individually account for
25 less than three per cent of the imports of the like product in the country
26 collectively account for more than seven per cent of imports of the like product
27 in the territory.

Period of
investigation

28 **28.** Investigations shall, except as otherwise provided, be concluded
29 within one year, and in no case more than eighteen months, after their initiation.

1 29.-(1) The Committee shall, in ascertaining the volume of
2 dumped or subsidized imports, consider whether there has been an increase
3 of the imports either in absolute terms or relative to production or
4 consumption of such imports.

Ascertaining the
volume of the
Dumped subsidized
imports

5 (2) In determining the effect of dumped or subsidized imports on
6 prices in the market, the Committee shall ascertain-

7 (a) whether there has been a price undercutting of the dumped or
8 subsidized imports as compared to the price of the domestic investigated
9 product;

10 (b) whether the effect of such imports depresses prices to a
11 significant degree or prevents to a significant degree, price increase which
12 otherwise would have occurred, or adversely impacts on products of the
13 investigated product;

14 (c) whether there is an actual and potential decline in sales, profits,
15 output, market share, productivity, return on investments, or utilization of
16 capacity; (d) the factors affecting prices of the investigated product;

17 (e) the magnitude of the margin of dumping or subsidization; and

18 (f) the actual and potential negative effects on cash flow,
19 inventories, employment, wages growth and ability to raise capital on
20 investment.

21 (3) The producers who are related to the exporters or importers of
22 the product or are themselves importers of the product, shall not be allowed
23 to stop the initiation of an investigation.

24 30.-(1) In determining the existence of a threat of material injury
25 the committee shall consider-

Treat of material
injury

26 (a) whether there exists a rate of increase of dumped or subsidized
27 imports into the local market which indicates the likelihood of a substantial
28 increase in importation;

29 (b) whether there is a large volume of goods disposable at low
30 prices, or an imminent, substantial increase in the capacity of the exporter,

1 indicating for foreign affairs of the exporting country or the relevant
2 associations.

3 (3) Notwithstanding the provision of subsection (2), information,
4 presented in writing by the interested parties may be made available promptly
5 to other interested parties participating in the investigation.

Notification of
interested parties

6 31. The Committee shall provide the interested parties to the
7 investigation with notice of the information it requires.

Rights to present
evidence

8 32.-(1) Interested parties shall have a right to present evidence in
9 writing in respect of the investigation in question.

10 (2) Where information to be used in an anti-dumping or subsidization
11 investigation is directly requested from the exporters of foreign producers,
12 such exporters or foreign producers shall be given at least thirty days to reply,
13 and such period may be extended for reasonable cause.

14 (3) For the purposes of subsection (2), the time limit for the exporters
15 or foreign producers shall be counted from the date of receipt of the
16 questionnaire, which for this purpose shall be deemed to have been received
17 one week from the date on which it was sent to them or transmitted to the
18 appropriate diplomatic representative of the exporting country.

Provision of
investigation
about investigation

19 33.-(1) As soon as an investigation is initiated, the Committee shall
20 provide the full text of the written application received-

21 (a) to the known exporters;

22 (b) to the Ministry responsible for foreign affairs, of the exporting
23 country; and

24 (c) to other interested parties involved, upon request.

25 (2) Where a number of exporters involved is particularly high, the full
26 text of the written application shall be provided only to the ministry responsible
27 for foreign affairs of the exporting country or the relevant associations.

28 (3) Notwithstanding the provision of subsection (2), information,
29 presented in writing by the interested parties may be made available promptly
30 to other interested parties participating in the investigation.

1 **34.**-(1) Any information which is by its nature confidential or
2 which is provided on a confidential basis by parties to an investigation shall,
3 upon good cause shown, be treated as such by Committee.

Confidentiality

4 (2) Where information is provided on a confidential basis by a
5 party to an investigation, unless sufficient cause is shown, such information
6 shall not be disclosed without specific permission of the party submitting it.

7 (3) Where information is provided under subsection (2), the
8 interested parties providing the confidential information shall furnish on
9 confidential summaries thereof.

10 (4) Summaries shall be in sufficient detail to permit, understanding
11 of the substance of the information submitted in confidence however, such
12 parties may indicate that such information is not susceptible to summary and
13 in that case a statement of the reasons why summarization is not possible
14 shall be provided.

15 (5) Where the Committee finds that a request for confidentiality is
16 not warranted and if the supplier of the information is either unwilling to
17 make the information public or to authorize disclosure in generalized on
18 summary form the authorities may disregard such information unless it can
19 be demonstrated to their satisfaction that the information is correct.

20 **34.** The Committee may carry out such investigations as may be
21 necessary to verify information provided to it or to obtain further details of
22 the same:

Verification of
information

23 Provided that, such investigations shall be carried out with the prior consent
24 of the producers of the investigated products and the governments of the
25 respective countries.

26 **35.**-(1) The Committee may, carry out investigations in the
27 exporting country provided that the consent of the representatives of the
28 government of the country in question is notified.

Investigation in
the exporting
country

29 (2) Subject to the requirement for protection of information, the
30 Committee shall make the results of any such investigations available, or

1 shall provide disclosure thereof, to the firms to which they pertain and may
2 make such results available to the applicants.

3 (3) The Minister may by regulations prescribe procedures for
4 investigation to be carried out by the Committee in the exporting country.

Failure to provide
information within
reasonable time

5 36. Where any interested party refuses access to, or otherwise does
6 not provide necessary information within a reasonable period or significantly
7 impedes the investigation, preliminary and final determinations, affirmative or
8 negative, may be made on the basis of the facts available.

9 PART VI - PROVISIONS RELATING TO EVIDENCE.

Information
about essential
parts

10 37. The Committee shall, before a final determination is made, inform
11 all interested parties of the essential facts under consideration which form the
12 basis for the decision whether to apply definitive measures; such disclosure
13 shall take place in sufficient time for the parties to defend their interests.

Individual margin
to be determined
for each known
exporter or
producer

14 39.-(1) The Committee shall, determine an individual margin of
15 dumping or subsidization for each known exporter or producer concerned of
16 the product under investigation.

17 (2) In cases where the number of exporters, producers, or types of
18 products involved is so large as to make such a determination impracticable,
19 the Committee may limit their examination either by a reasonable number of
20 interested parties or products by using samples which are statistically valid on
21 the basis of information available to it at the time of the selection, or to the
22 largest percentage of the volume of the exports known in the country in question
23 which can reasonably be investigated.

24 (3) Any selection of exporters, producers, importers or types of
25 products made under subsection (2) shall preferably be chosen in consultation
26 with the exporters, producers or importers concerned.

27 (4) Where the Committee limits their examination as provided for
28 under subsection (2), it shall nevertheless determine an individual margin of
29 dumping or subsidization for any exporter or producer not initially selected
30 who submits the necessary information in time for that information to be

1 considered dumping or subsidization in the course of the investigation,
 2 except where the number of exporters or producers is so large that individual
 3 examinations would be unduly burden to the committee and would prevent
 4 the timely completion of the investigation.

5 **38.** In cases where the product is commonly sold at the retail level,
 6 industrial users of the product under investigation and representative
 7 consumer organizations shall have the right to provide information which is
 8 relevant to the investigation regarding dumping, subsidization, injury and
 9 causality.

Users and
 representatives
 to provide
 information

10 **39.** The Committee shall give due regard of any difficulties
 11 experienced by interested parties, in particular small companies, in
 12 supplying information requested, and shall provide any assistance
 13 practicable.

Difficulty in
 supplying
 information

14 **40.** The procedures set out in this Part shall not be construed as
 15 intended to prevent the Committee from proceeding expeditiously with
 16 regard to initiating an investigation, reaching preliminary or final
 17 determinations, whether affirmative or negative, or from applying
 18 provisional or [mal measures, in accordance with relevant provisions of this
 19 Act.

Procedures not
 intended to prevent
 expeditious
 proceedings

20 **PART VII - PROVISIONAL MEASURES**

21 **41.** Provisional measures may be applied only if -

22 (a) an investigation has been initiated in accordance with the
 23 provisions of Part V of this Act, a public notice has been given to that effect
 24 and interested parties have been given adequate opportunities to submit
 25 information and make comments;

Provisional
 measure may be
 applied

26 (b) a preliminary affirmative determination has been made of
 27 dumping or subsidization and consequent injury to a domestic industry; and

28 (c) the Committee considers such measures necessary to prevent
 29 injury being caused during the investigation.

Forms of
provisional
measures

1 **42.** Provisional measures may take the form of-
2 (a) a provisional duty or, preferably, a security (cash deposit or bond
3 equal to the amount of the anti-dumping or countervailing duty provisionally
4 estimated), which must not be greater than the provisionally estimated margin
5 of dumping or subsidization; or
6 (b) Withholding of appraisement, provided that the normal duty and
7 the estimated amount of the anti-dumping or countervailing duty is indicated
8 and as long as the withholding of appraisement is subject to the same
9 conditions as other provisional measures.

Application for
provisional
measures

10 **43.**-(1) provisional measures shall not be applied sooner than sixty
11 days from the date of initiation of the investigation.

12 (2) The application of provisional measures shall be limited to as
13 short a period as possible, not exceeding four months or, on decision of the
14 Committee upon request by exports representing a significant percentage of
15 the trade involved to a period not exceeding six months.

16 (3) Where the Committee in the course of an investigation,
17 determines whether a duty lower than the margin or dumping or subsidization
18 would be sufficient to remove injury, these periods may be increased to six and
19 nine months, respectively.

20 (4) The provisions of part IX relating to imposition and collection of
21 anti-dumping or countervailing duties shall be followed in the application of
22 provisional measures.

23 PART VIII - PRICE UNDERTAKINGS

Suspension or
termination of
provisional
measures or
antidumping or
countervailing
duties

24 **44.**-(1) Proceedings may be suspended or terminated without the
25 imposition of provisional measures or anti-dumping or countervailing duties
26 upon receipt of satisfactory voluntary undertakings from any exporter to revise
27 its prices or to cease exports to the area in question at dumped or subsidized
28 prices to the extent that the Committee is satisfied that the injurious effect of the
29 dumping or subsidization is eliminated Price increases under such
30 undertakings shall not be higher than necessary to eliminate the margin of

1 dumping or subsidization, it is desirable that the price increases be less than
2 the margin of dumping or subsidization if such increases would be adequate
3 to remove the injury to the domestic industry.

4 45. Price undertakings shall not be sought or accepted from
5 exporters unless the Committee has made a preliminary affirmative
6 determination of dumping or subsidization and injury caused by such
7 dumping or subsidization.

Preliminary
affirmative
determination to
price unde taking

8 46.-(1) The undertakings offered need not be accepted if the
9 Committee consider their acceptance is impractical, because the number of
10 actual or potential exporters is too great, or for other reasons, including
11 reasons of general policy.

Committee not
bound not accept
undertaking

12 (2) Where an offer for undertaking is rejected by the Committee
13 and where practicable, the Committee shall provide to the exporter the
14 reasons which have led them to consider acceptance of an undertaking as
15 inappropriate, and shall, to the extent possible, give the exporter an
16 opportunity to make comments thereon.

17 47.-(1) Where an undertaking is accepted, the investigation of
18 dumping or subsidization and injury shall cease.

Investigation to
cease where an
undertaking is
accepted

19 (2) Where an undertaking is accepted, the investigation of
20 dumping or subsidization may nevertheless be completed if the exporter so
21 desires or the Committee so decide and in such a case, if a negative
22 determination of dumping or subsidization is made, the undertaking shall
23 automatically lapse, except in cases where such a determination is due in
24 large part to the existence of a price undertaking; in such cases, the
25 Committee may require that an undertaking be maintained for a reasonable
26 period consistent with the provisions of this Act.

27 (3) Where an affirmative determination of dumping or
28 subsidization and injury is made, the undertaking shall continue consistent
29 with its terms and the provisions of this Act.

Export not
bound to accept
price undertaking

1 **48.**-(1) Price undertakings may be suggested by the Committee but no
2 bound to accept price exporter shall be forced to enter into such undertakings.

3 (2) The fact that exporters do not offer such undertakings, or do not
4 accept an invitation to do so, shall in no way prejudice the consideration of the
5 case, but the Committee may determine that a threat of injury is more likely to
6 be realized if the dumped or subsidized imports continue.

Periodic
information in
respect of
undertaking

7 **49.**-(1) The Committee may require any exporter from whom an
8 information in undertaking has been accepted to provide periodical
9 information relevant to the fulfillment of such an undertaking and to permit
10 verification of pertinent data.

11 (2) In case of violation of an undertaking, the Committee may take
12 expeditious actions which may constitute immediate application of provisional
13 measures using the best information available.

14 (3) Definitive duties may be levied in accordance with this Act on
15 products entered for consumption not more than ninety days before the
16 application of such provisional measures, except that any such retroactive
17 assessment shall not apply to imports entered before the violation of the
18 undertaking.

19 PART IX - IMPOSITION AND COLLECTION OF ANTI-DUMPING AND
20 COUNTERVAILING DUTIES

Imposition of
antidumping or
countervailing
duties on a
product

21 **50.**-(1) The decision whether or not to impose an anti-dumping or
22 countervailing duty in cases where all requirements for the imposition have
23 been fulfilled, and the decision whether the amount of the antidumping or
24 countervailing duty to be imposed shall be the full margin of dumping or
25 subsidization or less, shall be made by the Minister on advise of the
26 Committee.

27 (2) Where a decision to impose anti-dumping or countervailing duty
28 is made, the duty imposed shall be less than the margin if such lesser duty
29 would be adequate to remove the injury to the domestic.

1 51.-(1) Where anti-dumping or countervailing duty is imposed in
2 respect of any product, such duty shall be collected in the appropriate
3 amounts in each case, on a non-discriminatory basis on imports of such
4 product from all sources found to be dumped or subsidized and causing
5 injury.

Collection of
antidumping of
countervailing
duties imposed
on a product

6 (2) The provisions of subsection (1) shall not apply to imports of a
7 product from a source from which price undertakings have been accepted
8 under the terms set out in Part VIII of this Act.

9 (3) The Committee shall name the supplier or suppliers of the
10 product in respect of which an anti-dumping or countervailing duty is
11 imposed, except that where-

12 (a) several suppliers from the same country are involved and it is
13 impracticable to name all these suppliers, the Committee may name the
14 supplying country concerned;

15 (b) several suppliers from more than one country are involved, the
16 Committee may name either all the suppliers involved, or, if this is
17 impracticable, all the supplying countries involved.

18 52.-(1) The amount of anti-dumping or countervailing duty shall
19 not exceed the margin of dumping or subsidization as established under
20 Part III of this Act.

Amount of
antidumping or
countervailing to
be levied

21 (2) Where the amount of the anti-dumping or countervailing duty is
22 assessed on a retrospective basis, unless an appeal has been made,
23 determination of the final liability for payment of anti-dumping or
24 countervailing duties shall take place as soon as possible, within twelve
25 months, and not more than eighteen months, after the date on which a
26 request for a final assessment of the amount of the anti-dumping or
27 countervailing duty has been made.

28 (3) Where the amount of the anti-dumping or countervailing duty is
29 assessed on a retrospective basis, provision shall be made for a prompt
30 refund, upon request, to the importer, of any duty paid in excess of the margin of

1 dumping or subsidization:

2 Provided that, such refund shall be made promptly and normally in not more
3 than ninety days following the determination of final liability made pursuant to
4 this section, in any case, where a refund is not made within such days, the
5 Committee shall provide an explanation, if so requested.

6 (4) Where the amount of the anti-dumping or countervailing duty is
7 assessed on a prospective basis, provision shall be made for a prompt refund,
8 upon request to the government of any duty paid in excess of the margin of
9 dumping or subsidization.

10 (5) A refund under subsection (4) shall be made within twelve months,
11 and in any case not exceeding eighteen months after the date on which a request
12 for a refund, duly supported by evidence, has been made by an importer of the
13 product subject to the anti-dumping or countervailing duty and such refund
14 shall be made within ninety days from the day the decision was made.

Notification of
interested parties'
to present
evidence

15 53. Where the Committee has limited its examination in accordance
16 with part VI of this Act, any anti-dumping or subsidization duty applied to
17 imports from exporters or producers not included in the examination shall not
18 exceed-

19 (a) where the weighted average margin of dumping or countervailing
20 duty established with respect to the selected exporters or producers, or
21 exporters, importers, producers,

22 (b) where the liability for payment of anti-dumping or countervailing
23 duties is calculated on the basis of prospective normal value, the difference
24 between the weighted average normal value of the selected exporters or
25 producers and the export prices of exporters or produce,s not individually
26 examined, provided that, the committee shall disregard for the purpose of this
27 paragraph any zero and insignificant margins and margins established under
28 the circumstances referred to in Section 30; or

29 (c) he Committee shall apply individual duties or normal values to
30 imports from any exporter or producer not included in the examination who has

1 provided the necessary information during the course of the investigation, as
2 provided for under this Act.

3 54.-(1) Where a product is subject to anti-dumping duties, the
4 Committee shall promptly carry out a review for the purpose of determining
5 individual margins of dumping or subsidization for any exporters or
6 producers in the exporting country in question who have not exported the
7 product into the Country during the period of investigation:

Dumping or
countervailing
duties on
products within
country

8 Provided that, exporters or producers shall be required to prove that they are
9 not related to any of the exporters or producers in the exporting country who
10 are subject to the anti-dumping or countervailing duties on the product.

11 (2) Such a review shall be initiated and carried out on an
12 accelerated basis, compared to normal duty assessment and review
13 proceedings.

14 (3) Subject to the provisions of subsection (1), no anti-dumping or
15 countervailing duties shall be levied on imports from such exporters or
16 producers while the review is being carried out, or where the Committee,
17 withhold appraisement and, or request guarantees to ensure that, should
18 such a review result in a determination of dumping or subsidization in
19 respect of such producers or exporters, anti-dumping or countervailing
20 duties can be levied retroactively to the date of the initiation of the review.

21 55.-(1) Provisional measures and anti-dumping or countervailing
22 duties shall only be applied to products which enter the local market for
23 consumption after the time when the decision made by the Committee
24 following the procedure laid down in Parts V and VI and any other relevant
25 provision of this Act.

When provision
measures and
antidumping or
countervailing
duties to apply

26 (2) Where a final determination of injury, but not of a threat thereof
27 or of a material retardation of the establishment of an industry, is made or, in
28 the case of a final determination of a threat of injury, where the effect of the
29 dumped or subsidized imports would, in the absence of the provisional
30 measures, have led to a determination of injury, anti-dumping or

1 countervailing duties may be levied retroactively for the period for which
2 provisional measures, if any, have been applied.

3 (3) Where the definitive anti-dumping or countervailing duty is
4 higher than the provisional duty paid or payable, or the amount estimated for
5 the purpose of the security, the difference shall not be collected, however, if the
6 definitive duty is lower than the provisional duty paid or payable, or the amount
7 estimated for the purpose of the security, the difference shall be reimbursed or
8 the duty recalculated, as the case may be.

9 (4) Except as provided for under subsection (2), where a
10 determination of threat of injury or material retardation is made and no injury
11 has yet occurred, a definitive anti-dumping or countervailing duty may be
12 imposed only from the date of the determination of threat of injury, or the
13 material deposit made during the period of the application of provisional
14 measures shall be refunded and any bonds shall be released in an expeditious
15 manner.

16 (5) Where a final determination is negative, any cash deposit made
17 during the period of the application of provisional measures shall be refunded
18 and any bonds shall be released in an expeditious manner.

19 (b) Withholding of appraisalment, provided that the normal duty and
20 the estimated amount of the anti-dumping or countervailing duty is indicated
21 and as long as the withholding of appraisalment is subject to the same
22 conditions as other provisional measures.

23 PART X - RETROACTIVITY PROVISIONS

Definitive
antidumping
or countervailing
duty to be
levied

24 **56.** A definitive anti-dumping or countervailing duty may be levied
25 on products which were entered for consumption not more than ninety days
26 prior or to the date of application of provisional measures, when the Committee
27 is duty to be levied satisfied in respect of the dumped or subsidized product
28 that-

29 (a) there is a history of dumping or subsidization which caused injury
30 or that the importer was, or should have been aware that the exporter practices

1 dumping or subsidization and that such dumping or subsidization would
2 cause injury; and

3 (b) the injury is caused by massive dumped or subsidized imports
4 of a product in a relatively short time which in light of the timing and the
5 volume of the dumped or subsidized imports and other circumstances such
6 as a rapid build-up of inventories of the imported product is likely to
7 seriously undermine the remedial effect of the definitive anti-dumping or
8 countervailing duty to be applied, Provided that the importers concerned
9 have been given an opportunity to comment.

10 57.-(1) The Committee may, after initiating an investigation, take
11 such measures as the withholding of appraisement or assessment as may be
12 necessary to collect anti-dumping or countervailing duties retroactively, as
13 provided for in section 55 once they have sufficient evidence that the
14 conditions set forth in that section are satisfied.

Other measures
to be taken by
the Committee

15 (2) No duties shall be levied retroactively pursuant to section 55 on
16 products entered for consumption prior to the date of initiation of the
17 investigation.

18 PART XI - DURATION AND REVIEW OF ANTI-DUMPING OR

19 COUNTERVAILING DUTIES AND PRICE UNDERTAKINGS

20 58. Any anti-dumping or countervailing duty shall remain in force
21 only as long as the anti-dumping or subsidization practice continues and to
22 the extent necessary to counteract dumping or subsidization which is
23 causing injury.

Duration of
antidumping of
countervailing
duty

24 59.-(1) The Committee shall review the need for the continued
25 imposition of the duty, where warranted, on their own initiative or, provided
26 that a reasonable period of time has elapsed since the imposition of the
27 definitive anti-dumping or countervailing duty, upon request by any
28 interested party which submits positive information substantiating the need
29 for a review.

Review of
antidumping or
countervailing
duty

30 (2) Any interested party shall have the right to request the

1 Committee whether the continued imposition of the duty is necessary to offset
 2 dumping or subsidization, whether the injury would be likely to continue or
 3 recur if the duty were removed or varied, or both.

4 (3) Where, as a result of the review under this section, the Committee
 5 determines that the anti-dumping or countervailing duty is no longer
 6 warranted, it shall be terminated immediately.

Termination of
 antidumping of
 countervailing
 duty

7 **60.**-(1) Notwithstanding the provisions of section 61, any definitive
 8 anti-dumping or countervailing duty shall be terminated on a date not later than
 9 five years from its imposition.

10 (2) Anti-dumping or countervailing duty shall also be terminated
 11 from the date of the most recent review conducted under section 64 if that
 12 review has covered both dumping or subsidization and injury, or under this
 13 section, unless the committee determine, in a review initiated before that date
 14 on their own initiative or upon a duly substantiated request made by or on
 15 behalf of the domestic industry within a reasonable period of continuation or
 16 recurrence of dumping or subsidization and injury.

17 (3) The duty may remain in force pending the outcome of a review
 18 initiated under the provision of subsection (2).

Provisions of
 part VI on
 procedure and
 evidence to apply

19 **61.** The provisions of Part VI regarding evidence and procedure shall
 20 apply to any review carried out under this Act and any such review shall be
 21 carried out expeditiously and shall normally be concluded within twelve
 22 months of the date of initiation of the review.

Provisions to
 apply to price
 undertaking

23 **62.** The provisions of this Part shall apply mutatis mutandis to price
 24 undertakings accepted under Part VIII.

25 PART XII - PUBLIC NOTICE AND EXPLANATION OF DETERMINATIONS

Notification of
 provisions to
 apply to price
 undertaking of
 interested parties
 public notice

26 **63.**-(1) Where the Committee is satisfied that there is sufficient
 27 evidence justify the initiation of an anti-dumping or subsidization
 28 investigation pursuant to Part V, the investigated country or countries the
 29 products of which are subject to such investigation and other interested parties

1 known to have an interest therein shall be notified and a public notice shall
2 be given.

3 (2) A public notice of the initiation of an investigation shall
4 contain, or otherwise make available through a separate report, adequate
5 information on the following:-

6 (a) the name of the exporting country or countries and the product
7 involved;

8 (b) the date of initiation of the investigation;

9 (c) the basis on which dumping or subsidization is alleged in the
10 application;

11 (d) a summary of the factors on which the allegation of injury is
12 based;

13 (e) the address to which representations by interested parties
14 should be directed; and

15 (f) the time-limits allowed to interested parties for making their
16 views known.

17 (3) Where the Committee provides information and explanations
18 under the provisions of this section in a separate report, it shall ensure that
19 such report is readily available to the public.

20 64.-(1) Public notice shall be given on any preliminary or final
21 determination, whether affirmative or negative, of any decision to accept an
22 undertaking pursuant to Part VIII, of other termination of such an
23 undertaking, and of the termination of a definitive anti-dumping or
24 countervailing duty.

Public notice on
preliminary
determination
and other decisions

25 (2) Each such notice shall set forth or make available through a
26 separate report, in sufficient detail the findings and conclusions reached on
27 all, issues of fact and law considered material by the committee.

28 65.-(1) A public notice of the imposition of provisional measures
29 shall set forth, or make available through a separate report, sufficiently
30 detailed explanations for the preliminary determinations on dumping or

Public notice on
imposition of
provisional
measures

1 subsidization and injury and shall refer to the matters of fact and law which
2 have led to arguments being accepted or rejected.

3 (2) Such a notice or report shall take into consideration the
4 requirement for the protection of confidential information, and shall contain in
5 particular-

6 (a) the names of the suppliers, or when this is impracticable, the
7 supplying countries involved;

8 (b) a description of the product which is sufficient for customs
9 purposes;

10 (c) the margins of dumping or subsidization established and a full
11 explanation of the reasons for the methodology used in the establishment and
12 comparison of the export price and the normal value as provided for under

13 (d) considerations relevant to the injury determination as set out in
14 this Act; and

15 (e) the main reasons leading to the determination.

Public notice
on conclusion
or suspension
of an investigation

16 66.-(1) A public notice of conclusion or suspension of an
17 investigation in the case of an affirmative providing for the imposition of a
18 definitive duty or the acceptance of a price undertaking taking into
19 consideration the protection of confidential information shall contain:-

20 (a) all relevant information on the matter of fact and law, and

21 (b) reasons which have led to the imposition of final measures or the
22 acceptance of a price undertaking.

23 (2) In particular, such a notice or report shall contain the information
24 described in the section on provisional measures, as well as the reasons for the
25 acceptance or rejection of relevant arguments or claims made by the exporters
26 and importers in the course of investigation.

Public notice
on suspension
of an investigation

27 67. A public notice of the termination or suspension of an
28 investigation following the acceptance of an undertaking pursuant to Part VIII
29 shall include, or otherwise make available through a separate report, the non-
30 confidential part of this undertaking.

1 68. The provisions of this Part shall apply mutatis mutandis to the
2 initiation and completion of reviews and application of duties retroactively
3 pursuant to Part IX and Part X, respectively.

This part to apply
to parts IX and
X

4 PART XIII - MISCELLANEOUS PROVISIONS

5 69.-(1) an application for anti-dumping or subsidization action on
6 behalf of a third country third country shall be made by a relevant authority
7 of the third country requesting action.

Application on
behalf of a third
country

8 (2) Such an application shall be supported by price information
9 that shows that the imports are being dumped and by detailed information
10 that shows that the alleged dumping is causing injury to the domestic
11 industry concerned in the third country; the government of the third country
12 shall afford all assistance to the Committee to obtain any further
13 information, which the latter may require.

14 (3) In considering such an application, the Committee shall
15 consider the effects of the alleged dumping or subsidization on the industry
16 concerned as a whole in the third country; that is to say, the injury shall not be
17 assessed in relation only to the effect of the alleged dumping or
18 subsidization on the industry's exports to the importing country or even on
19 the industry's total exports.

20 (4) The decision whether or not to proceed with a case shall rest
21 with the Committee.

22 70.-(1) No person shall-

Offences relating
to information

23 (a) willfully give false or misleading information to the Committee
24 in contravention of this Act;

25 (b) disclose any confidential information provided during the
26 course of investigation without permission from the Committee; and

27 (c) without lawful excuse refuse to give information requested by
28 the Committee.

29 (2) Any person who contravenes the provisions of subsection (1),
30 commits an offence and shall upon conviction be liable to a fine not

1 exceeding Two Million Naira or to imprisonment for a term not exceeding six
2 months or to both, such fine and imprisonment.

Interpretation

3 71. In this Act, unless the context otherwise requires- "countervailing
4 duty" means a special duty levied for the purpose of offsetting subsidy granted
5 directly or indirectly on the investigated product;

6 "countervailing measures" means remedies used by the Committee to offset
7 the impact of injurious subsidies; "definitive measures" means any measures
8 the imposition of which leads to the conclusion of an investigation by the
9 Committee;

10 "domestic industry" means the domestic producers of like products, or those
11 producers whose collective output of the products constitutes a major
12 proportion of the total domestic production of those producers except that
13 where producers are related to the exporters or importers or are themselves
14 importers of the allegedly dumped product, the term;

15 "domestic product" means goods or products produced locally which are
16 similar or identical to the investigated product;

17 "dumping" in relation to goods means the situation where the export price of
18 goods imported or intended to be imported into Nigeria is less than the normal
19 value of such goods in the market (country) of origin as determined in
20 accordance with the provisions of this Act, and "dumped product" has
21 corresponding meaning;

22 "export price" means a price paid or Payable for an export destined to the
23 Country;

24 "injury" means material injury to a domestic industry, threat of material injury
25 to a domestic industry or material retardation of the establishment of such
26 industry;

27 "initiate" means procedural action by which the Minister formally convenes an
28 investigation provided for under this Act;

29 "interested parties" includes-

30 (a) an exporter or foreign producer or the importer of a product

- 1 subject to investigation or a trade or business association with a majority of
2 members who are producers, exporters or importers of such product;
- 3 (b) the government of the origin of the investigated product;
- 4 (c) a producer of the like product in the territory or a trade or
5 business association with a majority of the members who produce the like
6 product in the territory; and
- 7 (d) any other domestic or foreign party considered to be an
8 interested party by the Committee;
- 9 "levy or levied" means the definitive or final legal assessment or collection
10 of a duty or tax;
- 11 "investigated product" means goods or products imported into Nigeria
12 which are the subject of an investigation by the Committee;
- 13 "investigated country" means the country of origin of the investigated
14 product;
- 15 "like product" means a product which is identical, is like in all respects to the
16 product under consideration, or in the absence of such product, another Anti-
17 Dumping and Countervailing;
- 18 "product which, although not alike in the respects, has characteristics
19 closely resembling those of the product under consideration;
- 20 "Minister" means the Minister responsible for Commerce;
- 21 "margin of dumping" means the difference between the export price and the
22 normal price;
- 23 "normal value" means the price comparable to the export price, in the
24 ordinary course of trade, for the investigated product when destined for
25 consumption in the investigated country;
- 26 "provisional measures" means any measures; either in the form of a
27 provisional duty, a security, a duty guaranteed by a cash deposit or a bond
28 equal to the provisionally estimated margin of dumping;
- 29 "subsidy" means a financial contribution or income or price support by
30 Government or Public body that lead to market distortion;

- 1 70. This Act may be cited as the Anti-Dumping and Countervailing
2 Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to provide Anti-Dumping and Countervailing remedies in Nigeria which shall be used to offset the impact of injurious subsidies; provide safe landing to domestic industries, producers of like products, or those producers whose collective output of the products constitutes a major proportion of the total domestic production of those producers except that where producers are related to the exporters or importers or are themselves importers of the allegedly dumped product. Provides for the establishment of the Anti-Dumping and Countervailing Committee to undertake and promote the provisions of this Act.