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**Working Paper**

## Antidumping regional regimes and the multilateral trading system: Do regional antidumping regimes make a difference?

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**World Trade Organization**  
Economic Research and Statistics Division

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**ANTIDUMPING REGIONAL REGIMES AND THE MULTILATERAL  
TRADING SYSTEM**

**DO REGIONAL ANTIDUMPING REGIMES MAKE A DIFFERENCE?**

Jean-Daniel Rey  
WTO

*Manuscript date: October 2012*

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ANTIDUMPING REGIONAL REGIMES AND  
THE MULTILATERAL TRADING SYSTEM:  
DO REGIONAL ANTIDUMPING REGIMES MAKE A DIFFERENCE?

By Jean-Daniel Rey<sup>1</sup>

*Manuscript date: October 2012*

**ABSTRACT**

As of November 2010, more than 300 regional trade agreements (RTAs) were in force. Approximately two-thirds of them had been notified to the WTO. Each of these RTAs had, implicitly or explicitly, established a regional legal framework for the application of intra-regional, and sometimes extra-regional, antidumping actions. This study focuses on intra-regional antidumping regimes and has been built around the analysis of antidumping provisions in 192 RTAs. This Working Paper first recalls the main constitutive elements of the multilateral and regional legal frameworks, a pre-requisite to consider if these rules and disciplines are competing with or are complementary to multilateral disciplines. Based on an analysis of these 192 RTAs, the Paper identifies two Categories of regional antidumping regimes, and assesses their relationships with the multilateral rules. Particular attention is paid to antidumping regimes in RTAs, which appear to "diverge" from the WTO disciplines.

The Paper concludes that most regional antidumping regimes do not fundamentally change the Parties' rights to take antidumping measures, as compared with the multilateral regime. There appears to be no evidence that regional antidumping regimes increase RTA partners' rights to take antidumping actions at the intra-RTA level, and only a minority of regimes contains disciplines which diverge from multilateral rules, though most of those do not result in fundamental changes in the antidumping patterns of the RTA Parties. The Paper notes, however, that deep integration among a few RTAs has been decisive in bringing about a substantial change in the antidumping patterns of the RTA Parties concerned. It finds that legal consolidation, at the regional level, of a current practice of not using antidumping as a trade policy tool is restricted to a limited number of Parties. A few others seem to have used RTAs to restrict the possibility of using anti-dumping between RTA partners, as compared to multilateral rules. The Paper finally suggests that the proliferation of regional transparency mechanisms, related to antidumping may potentially undermine the oversight role of the multilateral trading system if "information diversion" materializes.

**Keywords:** F13, F14, F15, F53

**JEL Classifications:** Regional Trade Agreements, antidumping, trade remedies.

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<sup>1</sup> Mr Rey is a Counsellor in the RTA Section of the Trade Policy Review Division of the WTO. Many thanks are due to Richard Eglin for his support in producing this work, Rohini Acharya, whose comments and suggestions have kept the research on track, Ousseni Illy, who devoted time and energy particularly for the mapping of RTAs, and Muslum Yilmaz, who was very instrumental in extracting data from the WTO database on trade remedies. The author is also grateful to Pierre Latrille and Jo-Ann Crawford from the WTO Trade Policies Review Division, and to Jesse Kreier from the WTO Rules Division for their comments on the various drafts of this Paper and for their support. All views expressed are those of the author and cannot be attributed to the WTO Secretariat or WTO Members.

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## **I. INTRODUCTION**

The conclusion of regional trade agreements (RTAs)<sup>2</sup> that liberalize trade are often accompanied by the negotiation of rules and disciplines safeguarding the ability of the Parties to take defensive measures to temporarily restrict access of other RTA Parties to their markets, thus permitting a temporary stepping back from market opening. Accordingly, in special circumstances and under specific conditions, certain defence mechanisms can be taken by Governments, for instance when facing what is described as situations of “unfair trade”, if penetration by foreign products into domestic markets cause damage or injury to the domestic industry.

The delicate balance between opening markets and maintaining the possibility to restrict access to them has been, and still is, the object of a growing number of legislative processes, often – but not always - under the auspices of international trade negotiations. These efforts have been conducted bilaterally, regionally, multilaterally, but also unilaterally; the choice of one forum not excluding the others. This can result in a complex the legal framework for international trade.

This Paper has been written against the background of a proliferation of regional trade deals; a process, which appears today boosted by both the lack of decisive results at the multilateral level and the entry into play of relatively new actors in regionalism. Such a development raises questions about the consistency between the different trade regimes at the regional and at the multilateral levels.

Considerable research, both within government and among academics, exists on the relationship between regional trade regimes and the multilateral rules which define rights and obligations that are commonly applicable to regulate trade policies. Beyond the question of the legal compatibility (or lack) of these different regional regimes with the multilateral rules, and of the economic sense that such intertwined networks may make, both aspects that are not discussed in detail in this Paper, these studies contribute to the quest for more understanding on how these rules coexist.

## **II. SCOPE, OBJECTIVES, AND LIMITATIONS OF THE PAPER**

The Paper focuses on regional antidumping regimes and their relationship with the multilateral rules on antidumping. The two questions it asks are: “What are the main features of the antidumping disciplines contained in the RTAs?” and “How do they relate to the general WTO rules and to the specific WTO disciplines regulating, on the one hand, regionalism and, on the other hand, the use of antidumping measures?”

The descriptive presentation of the various regional antidumping regimes established by RTAs, which follows, is complemented by an attempt to analyse how certain RTAs have established regional antidumping regimes of a preferential nature and why others have not.

A comparative analysis of the evolution of the different regional antidumping regimes and antidumping actions during the same period sheds some light on the principal question of the Paper: “Do regional antidumping regimes established by RTAs make a difference, if compared with the multilateral rules on antidumping?”

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<sup>2</sup> In this paper, the term "RTA" refers to a reciprocal trade agreement between two or more partners. RTAs include free trade agreements and customs unions but exclude PTAs. The term "PTAs" refer to unilateral trade preferences and include Generalized System of Preferences schemes (under which developed countries grant preferential tariffs to imports from developing countries), as well as other non-reciprocal preferential schemes granted through a waiver adopted by the General Council. PTAs are not considered in this Paper. When using the term "preferential" attached to "antidumping regimes", we want to highlight the discriminatory nature of such regimes, as opposed to non-discriminatory antidumping regimes, both being established by RTAs.

### III. METHODOLOGY

The Paper is built around an analysis of legal provisions contained in RTAs notified to the WTO and still in force at the time of the study. The focus is on rules and disciplines on antidumping applicable to the Parties of these RTAs. In a small number of cases, antidumping rules were not found directly in the RTAs themselves but rather in legal instruments adopted usually after the entry into force of the RTA and in the context of its implementation.

To give substance to our research, we have mapped the rules and disciplines contained in a selection of RTAs. The mapping covered 192 RTAs notified to the WTO and in force on 1 November 2010.<sup>3</sup> We used data which is public and available in the WTO Regional Trade Agreements Information System (the RTA Database<sup>4</sup>). One RTA containing only disciplines on trade in services, which do not cover antidumping, was excluded from the scope of the study.

A similar approach to examine the issue has been used in the past.<sup>5</sup> This study considerably expands the number of covered agreements, uses a slightly different coding methodology and reviews the results from different angles, thus producing a different but complementary set of results.

In order to compare the different antidumping provisions, we applied the same ten questions relating to the disciplines of each RTA. These questions were designed to give an indication of the coverage of antidumping by RTAs; the relationship between the antidumping RTA rules and the WTO disciplines; the procedural disciplines that RTAs may establish in cases that regional antidumping regimes are to be used; the prohibition (or absence thereof) of antidumping measures between the RTA Parties, and the nature of such prohibition; the discriminatory character of regional antidumping regimes; as well as technical specificities that may exist in de-minimis rules, and/or the duration of such measures. The ten questions chosen, and reproduced in Table 1 below, were used as **Markers** for this study.<sup>6</sup>

**Table 1: Markers used for the mapping**

| Markers | Targeted aspects of RTA disciplines                                     | Questions   |
|---------|---|---|
| 1       | <i>Coverage</i>   | Does the RTA contain <i>specific disciplines on antidumping</i> ?   |
| 2       | <i>Relationship with WTO rules (i)</i>                                  | Does the RTA simply <i>confirm</i> - by reference - WTO rights and obligations of Parties to the RTA?   |
| 3       | <i>Relationship with WTO rules (ii)</i>                                 | Does the RTA only contain disciplines, which can be considered, in substance, as <i>similar</i> - though not automatically identically phrased - to those contained in the WTO Agreement on antidumping?                  |
| 4       | <i>Relationship with WTO rules (iii)</i>                                | Does the RTA contain some disciplines, which can be considered, in substance, as <i>dissimilar</i> - introducing more or less rights to either Party to the RTA - to those contained in the WTO Agreement on antidumping? |
| 5       | <i>Procedural disciplines</i>   | Does the RTA contain some procedural disciplines, (for example on investigation, notification, etc) - similar or not to those contained in the WTO Agreement on antidumping?  |
| 6       | <i>Prohibition of antidumping measures (legally binding commitment)</i> | Does the RTA prohibit the imposition of an antidumping measure by the RTA Party which imports products originating in the other RTA Party(ies)?   |

<sup>3</sup> With the exception of GSTP, PTN, EC-OCTs and SPARTECA. Out of an initial list of 193 RTAs, 58.5% cover trade in goods only; 0.5% covered trade in services only, and 41% of the Agreements cover trade in both goods and services. 46% of the RTAs were notified under GATT Art. XXIV only, 12.4% were notified under the Enabling Clause only, 0.5% were notified under GATS Art. V only, 39.4% were notified under both GATT Art. XXIV and GATS Art. V, and 1.3% were notified under both the Enabling Clause and GATS Art. V. One RTA containing only disciplines on trade in services, which do not cover antidumping, was, excluded from the scope of the study leaving us with 192 agreements.

<sup>4</sup> For more information go to: <http://rtais.wto.org>

<sup>5</sup> See, for example, Robert Teh, Thomas J. Prusa, Michele Budetta: Remedy Provisions in Regional Trade Agreements (2007), WTO Staff Working Paper No. ERSD-2007-03

<sup>6</sup> Details about the relevance of each question, as well as "reading keys", used to analyse the responses for each RTA, are contained in Annex I.

| Markers | Targeted aspects of RTA disciplines   | Questions  |
|---------|---|--|
| 7       | <i>Prohibition of antidumping measures (best endeavour)</i>   | Does the RTA contain a "best endeavour" by an importing RTA Party not to impose an antidumping measure on products originating in the other RTA Party(ies)?  |
| 8       | <i>Non-MFN discipline (preferential for the RTA exporting country)</i>                                    | Does the RTA contain discriminatory treatment (preferential either for the importing RTA Party(ies) or for the exporting RTA Party(ies) related to the imposition of an antidumping measure on products originating in the other RTA Party(ies)? |
| 9       | <i>De minimis level set higher than the level prescribed by the WTO antidumping agreement</i>             | Is the " <i>de minimis</i> " level (below which an antidumping measure may not be taken by an importing RTA Party) higher than the <i>de minimis</i> level established by the WTO Agreement on antidumping (2%)?                                 |
| 10      | <i>Duration of the measures set shorter than the duration prescribed by the WTO antidumping agreement</i> | Is the maximum <i>duration</i> of the imposed antidumping measure shorter than the duration established by the WTO Agreement on antidumping (5 years)?   |

The responses to the questions corresponding to each marker – either Yes (coded 1) or No (coded 0) - were recorded in a Table (reproduced in Annex II).

The results of the mapping allowed us to define different **Profiles** corresponding to what we have called "regional antidumping regimes" established by the RTAs. Each Profile was represented by a ten-digit identifier, a sort of "DNA" attributable to each RTA. Each Profile was compared to the multilateral disciplines regulating the use of antidumping measures<sup>7</sup> to examine the degree of convergence/divergence between regional and multilateral antidumping regimes.

Two main **Categories** were identified grouping Profiles with similar characteristics. These Categories allowed us to examine the possibilities for RTA Parties to take antidumping measures and the potential consequences on both the exporters of RTA Partners and of Third Parties in terms of market access.

It must be noted that we have used information notified by WTO Members as part of their transparency obligations, so the study is limited to information that is available and reported by the Members themselves.

#### IV. BACKGROUND: THE MULTILATERAL FRAMEWORK

Before presenting the result of the mapping and in order to provide a legal foundation for the analysis in the Paper, we recall the WTO benchmarks against which regional antidumping regimes are examined. On one side, the WTO rules applicable to RTAs list a number of conditions to be fulfilled in the case preferential regimes are established. On the other, the WTO rules define limitations on the right to take antidumping measures. Both sets of disciplines, granting the right to use restrictive trade measures (such as antidumping) and to apply regional preferences constitute, in the WTO legal framework, conditional rights to derogate from well-established basic principles that constitute pillars of the multilateral trading system.

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<sup>7</sup> "Multilateral antidumping regime" refers to the rules and disciplines in Article VI of the GATT 1994 and the WTO Agreement on Antidumping (Agreement on Implementation of Article VI of the GATT 1994). A summary of these rules and disciplines is contained in Annex III.

## A. MULTILATERAL RULES ON REGIONALISM: A CONDITIONAL RIGHT TO ESTABLISH PREFERENTIAL TRADE REGIMES

WTO Members may, in relation to the establishment of RTAs, grant preferential treatment to products originating from some WTO Members in contradiction with the MFN principle. In that regard, two sets of disciplines in the WTO legal texts apply.<sup>8</sup>

First, a preferential regime is permitted by Article XXIV of GATT 1994<sup>9</sup>, which sets conditions in order to derogate from the MFN principle. Preferential regimes may be put in place by WTO Members through a *customs union* (CU) or a *free-trade area* (FTA), as defined in paragraph 8a (respectively 8b) of GATT Art. XXIV. An *interim agreement* leading to the formation of a CU or an FTA is also covered by the conditional derogation. Among the main conditions to fulfil, WTO Members, which are Parties to an RTA, must, *inter alia*, eliminate customs duties and other restrictive regulations of commerce<sup>10</sup> with respect to substantially all the trade between them. In addition, and in the case of CUs only, substantially the same duties and other regulations of commerce are to be applied by each of the members of the CU to trade with Third-Parties. Another key condition is contained in paragraph 5 of GATT Art. XXIV. For CUs, the duties and other regulations of commerce imposed when the CU is formed in respect of trade with Third-Parties shall not on the whole be higher or more restrictive than the general incidence of the duties and regulations of commerce applicable in the constituent territories of the CU prior to its formation. In other words, the constitution of a CU may not result in the creation of barriers to the trade with Third-Parties higher than they were prior to the constitution of the CU. In the case of FTAs, the duties and other regulations of commerce *vis-à-vis* non Parties shall not be higher or more restrictive after the creation of the FTA than they were before. Though the Understanding on the interpretation of GATT Art. XXIV, adopted as part of the Final Act of the Uruguay Round<sup>11</sup>, complements and clarifies, to a certain degree, GATT Art. XXIV, it does not fundamentally modify the conditions already stated in it.

Second, the Enabling Clause<sup>12</sup> also provides for the possibility to establish preferential regimes, *inter alia* through regional or global arrangements, but only amongst developing countries.<sup>13</sup> Such arrangements must foresee the mutual reduction or elimination of tariffs (...) on products imported from one another. This allows derogation from the MFN treatment of imported goods. The Enabling Clause places conditions, which are often considered “less demanding” than those contained in GATT Art. XXIV. In particular, the coverage of the regional or global arrangements entered into (only) by developing countries is not linked to the notion of “substantially all the trade”. Moreover, though the elimination of duties among the Parties is mentioned, the possibility to “reduce” such duties (and not to eliminate them as foreseen in GATT Art. XXIV) is left up to the Parties. Of particular relevance

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<sup>8</sup> We have limited our research to trade in goods aspects as antidumping is not relevant for trade in services and trade related aspect of intellectual property rights.

<sup>9</sup> Article XXIV was introduced in the GATT of 1947 and became binding for the GATT Contracting Parties from 1948 until they adhered to the WTO in 1995, when the provisions were incorporated into the GATT 1994 as part of the Marrakech Agreement.

<sup>10</sup> On the elimination of other restrictive regulations of commerce the text indicates "except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX", which refer to, respectively, the "general elimination of quantitative restrictions", the "restrictions to safeguard the balance of payments", the non-discriminatory administration of quantitative restrictions", the "exceptions to the rule of non-discrimination", the "exchange arrangements", and the "general exceptions".

<sup>11</sup> Entry into force on 1 January 1995.

<sup>12</sup> Decision by the (GATT) CONTRACTING PARTIES of 28 November 1979 entitled "Differential and more favourable treatment, reciprocity, and fuller participation of developing countries" (The Enabling Clause). GATT Document L/4903.

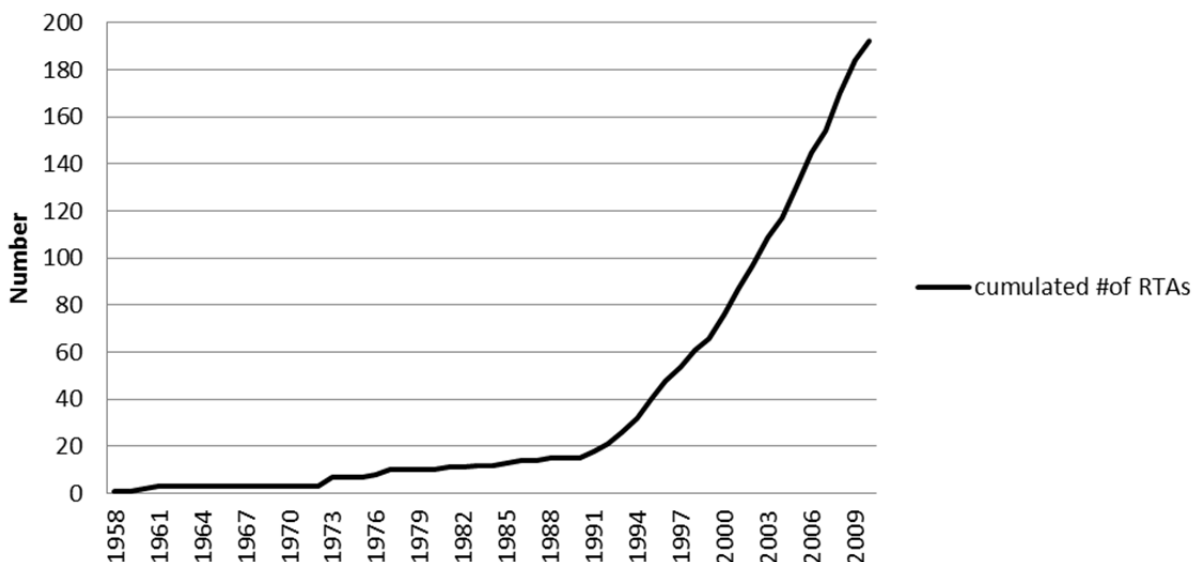
<sup>13</sup> The other aspects covered by the Enabling Clause, in particular the "coverage" of unilateral preferential schemes of developed countries under the Generalized System of Preference (GSP), are not addressed by this study. This is because it does not involve reciprocal trade preferences.



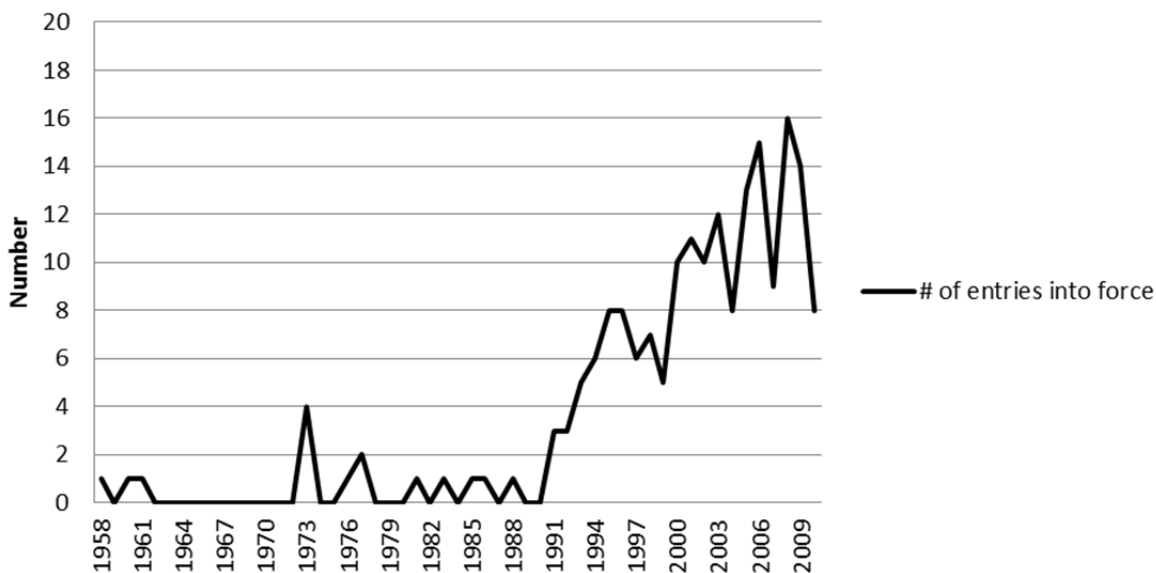
for the study, in the Enabling Clause, there is no clear obligation for the Parties to mutually reduce or eliminate non-tariff measures among the Parties.<sup>14</sup>

Between 1948 and November 2010, the number of RTAs notified to the WTO underwent spectacular developments, as shown in Charts 1a and 1b below.

**Chart 1a: Evolution of the number of RTAs notified to the GATT/WTO during the period and in force (consolidated figures).**



**Chart 1b: Evolution of the number of RTAs: Number entering into force by year.**



In November 2010, slightly over 192 RTAs were in force.<sup>15</sup> A number of them have been changed and updated since they had first entered into force, including, *inter alia*, through enlargements as in

<sup>14</sup> Such mutual reduction or elimination is left to a possible prescription by the Ministerial Conference.

<sup>15</sup> It is generally admitted that approximately 100 other RTAs, not notified to the WTO, were also in force at the same date. Those are excluded from this study.

the case of the European Union (EU). Regional integration processes are also the consequence of historical developments, including as a result of political independence or the dissolution of States (such as the USSR and Yugoslavia). More than 66% of the RTAs in the study were concluded during the last decade. All but one WTO Member<sup>16</sup> has concluded at least one RTA, and many had, by 2010, established a dense network of preferential trade relations often constituted around "poles" of regional integration.<sup>17</sup> To illustrate this, no less than ten countries or regional groupings had RTAs in the two-digits.<sup>18</sup>

#### B. MULTILATERAL RULES ON ANTIDUMPING: A CONDITIONAL RIGHT TO RE-ESTABLISH "FAIR TRADE" CONDITIONS

In parallel to the WTO provisions allowing preferential treatment, another set of WTO provisions allows WTO Members to take certain *trade remedy measures* in certain circumstances and under certain conditions.

The measures, which may be adopted/enacted to *neutralize the adverse effects on trade of dumping practices*, are defined in GATT Art. VI and in the WTO Agreement on the implementation of GATT Article VI (the Antidumping Agreement).

According to the provisions of GATT Art. VI, and the Antidumping Agreement, WTO Members have the right to adopt and enact measures taking the form of a customs duty, in addition to the applicable ordinary duty, provided the conditions in the Antidumping Agreement are fulfilled. The amount of the antidumping duty can be the full margin of dumping or less, by decision of the importing Member, the objective being to set a level adequate to remove the injury to the affected domestic industry. Although at first sight this may be perceived as a violation of a bound tariff, the case is foreseen by GATT Art. II:2b, which states that "*Nothing in this Article [GATT Art. II] shall prevent any Member from imposing at any time on the importation of any product: ... any antidumping ... duty applied consistently with the provisions of [GATT] Article VI; ...*". As to the imposition and collection of antidumping duties, the importing Member must collect them *on a non-discriminatory basis* on imports of such products from all sources found to be dumped and causing injury.<sup>19</sup> This provision<sup>20</sup> therefore reaffirms the prevalence of the MFN principle in case of the imposition of antidumping measures, and consequently does not foresee the possibility of a "preferential antidumping regime".

The Antidumping Agreement also has substantive requirements that must be met for the application of antidumping measures, which are summarized in Annex III of this Paper. It also contains detailed rules of procedures governing in particular (and *inter alia*) the conduct of antidumping investigations, and the imposition and maintenance of such measures. A failure to follow these rules may trigger the dispute settlement mechanism established by the (WTO) Marrakech Agreement.

Between 1979, when antidumping measures began to systematically be reported under the GATT<sup>21</sup>, and 2010, the number of antidumping measures notified to the GATT/WTO evolved considerably. Though the total actions taken increased by a factor of four between 1979 and 2010 to reach 121, this

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<sup>16</sup> Mongolia is the exception.

<sup>17</sup> Another Paper entitled "Genealogy of contemporary regionalism", currently under preparation, addresses this issue.

<sup>18</sup> The EU and its Member States, the EFTA States (Iceland, Norway, Liechtenstein, and Switzerland), most of the ASEAN States (in particular Malaysia, Singapore, and Thailand), Japan, Korea, Mexico, Peru, Chile, and Turkey.

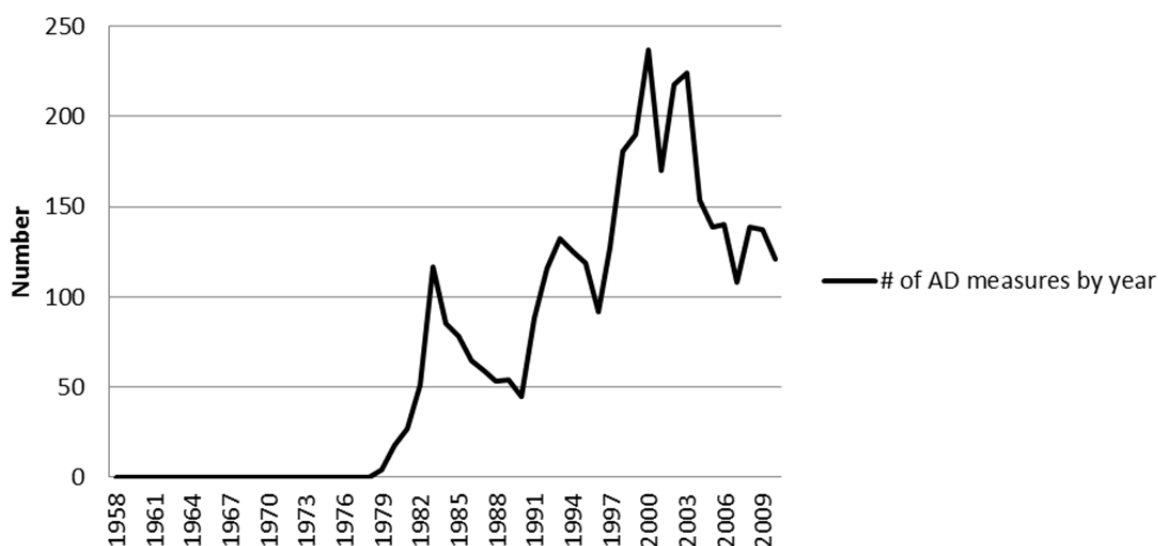
<sup>19</sup> ... except for imports from those sources from which price undertakings under the terms of the Antidumping Agreement have been accepted.

<sup>20</sup> Article 9.2 of the Antidumping Agreement.

<sup>21</sup> Data on antidumping measures have been collected in a systematic way since 1979, the date the (plurilateral) Tokyo Code (which entered into force in 1980) on antidumping had been adopted by 27 countries.

progression has nevertheless not been linear as showed in Chart 2a. In total, 3,613 antidumping measures taken had been notified to the WTO between 1979 and 2010.

**Chart 2a: Evolution of the annual number of Antidumping measures, notified to the GATT/WTO.**



Most notified AD measures generally remain in force for several years as permitted by the WTO Antidumping Agreement which provides that "an antidumping duty shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury<sup>22</sup>". A review (often on an annual basis) of the need to continue the duty is also prescribed by the Antidumping Agreement.<sup>23</sup> Moreover, any definitive antidumping duty "shall be terminated not later than five years from its imposition, ..., unless the authorities determine that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury".<sup>24</sup> Though each AD measure should be examined separately, for the purpose of the present study, we have assumed that AD measures, on average, tend to be in place for five years before they are eliminated.<sup>25</sup> The presentation of antidumping activities in this way, allows a comparison with the growth in RTAs in force during the same period.

Following this assumption, Chart 2b shows the progression of AD activity as being prolonged by five years as compared to Chart 2a, with peaks notable in 1987 and 2003. From 2004 onwards, the number of measures in effect however continually fell to reach in 2010 a level equivalent to that in 1998.

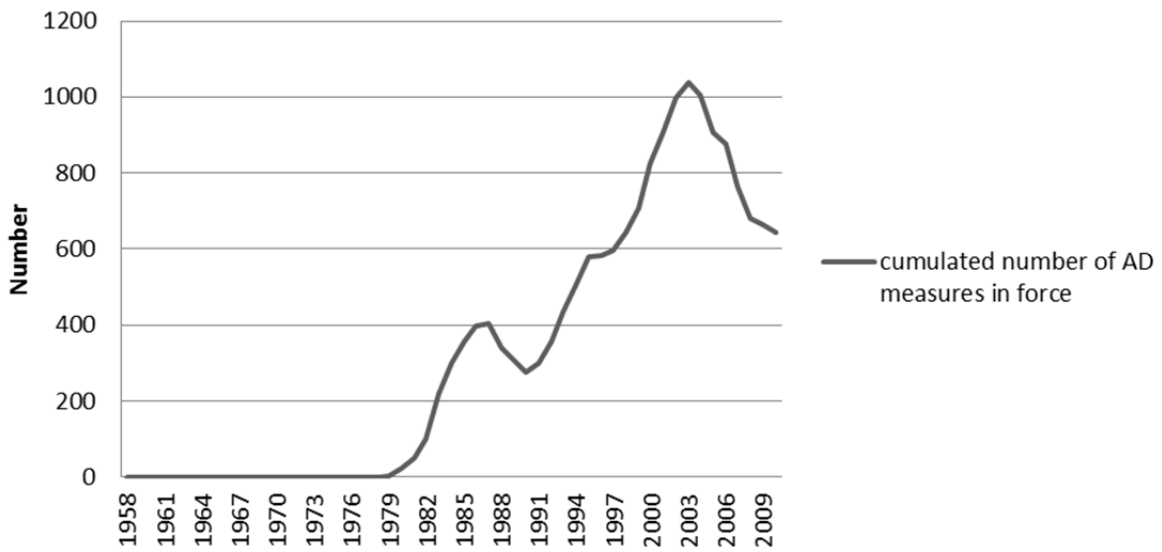
<sup>22</sup> Article 11.1 of the WTO Antidumping Agreement.

<sup>23</sup> Article 11.2 of the WTO Antidumping Agreement.

<sup>24</sup> Article 11.3 of the WTO Antidumping Agreement.

<sup>25</sup> A gross approximation nevertheless considered sufficiently reliable as an average.

**Chart 2b: Number of Antidumping measures in force**  
(using an average duration of 5 yrs for measures in effect)



### C. THE CASE OF PREFERENTIAL ANTIDUMPING REGIMES

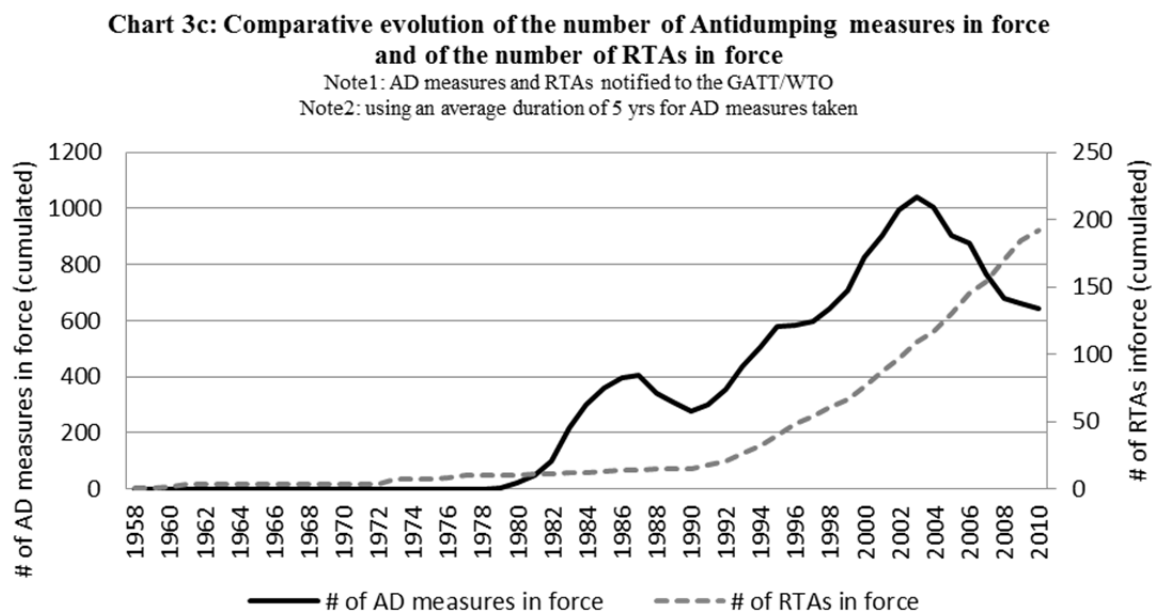
When several countries (one of them at least being a Member of the WTO) are Parties to an RTA, and when among the modalities establishing the RTA a regional antidumping regime is designed, the question of the articulation between the conditions set by the WTO and applicable to exercise the right to form an RTA and those applicable to exercise the right to take antidumping measures arise.

On the one side, the WTO provisions on antidumping rather clearly state that antidumping measures must be implemented in a non-discriminatory manner. While it is clear that antidumping measures themselves are applicable, in principle, only against specific dumped products (or at most against imports of a specific product originating in one country) it is, nevertheless, reasonable to think that certain types of regional antidumping regimes may, at least potentially, not guarantee such MFN treatment because of their preferential nature. Conceptually, this would particularly be the case for regional antidumping regimes prohibiting antidumping measures only against products from RTA partners (Category B regional antidumping regimes, as describes in a subsequent section of the Paper). On the other side, WTO provisions on regionalism do grant a conditional derogation to the MFN principle for RTAs meeting the criterion contained in Article XXIV of GATT 1994 or in the "Enabling Clause", as appropriate. Although this is not the subject of the study, it should be kept in mind.

Most RTAs (150 or 78% of the total) contain specific antidumping provisions. This large proportion does not, however, automatically result in preferential regimes among the Parties to RTAs. On the contrary, it does not appear that the RTA specific disciplines establish discriminatory mechanisms which would be beneficial for intra-RTA exporters. Moreover, the absence of specific regional rules on antidumping does not automatically mean that the Parties to an RTA (at least those who are WTO Members) would need to relinquish their WTO rights – and the associated obligations - to take

antidumping measures in the circumstances and under the conditions prescribed by the WTO Agreement on Antidumping. The multilateral antidumping regime would continue to apply.<sup>26</sup>

While the number of RTAs in force ("active" RTAs) has increased continually during the period under review, and particularly since the 1990s, the evolution of antidumping measures in force has been less linear. In Chart 3 below, we show this parallel evolution.



Though there is a steady increase for most of the period in both RTAs in force and anti-dumping measures in force, notable discrepancies can be observed during two distinct periods. Between 1987 and 1990, the number of antidumping measures decreased, though the number of "active" RTAs remains stable. More interestingly, since 2003 - a record year for the number of antidumping measures in force (more than 1030) - the number of antidumping measures in place has constantly decreased to reach in 2010 the same level as that in 1998, though RTAs have continued to proliferate during the same period (a 90% increase).

## V. MAPPING REGIONAL ANTIDUMPING REGIMES

The two main questions being posed are: "What are the main features of the antidumping disciplines contained in RTAs?" and "How do they relate to the general WTO rules and to the specific WTO disciplines regulating, on the one hand, regionalism and, on the other hand, the use of antidumping measures? The methodology used with ten Markers could theoretically have produced several hundreds of possible regional antidumping Profiles (ten-digit combinations). However, due to a number of "illogical" combinations, only 11 different combinations emerged, corresponding to regional antidumping regimes Profiles which are presented below.<sup>27</sup>

<sup>26</sup> Some may argue that a strict reading of Article XXIV:8 of the GATT 1994 would require that the Parties to a Customs Union or to a Free Trade Area eliminate not only duties but also other restrictive regulations of commerce, between themselves, including antidumping mechanisms, as such measures are not explicitly referred to in the list of exceptions mentioned in the parenthesis of both paragraphs (a)(i) and (a)(ii) of Article XXIV. The debate is open and it is not our intention to address the matter in this Paper, leaving the interpretation of this issue to WTO Members.

<sup>27</sup> A summary is contained in a Table in Annex II.

These Profiles have been grouped under two Categories, based on some of their main common features. Category A includes regional antidumping regimes which can be considered as being similar to the multilateral antidumping regime, while Category B contains regional antidumping regimes, which establish substantially different rules and disciplines as compared to the WTO regime.

Potentially, a third Category of regional antidumping Profiles exists. It is thinkable that the rights of the Parties to RTAs to take antidumping measures against other RTA partners would be increased as compared to their corresponding WTO rights; the regime applicable to trade with Third Parties would remain, in principle, unchanged. In other words, the conditions required to trigger the possibility to use a trade defence mechanism, and to levy an antidumping duty, would be less strict than under the WTO Antidumping Agreement. As this mechanism is primarily addressed to intra-RTA trade, it would penalize the importing goods originating from a RTA partner but should, in principle, not affect goods imported from Third-Parties, which should be treated according to the standards of the WTO Antidumping Agreement.<sup>28</sup> Such a regime, if it existed, would not be considered MFN inconsistent, as the discrimination it would introduce (against importers from RTA Parties) would not, at least directly, penalize Third-Parties' exporters. Such a regional antidumping regime would therefore not create major dissatisfaction for Third Parties (and therefore probably not trigger legal challenges). Although possible in theory, there was no evidence of the existence of such regimes in the RTAs mapped for this study.

#### A. OVERALL DISTRIBUTION OF REGIONAL ANTIDUMPING REGIMES BY PROFILES

Table 2 summarizes the overall distribution of regional antidumping regimes among the 192 RTAs considered.

**Table 2: Profiles' distribution**

| Profiles | Number of RTAs |        |                  |     |              |
|----------|----------------|--------|------------------|-----|--------------|
| A1       | 76             | 39.6%  | Total Category A | 174 | <b>90.6%</b> |
| A2       | 55             | 28.6%  |                  |     |              |
| A3       | 41             | 21.4%  |                  |     |              |
| A4       | 1              | 0.5%   |                  |     |              |
| A5       | 1              | 0.5%   |                  |     |              |
| Ba1      | 6              | 3.1%   | Total Category B | 18  | <b>9.4%</b>  |
| Ba2      | 6              | 3.1%   |                  |     |              |
| Ba3      | 2              | 1.0%   |                  |     |              |
| Bb4      | 2              | 1.0%   |                  |     |              |
| Bb5      | 1              | 0.5%   |                  |     |              |
| Bb6      | 1              | 0.5%   |                  |     |              |
|          | 192            | 100.0% |                  |     |              |

Most profiles (174 Profiles in Category A, representing 90%), implicitly<sup>29</sup> or explicitly define a regional antidumping regime which essentially keeps WTO rights and obligations unchanged<sup>30</sup>, including the non-discriminatory character<sup>31</sup> of antidumping measures.

The mapping also shows that only 18 RTAs (9%) establish regional antidumping regimes which differ substantially from the multilateral regime by introducing an element of preference. In particular, only

<sup>28</sup> It could be argued that in the case of the enlargement of Customs Unions the Union's disciplines may mean, for a country joining an already established CU (or FTA), a reinforcement of antidumping disciplines and therefore a breach of a previous antidumping regime and thus a reduction of Third Parties exporter's market access. It could however be argued that paragraph 6 of Article XXIV and/or some conclusions of preceding WTO Dispute Settlement rulings may be applicable in such a situation. These considerations remain obviously debateable.

<sup>29</sup> For implicit establishment of WTO like antidumping regimes, see Profile A3.

<sup>30</sup> Additional or stricter obligations (essentially in relation with transparency) may be introduced, particularly for Profiles A2, A4, and A5.

<sup>31</sup> MFN consistent as far as the regime is concerned.

7% of the RTAs (14 Agreements<sup>32</sup>) prohibit intra-regional antidumping measures, while 4 RTAs (3%) maintain the possibility to take intra-regional antidumping measures, although in a more restricted manner than in the WTO rules and disciplines.<sup>33</sup>

**B. CATEGORY A: REGIONAL ANTIDUMPING REGIMES SIMILAR TO THE MULTILATERAL REGIME**

Category A covers regional antidumping regimes, which, implicitly or explicitly, simply refer to or, in certain cases, mirror the WTO rules and disciplines. The rights and obligations of the Parties to the RTAs are reaffirmed and consequently are not substantially modified. RTAs which do not contain any antidumping provisions are also classified in this Category.

In some cases, specific procedures are contained in the provisions establishing regional antidumping regimes. These provisions create obligations for the Parties, *inter alia*, to ensure full transparency at the regional level when envisaging initiating antidumping actions against products originating in a Party to the RTA. Often, the RTAs also establish timelines for the procedure, investigation, and consultation which tend to be shorter or more complete than under the multilateral regime. Only in a few cases, particularly when the regional groupings are embarked in a progressive deepening of economic integration, regional mechanisms to coordinate collective antidumping actions against products originating in Third-Parties are also foreseen. In a number of cases, specific mechanisms or procedures are also established to assist Members in solving disputes related to the use (or the intention to use) antidumping measures at the intra-regional level.

Category A regimes do not substantially modify market access for imported goods, whether originating from Parties to the RTA or from Third-Parties.

**1. Profiles**

Five types of Profiles are contained in Category A and can be summarized as follows:

*Profile A1* (1100000000) is associated with RTAs, which only refers to, reaffirms, and/or confirm the RTA Parties' rights derived from the (WTO) Agreement on antidumping. In most instances the RTA's provision on antidumping is short, does not contain any specific procedures related to the application of antidumping measures and does not establish any regional mechanism to address cases of dumping / antidumping.

76 RTAs (39.58% of agreements) fall under this Profile:

|   |                       |                     |
|---|-----------------------|---------------------|
| Asia Pacific Trade Agreement (APTA)                       | EC - Chile            | Egypt - Turkey      |
| US - Israel   | EC - Lebanon          | Pakistan - China    |
| ASEAN Free Trade Area (AFTA)                              | Turkey - Croatia      | EFTA - Egypt        |
| EFTA - Turkey   | Singapore - Australia | Chile - India       |
| EFTA - Israel   | US - Chile            | Japan - Thailand    |
| Faroe Islands - Norway                                    | US - Singapore        | EC - Montenegro     |
| North American Free Trade Agreement (NAFTA) <sup>34</sup> | Korea - Chile         | Pakistan - Malaysia |

<sup>32</sup> Profiles Ba1, Ba2, and Ba3.

<sup>33</sup> Restrictions on the use of intra-regional antidumping measures are established by a higher *de minimis* level and/or by a shorter duration, as compared with rules applicable to extra-regional antidumping measures.

<sup>34</sup> An interesting, and rather unique, feature of the NAFTA Chapter on antidumping is a review process related to final determination of dumping through a binational panel. It is useful to recall that the three NAFTA States have been regular and intensive users of antidumping measures, with the US ranking first with 636 measures (taken between 1979 and 2010), Canada ranking fourth (332 measures taken), and Mexico ranking ninth (144 measures taken). NAFTA, as well as twenty-six RTAs, to which at least one NAFTA partner is a Party, confirms the Parties' WTO rights and obligations are preserved. Only in one case (Canada-Chile, addressed later under Category B), Canada (one of the NAFTA Parties) agreed, with some reservations, to bind

|   |  |   |
|---|--|---|
| Canada - Israel                                   | Common Economic Zone (CEZ)   | Panama - Chile                                |
| Pan-Arab Free Trade Area (PAFTA)                  | EC - Egypt   | Turkey - Albania                              |
| Mexico - Nicaragua                                | ASEAN - China  | EC - Bosnia and Herzegovina                   |
| EFTA - Palestinian Authority                      | Thailand - Australia   | Japan - Indonesia                             |
| Chile - Mexico                                    | US - Australia   | Brunei Darussalam - Japan                     |
| EFTA - Morocco                                    | Japan - Mexico   | Turkey - Georgia                              |
| EC - South Africa                                 | Ukraine - Moldova  | Japan - Philippines                           |
| EC - Israel                                       | EFTA - Tunisia   | Panama - Honduras (Panama - Central America ) |
| EC - Mexico                                       | Pakistan - Sri Lanka   | US - Peru                                     |
| Israel - Mexico                                   | Thailand - New Zealand   | Australia - Chile                             |
| Southern African Development Community (SADC)     | US - Morocco   | Chile - Colombia                              |
| Mexico - El Salvador (Mexico - Northern Triangle) | Dominican Republic - Central America - United States Free Trade Agreement (CAFTA-DR) | MERCOSUR - India                              |
| Mexico - Guatemala (Mexico - Northern Triangle)   | Korea - Singapore  | EFTA - Canada                                 |
| Ukraine - Former Yugoslav Republic of Macedonia   | Trans-Pacific Strategic Economic Partnership   | Canada - Peru                                 |
| EFTA - Croatia                                    | Panama - Singapore   | Peru - Singapore                              |
| Chile - Costa Rica (Chile - Central America)      | US - Bahrain   | Japan - Viet Nam                              |
| EC - Croatia                                      | Chile - China  | EU - Serbia                                   |
| Chile - El Salvador (Chile - Central America)     | EFTA - Lebanon   | Turkey - Serbia                               |
| Japan - Singapore (JSEPA)                         |  |   |

*Profile A2* (1010100000) is associated with RTAs which do not explicitly refer to, but substantially replicate, without meaningful substantial changes, the WTO disciplines on antidumping. In a number of cases, no explicit mention of the WTO is made in the legal text, though the spirit - and often the letter - is similar to provisions contained in the WTO Agreement on Antidumping. The RTAs corresponding to the Profile also contain procedural provisions, primarily related to transparency.

55 RTAs (28.65% of agreements) fall under this Profile:

|   |  |
|---|--|
| Central American Common Market (CACM)                     | Canada - Costa Rica                                |
| Caribbean Community and Common Market (CARICOM)           | Panama - El Salvador (Panama - Central America)    |
| Australia - Papua New Guinea (PATCRA)                     | Pacific Island Countries Trade Agreement (PICTA)   |
| EC - Syria  | India - Afghanistan                                |
| Andean Community (CAN)                                    | Turkey - Bosnia and Herzegovina                    |
| Southern Common Market (MERCOSUR) <sup>35</sup>           | Turkey - Palestinian Authority                     |
| Economic Community of West African States (ECOWAS)        | Turkey - Tunisia                                   |
| Melanesian Spearhead Group (MSG)                          | India - Singapore                                  |
| Common Market for Eastern and Southern Africa (COMESA)    | EC - Algeria                                       |
| Commonwealth of Independent States (CIS)                  | South Asian Free Trade Agreement (SAFTA)           |
| Colombia - Mexico   | Turkey - Morocco                                   |
| Costa Rica - Mexico                                       | Iceland - Faroe Islands                            |
| EC - Turkey <sup>36</sup>                                 | EC - Albania                                       |
| EC - Faroe Islands  | Turkey - Syria                                     |
| Turkey - Israel   | Central European Free Trade Agreement (CEFTA) 2006 |
| EC - Palestinian Authority                                | Honduras - Chinese Taipei                          |
| EC - Tunisia  | EFTA - SACU  |
| Economic and Monetary Community of Central Africa (CEMAC) | China - New Zealand                                |
| West African Economic and Monetary Union (WAEMU / UEMOA)  | EC - CARIFORUM States EPA                          |
| EC - Morocco  | Panama - Costa Rica (Panama - Central America)     |
| East African Community (EAC)                              | China - Singapore                                  |
| Turkey - Former Yugoslav Republic of Macedonia            | EC - Côte d'Ivoire                                 |
| EFTA - Former Yugoslav Republic of Macedonia              | Japan - Switzerland                                |
| EC - Former Yugoslav Republic of Macedonia                | EC - Cameroon                                      |
| EFTA - Mexico   | Korea - India                                      |
| India - Sri Lanka   | Peru - China                                       |
| EFTA - Jordan   | Turkey - Montenegro                                |
| EC - Jordan   |  |

in the RTA the principle of prohibition of intra-regional antidumping measures. In that context, it can be added that neither Canada nor Chile have ever taken antidumping measures against each other's products.

<sup>35</sup> Despite the fact that the MERCOSUR is notified by the Parties to the GATT/WTO as a Customs Union (under the Enabling Clause), MERCOSUR States have had recourse at regular occasions to intra-regional antidumping measures, even after the entry into force of the Agreement establishing MERCOSUR. In particular, Argentina (the 6<sup>th</sup> largest user of antidumping since the 1960s) has reported 35 measures against Brazilian products since the entry into force of the MERCOSUR, while Brazil has reported four such measures against Argentinian products and two against Uruguayan products, an illustration of what some may call a "Customs Union Anomaly".

<sup>36</sup> The EU-Turkey Customs Union Agreement is interesting as, despite being Parties to a Customs Union, the two Parties have continued, after the entry into force of the agreement, to take antidumping measures against each other's products, another illustration of a "Customs Union Anomaly".



Profile A3 (0000000000) corresponds to RTAs, which do not contain any specific provision governing the use of antidumping measures by the Parties. It therefore does not explicitly establish any regional antidumping regime, *per se*. The main line of interpretation would conclude that this means (for the Parties that are WTO Members as well as for WTO Members not Parties to the RTA) that the multilateral antidumping regime, established by the WTO Agreement on antidumping, continues to apply.

41 RTAs (21.35% of agreements) fall under this Profile:

|  |   |                                 |
|--|---|---------------------------------|
| Latin American Integration Association (LAIA)      | Georgia - Azerbaijan                        | India - Bhutan                  |
| Lao - Thailand                                     | Ukraine - Azerbaijan                        | Ukraine - Belarus               |
| Economic Cooperation Organization (ECO)            | Kyrgyz Republic - Moldova                   | Chile - Japan                   |
| Armenia - Russian Federation                       | Armenia - Ukraine                           | ASEAN - Japan                   |
| Kyrgyz Republic - Russian Federation               | Kyrgyz Republic - Ukraine                   | US - Oman                       |
| Ukraine - Russian Federation                       | Kyrgyz Republic - Uzbekistan                | India - Nepal                   |
| Georgia - Russian Federation                       | Ukraine - Kazakhstan                        | ASEAN - Australia - New Zealand |
| Faroe Islands - Switzerland                        | Georgia - Armenia                           | ASEAN - India                   |
| Kyrgyz Republic - Armenia                          | Georgia - Kazakhstan                        | ASEAN - Korea                   |
| Ukraine - Turkmenistan                             | Georgia - Turkmenistan                      |                                 |
| Kyrgyz Republic - Kazakhstan                       | Mexico - Honduras (Mex - Northern Triangle) |                                 |
| South Asian Preferential Trade Arrangement (SAPTA) | US - Jordan                                 |                                 |
| Armenia - Moldova                                  | Armenia - Kazakhstan                        |                                 |
| Ukraine - Uzbekistan                               | Ukraine - Tajikistan                        |                                 |
| Georgia - Ukraine                                  | Gulf Cooperation Council (GCC)              |                                 |
| Armenia - Turkmenistan                             | Japan - Malaysia                            |                                 |

Profile A4 (1010000000) is attached to RTAs, which contain specific provisions governing the use of antidumping measures by the Parties. These provisions, nevertheless and as in the cases covered by Profile A1, make a simple reference to the maintenance of the Parties WTO rights to take antidumping measures, as provided by the WTO Agreement on Antidumping. The RTAs corresponding to the Profile however are different from Profile A1 RTAs as they also contain procedural provisions.

1 RTA fall under this Profile:

|   |
|---|
| Eurasian Economic Community - EAEC (or Eurasec) |
|---|

Profile A5 (1010110000) is similar to Profile A2. It, however, also contains a commitment by the Parties to not apply antidumping measures against imports from the RTA partners on a best endeavours basis. There are no binding commitments and intra-RTA antidumping actions remains legally binding.

1 RTA fall under this Profile:

|                            |
|----------------------------|
| EFTA - Korea <sup>37</sup> |
|----------------------------|

## 2. Distribution of regional antidumping regimes

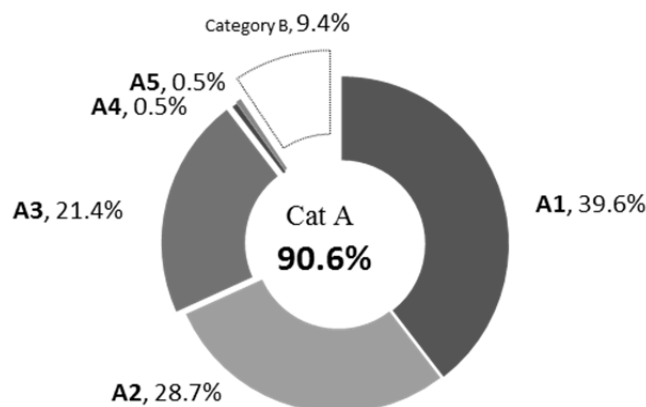
As depicted in Chart 6 below, regional antidumping regimes constituted by the different types of Category A RTAs represent an overwhelming majority (174 RTAs or 90.62%) of all regional regimes included in this study.

Within Category A, provisions in the agreements under Profiles A2, A4, and A5 (representing 29.7% of all RTAs) establish intra-regional procedures, mainly related to transparency. This is not the case

<sup>37</sup> The EFTA - Korea FTA, which entered into force on 1 September 2006, confirms, in its Article 2.10, that the Parties' WTO rights and obligations are maintained. However, it states that "the Parties shall endeavour to refrain from initiating antidumping procedures against each other." Moreover, if a Party takes a decision to impose an antidumping duty, the "lesser duty" shall be applied, where such duty would be adequate to remove the injury to the domestic industry. A review clause (after five years) is also included with a view to examining if the need to maintain the possibility to take antidumping measures between the Parties remains.

for Profile A1 (39.6% of all RTAs), while RTAs in Profile A3 (21.4% of all RTAs) do not contain any antidumping provisions at all.<sup>38</sup>

**Chart 6: Category A types of regional antidumping regimes**



C. **CATEGORY B: REGIONAL ANTIDUMPING REGIMES, WHICH LIMIT THE RIGHTS OF RTA PARTIES TO TAKE ANTIDUMPING MEASURES AGAINST PRODUCTS ORIGINATING FROM THEIR RTA PARTNERS.**

In the case of Category B, the rights of the Parties to RTAs to take antidumping measures are "reduced" as compared to their corresponding WTO rights. In a few cases, the use of antidumping measures on goods originating from another RTA partner is even prohibited. The regime applicable to the trade with Third Parties remains however unchanged.

Some may argue that in the case of a Customs Union, as opposed to a Free Trade Area, the members of the Customs Union are less free to use anti-dumping measures because of the very nature of a Customs Union. We submit that, although this may be true in the case of Common Markets, which imply deeper integration, this may not automatically be the case for all Customs Unions. Moreover, many RTAs that are notified to the WTO as "Customs Unions" may not necessarily be fully in line with the criteria in GATT Article XXIV:8 a)i). Only an examination of the RTA by WTO Members may arrive at such a conclusion.<sup>39</sup>

Category B RTAs may therefore create a distortion in trading conditions in favour of imports originating from a RTA partner to the detriment of like products imported from a Third Party. Consequently, and as opposed to the regimes in Category A, Category B regimes would establish a situation of discrimination, by principle, incompatible with the MFN principle. Indeed, such regimes could, at least theoretically, amount to a preferential treatment benefiting only trade from within the RTA territory; a treatment that would not automatically and unconditionally be extended to exports of like products from Third Parties. Consequently, exporters from Third Parties would not see their access conditions to the market of an RTA Party changed, while access conditions to the same market would be improved for an exporter from a RTA partner country.

<sup>38</sup> The absence of specific regional antidumping provisions is generally not interpreted as an elimination (or a reduction) of the right of WTO Members to take antidumping measures (in conformity with provisions contained in the WTO Agreement on Antidumping). In this Paper, we have followed such an interpretation.

<sup>39</sup> To date, only a few examinations of RTAs have been effectively completed.

## 1. Profiles

Six types of Profiles, covering 18 RTAs, correspond to Category B, which has been divided into Sub-categories Ba and Bb.

In **Sub-category Ba**, RTAs explicitly or implicitly, prohibit the use of antidumping measures against products originating in one of the RTA partners. Regional antidumping regimes falling under this sub-category therefore discriminate between "dumped products" imported from RTA partners and "dumped like products" imported from Third Parties. However, in most cases, such RTAs contain provisions which allow the Parties to address situations of unfair trade, like in the case of dumping, through means other than anti-dumping measures (co-operation in competition policy, and/or regional consultative mechanisms). Sub-category Ba groups three, different but similar, Profiles (Ba1, Ba2, and Ba3), which deny the Parties to the RTA their WTO rights to take antidumping measures against products from RTA partners.

*Profile Ba1* (1001001100) corresponds to RTAs, which specifically prohibit the use of antidumping measures by RTA Parties against each other's products, and defines specific procedural modalities to address situations of alleged dumping.<sup>40</sup> Like in the previous case, RTAs corresponding to *Profile Ba2* (1001001100) specifically prohibit the use of antidumping measures by RTA Parties against products originating in another RTA Party. They however leave the RTA Parties' right to take antidumping measures against products originating in Third Parties untouched, without establishing specific regional procedures to address situations of alleged dumping. RTAs corresponding to *Profile Ba3* (0001001100) do not have specific provisions on a regional antidumping regime *per se* and therefore do not specifically prohibit the use of antidumping measures by RTA Parties against each other's products. However, because they are fully fledged Customs Unions they have similar preferential regional antidumping regimes to the two previous profiles and it can be assumed that they prohibit the use of anti-dumping measures within the RTA. Antidumping measures against products originating in Third Parties are based on a common external trade policy.

14 RTAs (representing 7.8% of agreements) fall under Sub-category Ba.

| Profile Ba1 (1001001100)  | Profile Ba2 (1001001100)   | Profile Ba3 (0001001100)                                  |
|---|--|---|
| Stockholm Convention establishing the EFTA<br>EFTA-Singapore FTA<br>China - Hong Kong, China FTA<br>China - Macao, China FTA<br>Southern African Customs Union (SACU)<br>EFTA - Chile FTA | Treaty of Rome (establishing the EC) <sup>41</sup><br>EC-Switzerland/Liechtenstein FTA <sup>42</sup><br>EC-Iceland FTA <sup>43</sup><br>EC-Norway FTA <sup>44</sup><br>Canada-Chile FTA<br>Australia-New Zealand Closer Economic Co-operation Trade Agreement (ANZCERTA) | EU - Andorra CU Agreement<br>EU - San Marino CU Agreement |

As these Profiles diverge from WTO rules, it is worth detailing how.

The EU is not only one of the economic heavy weights of world trade but also one of the most active shapers of both the multilateral and the regional trading environments. The **Treaty of Rome** establishing The European Economic Communities (now European Union/EU) was one of the first RTAs notified to the GATT (in 1958). The Customs Union has evolved over the years through the enlargement of its geographical coverage and the deepening of its economic and political integration.

<sup>40</sup> In certain cases, it also establishes a regional regime of antidumping measures applicable (collectively) against "dumped" products originating in Third Parties. This is particularly the case for Customs Union, for example in the context of the SACU.

<sup>41</sup> Including modifications, leading to the establishment of the European Union (EU), and its successive enlargements.

<sup>42</sup> Including changes resulting from the 1994 EEA - for trade relations between the EU and Liechtenstein -, and bilateral agreements between the EU and Switzerland.

<sup>43</sup> Including changes resulting from the EEA.

<sup>44</sup> Eventually adjusted with the entry into force, in 1994, of the EEA.

In 1992, the European integration process established a Union and a single (common) market. The Treaty on European Union, as well as the Treaty establishing the European Community<sup>45</sup>, recall the Treaty of Rome and contain an explicit reference to the initial transitional intra-regional antidumping regime.<sup>46</sup> It states that "*if, during the transitional period<sup>47</sup>, the [European] Commission, on application by a Member State or by any other interested party, finds that dumping is being practised within the common market, it shall address recommendations to the person or persons with whom such practices originate for the purpose of putting an end to them. Should the practices continue, the Commission shall authorize the injured Member State to take protective measures, the conditions and details of which the Commission shall determine*". It is assumed that at the end of the transition period, intra-EU antidumping measures became incompatible with the rules of the common market, and that thus the intra-EU antidumping regime fell under Category B.

In parallel with its internal development, the EU engaged in a series of preferential initiatives with a large number of partners. These have materialized into different forms. In three cases, the EU concluded Customs Unions (CUs). With the exception of the CU with Turkey, which does not prohibit intra-regional antidumping (and thus is classified in Category A, for the purposes of the present study), the deepening of the integration processes led to the prohibition of trade remedies between the partners. The **EU-Andorra Customs Union**, signed on 28 June 1990 and in force since 1 July 1991, establishes a Customs Union for industrial products under HS Chapters 25-97. For agricultural products, Andorra is treated as a non-EU member. EU Trade relations with San Marino are based on the **EU-San Marino Customs Union Agreement**, signed on 16 December 1991 and in force since 1 April 2002 (summarized in an "*Aide Mémoire*" by the Republic of San Marino (2002)). The Agreement establishes a Customs Union applying to most products within HS Chapters 1 to 97. For both these Customs Unions Article 7 of the Agreement requires Andorra and San Marino to "*apply ... the laws, regulations and administrative provisions applicable to customs matters in the Community and necessary for the proper functioning of the Customs Union ... [as well as] the common commercial policy of the [Union] ...*" for products covered by the CU. Consequently, the EC, Andorra and San Marino apply a common anti-dumping regime vis-à-vis Third Parties.

Examples of the progressive deepening of integration processes can also be found when examining the evolution of the relationship between the EU and the EFTA States. Against the background of negotiations conducted by some EFTA States to accede to the EU<sup>48</sup>, the EU concluded, in 1972, a number of FTAs with the remaining EFTA States. These relations also evolved with time. The trading relationship between the EU and Iceland, Liechtenstein, Norway, and Switzerland was initially governed by the Free Trade Agreements concluded, in 1972 (entry into force in 1973)<sup>49</sup>. One specific Article<sup>50</sup> indicated that "*if one of the Contracting Parties finds that dumping is taking place in trade with the other Contracting Party, it may take appropriate measures against this practice in accordance with the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, ...*". At the time, these EU-EFTA State FTAs would have been therefore classified in Category A, for the purposes of the present study. However, in 1992, the **European Economic Area (EEA)** was established (entry into force in 1994), and resulted in the suspension of some of the provisions in the 1972 FTA. In particular, the EEA foresaw that "*antidumping measures, ... attributable to third countries shall not be applied in relations between the Contracting parties, unless otherwise specified in [this] Agreement*". Consequently, the EU accepted the principle of non-

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<sup>45</sup> See Official Journal of the European Communities (92/C 224/01).

<sup>46</sup> Notably, Article 91 (on Dumping) constitutes Section 2 of Title V, entitled "Common rules on competition, taxation and approximation of laws" (Title introduced by Article G(17) TEU).

<sup>47</sup> In connection with the implementation of the Treaty of Rome, this transition period ended in 1970.

<sup>48</sup> Denmark and the United Kingdom, followed, several years later, by Portugal.

<sup>49</sup> The relations between, on the one hand, Austria, Finland, and Sweden, and, on the other hand, the EU were also governed initially by similar FTAs. However, in 1995, these three EFTA States joined the EU. As a consequence, the FTAs became obsolete.

<sup>50</sup> Article 26 in relation with Iceland and Norway, and Article 25 in relation with Liechtenstein and Switzerland.

application of antidumping measures against products falling within the scope of the EEA Agreement.<sup>51</sup> This acceptance was made conditional on the correct application by the EFTA States of the integration of the "*acquis communautaire*", and the full enforcement of EEA competition rules in the EFTA States against prices leading to injurious dumping on the EU market.<sup>52</sup> The establishment of the EEA therefore put the **Iceland-EU FTA**, the **Norway-EU FTA**, and, with a reservation for Switzerland<sup>53</sup>, the **Liechtenstein/Switzerland-EU FTA** into Category B.

Another agreement which agreed, in certain cases, to go beyond multilateral disciplines with regard to anti-dumping is the **European Free Trade Association (EFTA)**. As the EU, and to a large extent in connection with the development of the EU, the EFTA has progressively evolved since it was established in the early 1960's and was notified to the GATT as a Free Trade Area. The initial agreement establishing the EFTA (the Stockholm Convention - 1960) did not contain any provision on antidumping (thus falling under Category A). As in the cases above, a deepening of internal EFTA relations transformed certain elements of the contractual economic ties between the EFTA constituents, *inter alia*, in the context of the antidumping framework. A revised Convention (the Vaduz Convention), to the Free Trade Agreement was signed by the EFTA partners on 21 June 2001 and entered into force on 1 June 2002. This changed the provisions on anti-dumping. According to Article 36 of the amended Convention, "*Anti-dumping measures, ... attributable to third countries shall not be applied in relations between the Member States*".

Deep integration impacting the legal framework applicable to intra-regional antidumping, can also be found in the **Southern African Customs Union / SACU**, which is one of the oldest regional integration initiatives. SACU was notified, in its present form, to the WTO, as a Customs Union in 2007. Its internal constitution banned, by construction, intra-regional antidumping measures<sup>54</sup>.

The last example of deepening regional relations can be found in the progressive evolution of the FTA between Australia and New Zealand. The first FTA dates back to 1922 followed by the New Zealand Australia Free Trade Agreement in 1966. The **Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA, or the CER)**, which entered into force in 1983, established the basis for the bilateral trade and economic relationship between the two Oceanian neighbours. Under the ANZCERTA, the WTO rights of the Parties were left essentially unchanged. Article 15 of the agreement stated that "*a [ANZCERTA] Member State may levy antidumping duties in respect of goods imported from the territory of the other Member States...*". The regional antidumping regime was

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<sup>51</sup> See EU Regulation 5/94 on the suspension of antidumping measures against EFTA countries, 1994 O.J. (L3) 1.

<sup>52</sup> Protocol 13 (of the EEA) on the non-application of antidumping and countervailing measures provides that the application of Article 26 of the EEA is limited to the areas covered by the provisions of the EEA in which the Community *acquis* is fully integrated into the Agreement.

<sup>53</sup> The situation of Switzerland is particular, as, in contrast with the other three EFTA States, Switzerland could not ratify the agreement as it was rejected by a national referendum. As a result, Switzerland and the EU negotiated a number of bilateral agreements. The legal framework for antidumping measures between the EU and Switzerland has not been substantially affected by these bilateral agreements. The existence of three inter-connected legal frameworks (the EEA between the EU and Liechtenstein, the FTA between the EU and Switzerland, and the Customs Union between Switzerland and Liechtenstein) raises questions about potential conflicts particularly since that the 1972 FTA allows intra-regional antidumping measures, while the EEA prohibits them.

<sup>54</sup> Except South Africa, none of the other SACU member States have ever reported any antidumping measures to the GATT/WTO. South Africa is a relatively heavy user of antidumping measures but never against products originating in the other SACU member States. Until 2010, South Africa had reported 128 antidumping measures taken. Against this background and considering that SACU is a functional Customs Union relatively close to a common market, it is remarkable that none of the other Parties to SACU (Botswana; Lesotho; Namibia; and Swaziland) had reported any antidumping action to the WTO, though one may think that, in principle, antidumping actions would have to be conducted by the Customs Union - as an entity - and not only by one of its Member only. What some may consider as an anomaly may, in fact, simply be a notification issue.

however substantially modified, in 1988, with the entry into force of the ANZCERTA Protocol of Acceleration of Free Trade in Goods. The Protocol also eliminated the possibility of using antidumping measures on goods covered by the agreement. Article 4 of the Protocol states that "*the [ANZCERTA] Member States agree that antidumping measures in respect of goods originating in the territory of the other Member States are not appropriate from the time of achievement of both free trade in goods between the [ANZCERTA] Member States on 1 July 1990 and the application of their competition laws to relevant anti-competitive conduct affecting trans-Tasman trade in goods*". The Parties confirmed that Article 4 of the Protocol superseded Article 15, paragraphs 1-7, of the initial ANZCERTA with respect to goods originating in the territory of the other Party. Consequently, "*from 1 July 1990, neither [ANZCERTA] Member State shall take antidumping action against goods originating in the territory of the other Member States*" (Article 4, paragraph 2 of the Protocol). While intra-ANZCERTA antidumping measures were prohibited, the ability to take measures on goods from Third Parties was maintained.

Though the progressive deepening of certain regional integration processes can result in a voluntary renunciation of certain WTO rights, as illustrated above, in a few cases, RTAs have, from the outset, "bound" trade policy choices made by the constituent Parties not to use, or to use with moderation, antidumping as a trade policy tool. The **EFTA-Singapore Agreement**, which entered into force on 1 January 2003, illustrates such a choice to bind its pre-existing practices. The Agreement states, in Article 16, that "*a Party shall not apply anti-dumping measures as provided for under the WTO Agreement on [Antidumping] in relation to products originating in another Party*." Moreover, the same Article also indicates that "*in order to prevent dumping, the Parties shall undertake the necessary measures as provided for under Chapter V [of the FTA: Competition Rules]*". The **EFTA-Chile FTA**, in force since 1 December 2004, similarly states - in Article 18 - that "*a Party shall not apply anti-dumping measures as provided for under the WTO Agreement on [Antidumping] in relation to products originating in another Party*." Moreover, the same Article indicates that "*the Parties recognise that the effective implementation of competition rules may address economic causes leading to dumping*". In certain cases, an FTA may also break new ground, and constitute, to a certain extent, a political statement for the future, including for countries that still tend to use antidumping as an instrument of their respective trade policies. As an illustration, the **Canada-Chile FTA**, which entered into force on 5 July 1997, states<sup>55</sup> that, subject to the phase-in provisions<sup>56</sup>, "*each Party agrees not to apply its domestic antidumping law to goods of the other Party. Specifically: (a) neither Party shall initiate any anti-dumping investigations or reviews with respect to goods of the other Party; (b) each Party shall terminate any on-going anti-dumping investigations or inquiries in respect of such goods; (c) neither Party shall impose new anti-dumping duties or other measures in respect of such goods; and (d) each Party shall revoke all existing orders levying anti-dumping duties in respect of such goods*." This legally binding prohibition on anti-dumping measures against products originating in the other Party is nevertheless qualified by the possibility, subject to consultations, for the Parties to agree in "exceptional circumstances"<sup>57</sup> - possibly applicable to situations of "dumping" - to take defensive measures (such as antidumping measures). The Agreement also contains specific intra-RTA procedural provisions, including notification to an intra-FTA Committee on antidumping and countervailing measures, and the application of the FTA-specific dispute settlement mechanism. Bilateral disputes on the matter however are to be settled in accordance with the WTO Agreement.

The **China – Hong Kong, China FTA** and the **China Macao, China FTA**, which entered into force on 1 January 2004, can also be seen as an illustration of a deepening of the integration process between China and respectively Hong Kong, China and Macao, China. Logically, these two RTAs are also classified in Category B as they both prohibit the use of intra-regional antidumping measures,

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<sup>55</sup> See Chapter M of the FTA (antidumping and countervailing duties matters). This chapter is integrated into Part 4 of the agreement entitled "Administrative and institutional provisions".

<sup>56</sup> The phase-in was considered to be terminated on the date at which the tariff of both Parties was eliminated at the subheading level; or by January 1, 2003, whichever came first.

<sup>57</sup> See Article M-04 of the FTA.

a practice which never occurred in the past anyway. Article 7 of both agreements states, "*the two sides undertake that neither side will apply antidumping measures to goods imported and originated from the other side*", while maintaining their (WTO) rights to take antidumping measures against goods imported and originated from a Third Party. Consequently, the Parties to the RTA would see some of their WTO rights diminished - in particular their WTO rights to take antidumping measures against "dumped" imports from the other Party.

**Sub-category Bb** agreements maintain, but restrict, the rights of RTA Parties to take antidumping measures. One option chosen is to increase the *de-minimis* margin defined by the (WTO) Antidumping Agreement (2%) for antidumping measures against "dumped products" originating from a RTA partner, while the *de minimis* for "like products" originating from Third Parties would remain unchanged. Another mechanism reduces the duration of antidumping measures on "dumped products" originating from a RTA partner, while the maximum duration of such measures (in principle 5 years<sup>58</sup>) remains untouched for imports from Third Parties subject to antidumping measures. In both cases, the agreements restrict the RTA Party's ability to use its (WTO) rights to take antidumping measures against other RTA partners but not for products originating in Third Parties.

*Profile Bb4* (1001100111) covers RTAs that do not prohibit intra-regional antidumping measures, but restrict the Parties' rights to take such measures by increasing the *de minimis* level. Moreover, such RTAs reduce the maximum duration of such a measure when targeting goods from the RTA Partner. As such, these RTAs are therefore discriminatory in nature. *Profile Bb5* (1001100110) is similar to Profile Bb4, as it increases the *de minimis* level applicable to intra-regional antidumping measures. It however does not change the maximum duration of such measures as compared to WTO standards. RTAs corresponding to this Profile also introduce an element of discrimination as compared to WTO disciplines. *Profile Bb6* (Profile 1001100101) is also similar to Profile Bb4 but differs in that it does not change the *de minimis* level as compared to WTO standards. Instead, it changes the maximum duration of antidumping measures applicable to intra-regional trade. As in previous cases, RTAs corresponding to this Profile also introduce an element of discrimination as compared to WTO disciplines.

4 RTAs (representing 3.1% of agreements) fall under Sub-category Bb.

| Profile Bb4 (1001100111)                            | Profile Bb5 (1001100110)    | Profile Bb6 (1001100101)       |
|---|-----------------------------|--------------------------------|
| New Zealand-Singapore FTA<br>Jordan - Singapore FTA | Panama - Chinese Taipei FTA | Nicaragua - Chinese Taipei FTA |

As already mentioned above, Singapore is one of the few countries to have legally bound, in several regional contexts, a practice of not using antidumping measures or of using them with restraint, with a large number of its trade partners. The **Singapore – New Zealand FTA**, which entered into force on 1 January 2001, allows the Parties to take antidumping actions against each other's products. It however makes certain changes compared with, and brings greater disciplines than, the WTO antidumping rules (essentially in relation with the antidumping investigation and the use of antidumping in an arbitrary or protectionist manner). The changes are:

- (a) the *de minimis* dumping margin is raised from 2% to 5%;
- (b) the margin of dumped imports normally regarded as negligible is increased from 3% to 5%;

<sup>58</sup> The WTO Antidumping Agreement provides that "an antidumping duty shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury. It also provides that any definitive antidumping duty "shall be terminated not later than five years from its imposition ..., unless the authorities determine that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury".

- (c) the time-frame to be used for determining the volume of dumped imports shall normally be at least 12 months, and
- (d) the period for review and/or termination of antidumping duties is reduced from 5 to 3 years.

By increasing the *de minimis* level, by redefining what "negligible" means, and by reducing the maximum duration of a measure, the FTA restricts the Parties' rights to take an antidumping measures against a product imported from and originating in the FTA partner country, as compared to similar measures taken against goods from Third Parties, thus introducing an element of discrimination.<sup>59</sup>

The **Jordan-Singapore FTA**, which entered into force on 22 August 2005, also reaffirms the Parties rights and obligations under the WTO Agreement on Antidumping. Nevertheless, and besides the fact that no antidumping investigation may be initiated against an import if the good is subject to a safeguard measure, the FTA also makes certain changes compared with, and brings greater disciplines to, the WTO antidumping rules as follows<sup>60</sup>:

- (a) the *de minimis* dumping margin is raised from 2% to 5%;
- (b) the margin of dumped imports normally regarded as negligible is increased from 3% to 5%;
- (c) antidumping action on behalf of a third country is not possible;
- (d) the time-frame to be used for determining the volume of dumped imports shall normally be at least 12 months,
- (e) the period for review and/or termination of antidumping duties is reduced from 5 to 3 years; and
- (f) while the WTO disciplines indicate that the "lesser duty" is desirable, the FTA indicates that "it should be applied where possible".

These measures thus introduce an element of discrimination.

According to the text of both of these agreements concluded by Singapore, the objective is "*to bring greater discipline to antidumping investigations and to minimize the opportunities to use antidumping in an arbitrary or protectionist manner*".<sup>61</sup>

Another, slightly different, case is worth mentioning. Chinese Taipei which is a relatively frequent target of antidumping measures, and, occasionally a user of such types of measures. It is a Party to two RTAs, which, on one side confirm the Parties' rights and obligations under the WTO Antidumping Agreement but also limit the Parties' ability to take intra-regional antidumping measures by either increasing the *de minimis* level or by reducing the maximum duration of the measure, when such measures are taken against products originating in one of the Parties to the RTAs. In the case of the **Chinese Taipei – Panama FTA**, which entered in to force on 1 January 2004, the agreement

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<sup>59</sup> See FTA's Article 2.8, paragraph 1, second sentence.

<sup>60</sup> See Article 2.8, paragraph 1, second and following sentences of both FTAs.

<sup>61</sup> See FTA's Article 2.8, paragraph 1, second sentence. It can be noted that Singapore reported 2 antidumping measures until 2010, none of them targeting goods originating in New Zealand. New Zealand had reported 46 measures, none of which related to goods from Singapore. In relation with the Singapore-Jordan FTA, Singapore had also never reported antidumping measures against goods from Jordan, and Jordan had never reported such measures to the GATT/WTO.



states that "*the importing [FTA] Party may end an investigation with respect to an interested party, where its competent authority determines that the dumping margin ... is de minimis, ... or where its competent authority determines that the volume of the dumped or subsidized imports is insignificant*". Article 7.1 determines that "(a) *the dumping margin is de minimis when it is less than 6%, expressed as a percentage of the export price; (b) the amount of the subsidy is de minimis when it is less than 6% ad valorem; and (c) the volume of the dumped or subsidized imports is insignificant if it represents less than 6% of the total imports of the like products of the [FTA] importing Party*". As the WTO disciplines foresee a *de minimis* at 2%, the FTA's antidumping regime amounts to a restriction (though the term "may" remains relatively non-committal) on the rights of the FTA Parties to take an antidumping measure against a product imported from and originating in the FTA partner country, as compared to similar measures taken against goods from Third Parties thus introducing an element of discrimination.<sup>62</sup> In the case of the **Chinese Taipei – Nicaragua FTA** which entered into force on 1 January 2008, the agreement also confirms the Parties' rights and obligations according to the WTO Antidumping Agreement (Article 7.01). However, Article 7.5 of the FTA<sup>63</sup> shortens to four years the maximum duration of a definitive intra-regional antidumping measure as compared with five years in the WTO Antidumping Agreement (applicable to measures taken against Third Parties). The RTA consequently (partly) reduces some of the WTO rights for the RTA Parties to apply antidumping measures on imports originating in its RTA partner, thereby providing preferential treatment for producers of these products, as compared with similar measures imposed against goods from Third Parties.

## 2. Distribution of regional antidumping regimes established by Category B RTAs

As depicted in Chart 7 below, regional antidumping regimes in Category B RTAs represent a minority of all regional regimes with only 18 RTAs (9.38%) corresponding to one of the Profiles Ba1 to Bb6. Provisions in the agreements corresponding to Profiles Ba1, Ba3, Bb4, Bb5, and Bb6 (representing 6.3% of all RTAs) establish intra-regional procedures, related, *inter alia*, to transparency. This is not the case for Profile Ba2 (6 RTAs, corresponding to 3.1% of all RTAs), which simply prohibits the use of intra-regional antidumping measures. Nevertheless, in the case of 3 RTAs in Profile Ba2<sup>64</sup>, common procedures (under the EU's common external trade policy established within the context of a Customs Union) have been developed to address extra-regional antidumping actions.

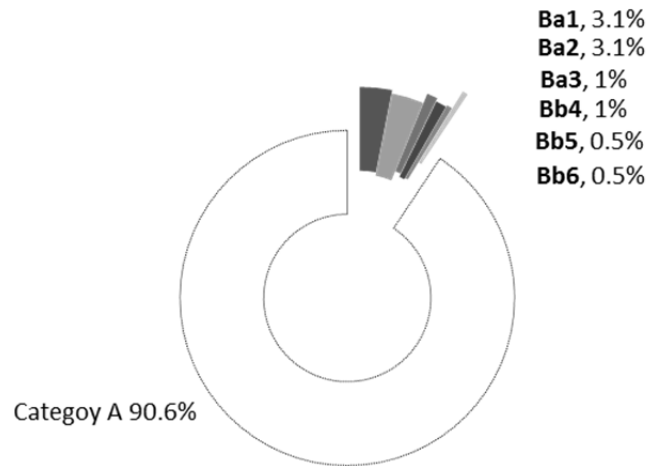
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<sup>62</sup> Chinese Taipei's RTAs with four Central American partners, while all relatively similar, show some interesting differences on antidumping. In the case of the FTA with Guatemala and Honduras, the *de minimis* levels and the maximum duration of antidumping measures are the same as defined by the WTO Agreement on Antidumping (respectively 2% and five years); in the case of the FTA with Panama, the *de minimis* level is 6%, and in the case of the FTA with Nicaragua, the maximum duration is four years. It may also be noted that Panama has never reported any antidumping measures to the GATT/WTO. While Chinese Taipei reported 14 antidumping measures, between 1997 and 2010, none of these targeted products from Panama. In relation with the Chinese Taipei – Nicaragua, Nicaragua reported one antidumping measure to the GATT/WTO which was not related to products from Chinese Taipei. Chinese Taipei reported 14 antidumping measures, between 1997 and 2010<sup>62</sup>, none of which targeted products from Panama.

<sup>63</sup> Article 7.5 of the FTA states that "Any definitive antidumping or countervailing duty imposed by a Party on a good imported from territory of the other Party shall be terminated on a date not later than four years from its imposition, notwithstanding the right to review in accordance with the WTO Agreement included in Article 7.01".

<sup>64</sup> The Treaty of Rome (EU) and the EU's Customs Unions with Andorra and San Marino.

**Chart 7: Category B types of regional antidumping regimes**



**D. VARIATION OF USE OF ANTIDUMPING MEASURES PRE- AND POST-CONCLUSION OF RTAS**

A number of studies have examined the relationships between the establishment of RTAs and possible changes of antidumping patterns. An analysis of the evolution of RTAs and the nature of regional antidumping regimes (preferential or not) related to them provides an important factual and conceptual context that is useful for appreciating the results of the mapping. Previous research has suggested that "overall, PTAs increase the number of antidumping filings by perhaps as much as 10 per cent".<sup>65</sup> The empirical studies by Teh et al (2009) as well as by Prusa and Teh (2010)<sup>66</sup> seem to also support the conjecture by Bhagwati and Panagariya (1996) that, "due to its elastic and selective nature, antidumping can increase the risk of protection diversion from PTAs and consequently that if antidumping provisions make RTA Parties more difficult to sanction, the domestic industry will simply target other sources".<sup>67</sup> In its literature review, the (WTO) World Trade Report 2011, further indicates that, as a result, "we might see an increase in antidumping protection directed towards non-RTA Parties (Third Parties) when in fact the injury to domestic industry mostly stems from imports from other RTA Parties".<sup>68</sup>

It is indeed interesting to examine if, as suggested by some authors, antidumping practices have been modified (or not) by the constitution of RTAs. Data on the use, by the RTA Parties, of antidumping measures provides us with some preliminary information on the degree and extent of changes in their antidumping activities resulting from the RTA.

<sup>65</sup> Teh et al (2009) and Prusa and Teh (2010) are referred to in the World Trade Report 2011 (WTO Publication - 2011) pp. 178 and 180.

<sup>66</sup> Prusa and Teh's research also concludes that RTAs cause as much as a 60% reduction in antidumping disputes between RTA Parties. This result is not solely driven by those RTAs that have abolished antidumping (for whom intra-RTA antidumping activity is essentially eliminated). When the authors only look at those [RTAs] that have adopted RTA-specific antidumping rules, they find a 33-55% reduction in intra-RTA antidumping activity. They find no significant change in antidumping activity for [RTAs] without RTA-specific antidumping rules". World Trade Report 2011; pp180-181.

<sup>67</sup> See Bhagwati, J. & Panagariya, A., 1996. "Preferential Trading Areas and Multilateralism: Strangers, Friends or Foes?", Discussion Papers 1996\_09, Columbia University, Department of Economics.

<sup>68</sup> Quoted from the World Trade Report 2011 (WTO Publication - 2011). According to Bhagwati and Panagariya (1996), the "targets" of antidumping actions was driven by import volumes and was up to the discretion of the domestic industry, thus preferential antidumping regimes - established for example through a RTA - would be likely to motivate the domestic industry to simply target other sources (from non-preferential partners).

Annex IV provides details on the number of antidumping measures taken by RTA Parties (cumulated number of measures by any of the Parties) differentiated between measure taken globally (i.e. against products from Third Parties) and those against products from RTA partners. The measures were notified by the Parties to the WTO and date back to 1979, as reliable data were not available on a broad enough basis before this date. A distinction was made between measures taken before and after the entry into force of the RTA as well as measures taken during and after the transition period in the RTA. As a result, Annex IV contains, for each RTA, the average number of measures taken over the periods considered (prior to the establishment of an RTA and after its entry into force). Although subject to structural changes over time in the total number of measures taken by Members, such an approach provides interesting indicators on whether RTAs have changed the pattern of antidumping measures taken by the Parties to the RTA.

Caution should however be exercised as the time periods elapsed since the conclusion of RTAs may differ from one agreement to another, and as, for the most recent RTAs, the transitional period may not yet be finished. Moreover, during the period considered, the Membership of the WTO (and therefore corresponding obligations, including in the context of notifications of both RTAs and antidumping measures) has evolved.<sup>69</sup> Another "polluting" element is related to the difficulty to understand the evolution overtime of the use of antidumping measures in connection with the development of the internal EU integration process.<sup>70</sup>

Moreover, for a limited number of RTAs established prior to 1979, statistical data on the use of antidumping measures (both intra-regional and extra-regional) prior to the establishment of the RTA are not available. As a consequence, the statistical summaries contained in the following Tables and in Annex IV do not integrate data related to those RTAs. In relation with the information related to Category A this lacuna should not create major problems as the five RTAs<sup>71</sup> (out of 174) concerned only represent a small portion of Category B (2.3%). For the five RTAs<sup>72</sup> concerned which are classified in Category B (covering 18 RTAs) however, the statistical relevance may be more important. This should therefore be kept in mind when analysing the data. The Categories for which some data was not available or could not be considered are indicated by an asterisk (\*).

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<sup>69</sup> In particular, new antidumping "users", as well as new "targets" (for example China) have become WTO Members and some Members have undergone major transformations (in particular in the context of successive EU enlargements).

<sup>70</sup> The EU-internal developments cause some troubles when examining statistical data. The geographical coverage of the EU was progressively expanded, through successive enlargements. As intra-EU antidumping measures became prohibited, often after transition periods accompanying each enlargement, the number of "targets" for antidumping actions was progressively reduced, both for the EU and for the countries which acceded to it. When observing the evolution of intra-EU as well as extra-EU antidumping actions involving the EU and its recently acceded Member States, important fluctuations can, as a result, be observed on the occasion of, or around, each enlargement. This also tend to artificially pollute the set of data available to examine if changes of the patterns of antidumping activity occurred in relation with, and directly attributable to, the different enlargements. For this reason, the Table reproduced in Annex IV, and therefore the following Tables, which summarize the overall results, do not include data related to the Treaty of Rome and its eventual amendments resulting from the enlargements of the EU. In relation to EU's relations with non-EU Parties, the figures attributed to the EU correspond to the consolidated number of EU27 antidumping measures (i.e. taken by the EU as well as by its currently 27 Members - even if, at the time, certain of those countries were not yet EU Members).

<sup>71</sup> CACM (Category A2), CARICOM (A2), APTA (A1), PATCRA (A2), and EC-Syria FTA (A2).

<sup>72</sup> Rome Treaty (Ba1), EFTA (Ba2), EC-Switzerland/Liechtenstein FTA (Ba2), EC-Iceland FTA (Ba2), and EC-Norway FTA (Ba2).

## 1. Use of antidumping prior to the establishments of RTAs.

Table 3 below summarizes, by Categories and Profiles, the use of antidumping by the Parties to 182 RTAs taken into account<sup>73</sup> prior to the establishment of each RTA.

**Table 3: Index on the use of antidumping measures prior to the establishment of RTAs**

| Category / Profile | Number of RTAs | Number of AD measures taken pre-RTA by RTA Parties (annual average) |  |
|--------------------|----------------|---|--|
|                    |                | Against products from Third Parties<br>(column 1)                   | Against products from RTA partners<br>(column 2) |
| A1 (*)             | 75             | 6.50  | 0.17   |
| A2 (*)             | 51             | 4.47  | 0.05   |
| A3                 | 41             | 2.91  | 0.14   |
| A4                 | 1              | 0   | 0  |
| A5                 | 1              | 2.11  | 0  |
| <b>All A</b>       | <b>169</b>     | <b>4.95</b>   | <b>0.12</b>                                      |
| Ba1 (*)            | 5              | 1.43  | 0.00   |
| Ba2 (*)            | 2              | 6.04  | 0.45   |
| Ba3                | 2              | 8.33  | 0.00   |
| <b>All Ba</b>      | <b>9</b>       | <b>4.39</b>   | <b>0.19</b>                                      |
| Bb4                | 2              | 0.82  | 0.28   |
| Bb5                | 1              | 0.4   | 0  |
| Bb6                | 1              | 0.45  | 0  |
| <b>All Bb</b>      | <b>4</b>       | <b>0.62</b>   | <b>0.14</b>                                      |
| <b>All B</b>       | <b>13</b>      | <b>3.55</b>   | <b>0.18</b>                                      |
| <b>Overall</b>     | <b>182</b>     | <b>4.82</b>   | <b>0.13</b>                                      |

For all Profiles the number of antidumping measures taken against products from Third Parties is higher than the number of measures taken against products from (current or potential) RTA Partners (4.82 vs. 0.13 for all RTAs; 4.95 vs. 0.12 for Category A RTAs; and 3.55 vs. 0.18 for Category B RTAs). This is not surprising as the number of Third Parties is higher than the number of potential RTA Partners, though with the proliferation of RTAs, that balance will tend to change if the current trend continues. It is nevertheless interesting to note that 147 RTAs or 76.5% of the total have been concluded between Parties that had never reported any antidumping measures against products originating in their partner country prior to the establishment of the RTA. It is also remarkable that, for such a large percentage of RTAs, the Parties designed a regional legal framework which, implicitly or explicitly, maintains the right to use a trade remedy that they had never used before in their bilateral relations.

## 2. Use of antidumping after the establishments of RTAs.

Table 4 below shows the use of antidumping by the Parties to 182 RTAs after the establishment of each RTA including during and after the transition period if any.

**Table 4: Index on the use of antidumping measures after the establishment of RTAs**

| Category / Profile | Number of RTAs | Number of AD measures taken post-RTA (annual average) |  |   |  | post RTA total<br>(average TP+Post TP)            |  |
|--------------------|----------------|---|--|---|--|---|--|
|                    |                | During TP   |  | After TP  |  | Against products from Third Parties<br>(column 5) | Against products from RTA partners<br>(column 6) |
|                    |                | Against products from Third Parties<br>(column 1)     | Against products from RTA partners<br>(column 2) | Against products from Third Parties<br>(column 3) | Against products from RTA partners<br>(column 4) |   |  |
| A1 (*)             | 75             | 7.18  | 0.19   | 3.38  | 0.15   | 5.28  | 0.68   |
| A2 (*)             | 51             | 7.09  | 0.11   | 4.89  | 0.06   | 5.99  | 0.35   |
| A3                 | 41             | 3.57  | 0.00   | 1.80  | 0.10   | 2.68  | 0.22   |
| A4                 | 1              | 0   | 0  | 0   | 0  | 0   | 0  |
| A5                 | 1              | 6   | 0  | 0   | 0  | 3   | 0  |
| <b>All A</b>       | <b>169</b>     | <b>6.25</b>   | <b>0.12</b>                                      | <b>3.44</b>                                       | <b>0.11</b>                                      | <b>4.85</b>                                       | <b>0.46</b>                                      |

<sup>73</sup> For the above-mentioned reasons statistical data for the RTAs established before 1979 was not available.

| Category / Profile | Number of RTAs | Number of AD measures taken post-RTA (annual average) |   |  |   | post RTA total (average TP+Post TP)            |   |
|--------------------|----------------|---|---|--|---|--|---|
|                    |                | During TP   |   | After TP                                       |   | Against products from Third Parties (column 5) | Against products from RTA partners (column 6) |
|                    |                | Against products from Third Parties (column 1)        | Against products from RTA partners (column 2) | Against products from Third Parties (column 3) | Against products from RTA partners (column 4) |  |   |
| Ba1 (*)            | 5              | 5.06  | 0.00  | 6.11   | 0.00  | 5.59   | 0.00  |
| Ba2 (*)            | 2              | 5.23  | 0.26  | 10.73  | 0.04  | 7.98   | 0.59  |
| Ba3                | 2              | 8.40  | 0.00  | 13.69  | 0.00  | 11.05  | 0.00  |
| All Ba             | 9              | 5.61  | 0.11  | 9.18   | 0.02  | 7.39   | 0.25  |
| Bb4                | 2              | 0.78  | 0.00  | 0.00   | 0.00  | 0.39   | 0.00  |
| Bb5                | 1              | 0.67  | 0   | 0  | 0   | 0.33   | 0   |
| Bb6                | 1              | 1   | 0   | 0  | 0   | 0.5  | 0   |
| All Bb             | 4              | 0.81  | 0.00  | 0.00   | 0.00  | 0.40   | 0.00  |
| <b>All B</b>       | <b>13</b>      | <b>4.54</b>   | <b>0.09</b>                                   | <b>7.14</b>                                    | <b>0.01</b>                                   | <b>5.84</b>                                    | <b>0.20</b>                                   |
| <b>Overall</b>     | <b>182</b>     | <b>6.09</b>   | <b>0.12</b>                                   | <b>3.79</b>                                    | <b>0.10</b>                                   | <b>4.94</b>                                    | <b>0.43</b>                                   |

As it was the case in relation with measures taken prior to the establishment of RTAs, the number of antidumping measures taken against products from Third Parties is also higher than the number of measures taken against products from (future) RTA Partners, for all Profiles and of a comparable magnitude (4.94 vs. 0.43 for all RTAs; 4.85 vs. 0.46 for Category A RTAs; and 5.84 vs. 0.20 for Category B RTAs). In the case of 155 RTAs, corresponding to 80.7% of RTAs, the Parties had not reported any antidumping measures against products originating in their partner country after they had established an RTA.<sup>74</sup>

### 3. Comparison of the use of antidumping prior to and after the establishments of RTAs.

Table 5 below summarizes variations between the situation prior to and after the entry into force of RTAs (respectively columns 1 and 2 in Table 5). Column 3 in the Table measures whether extra-regional antidumping activity has increased more (or decreased less) than intra-regional antidumping activity. A positive figure in column 3 would indicate that this is the case.

**Table 5: Variation of the Index on the use of antidumping measures prior to and after the establishment of RTAs**

| Category / Profile | Number of RTAs | Variation extra (Post.vs.Pre-RTA) (column 1) | Variation Intra (Post.vs.Pre-RTA) (column 2) | Delta (>0 when extra>intra) (column 3) |
|--------------------|----------------|--|--|--|
| A1 (*)             | 75             | -1.22  | 0.51   | -1.74                                  |
| A2 (*)             | 51             | 1.52   | 0.30   | 1.22                                   |
| A3                 | 41             | -0.23  | 0.08   | -0.31                                  |
| A4                 | 1              | 0.00   | 0.00   | 0.00                                   |
| A5                 | 1              | 0.89   | 0.00   | 0.89                                   |
| <b>All A</b>       | <b>169</b>     | <b>-0.10</b>                                 | <b>0.34</b>                                  | <b>-0.44</b>                           |
| Ba1 (*)            | 5              | 4.16   | 0.00   | 4.16                                   |
| Ba2 (*)            | 2              | 1.94   | 0.14   | 1.80                                   |
| Ba3                | 2              | 2.72   | 0.00   | 2.72                                   |
| All Ba             | 9              | 3.00   | 0.06   | 2.94                                   |
| Bb4                | 2              | -0.43  | -0.28  | -0.15                                  |
| Bb5                | 1              | -0.07  | 0.00   | -0.07                                  |
| Bb6                | 1              | 0.05   | 0.00   | 0.05                                   |
| All Bb             | 4              | -0.22  | -0.14  | -0.08                                  |
| <b>All B</b>       | <b>13</b>      | <b>2.29</b>                                  | <b>0.02</b>                                  | <b>2.27</b>                            |
| <b>Overall</b>     | <b>182</b>     | <b>0.12</b>                                  | <b>0.31</b>                                  | <b>-0.19</b>                           |

While one could have expected a change in the general pattern of antidumping actions after the conclusion of an RTA as compared to the prevailing situation prior to its entry into force, this does not seem to be the case. Overall, the average of intra-regional antidumping measures is higher than for

<sup>74</sup> One should also remember that 147 RTAs have been concluded between Parties that had never taken any antidumping measures against products of their RTA Partner(s).

extra-regional actions (0.31 vs. 0.12). These preliminary results do not appear to support the suggestion of protection diversion as a result of increased use of anti-dumping against third parties.

On one hand, the annual average of extra-regional antidumping actions increased for 77 RTAs after their entry into force, as compared to the annual average of extra-regional antidumping actions taken prior to the conclusion of those agreements. But on the other hand, such activity was reduced for 67 RTAs. A similar ratio can be detected when appreciating the variation (post- vs. pre-RTA) of intra-regional antidumping measures (30 RTAs increasing actions vs. 25 RTAs reducing actions). Overall, while a transfer from intra-regional actions to extra-regional actions could be observed for 69 RTAs, an opposite ratio appeared for 74 other RTAs.

When examining the figures by Category, in the case of Category A RTAs, the figures show not only a slight drop in the average for extra-regional measures (-0.10) but also an increase in the average for intra-regional measures, thus creating a differential of -0.44. With regard to Category B RTAs, however, there seems to be a transfer from intra-regional measures, with an average of 0.02, to extra-regional measures (2.29), corresponding to a positive differential of 2.27. One should not forget however that only 18 RTAs correspond to Category B (with data available only for 13), while Category A covers 174 RTAs (with data available for 169). Moreover, as Category A corresponds to RTAs which have not established a preferential antidumping regime - thus maintaining unchanged the WTO right to take such measures even at the intra-regional level for the RTA Parties - the fact that intra-regional antidumping actions has not disappeared after the conclusion of a number of Category A RTAs is neither surprising nor incoherent.

#### **4. Change in antidumping patterns attributable to the establishment of RTAs.**

The results of the mapping tend to confirm the observation of antidumping practices before and after the conclusion of an RTA. For more than 75% of RTAs, the regional antidumping regimes established, implicitly or explicitly, through the regional agreement, have not changed the fact that antidumping measures between the Parties to these RTAs have never been taken so far. For the remaining part of our data, patterns of antidumping actions have changed for some and have not for others. When changes occurred, some Parties have targeted more often Third-Parties, but others, particularly in Category A, have also increased actions taken against products from RTA Partners.

The data used for the present study do not seem to leave a lot of room for the establishment of a clear causal link between the entry into force of a RTA and the change, in one way or in another, of antidumping patterns. The mapping however highlights a number of specific situations where the comparison of post- and pre-establishment of certain types of RTAs may suggest that, under certain circumstances, changes in the pattern of antidumping activities may be related to the establishment or the consolidation of preferential regional trade relations (in the context of deepening of the integration processes in particular).

To better understand the interaction between regionalism and mechanisms such as antidumping, it may be more appropriate to examine the evolution of the use of antidumping measures in connection with the evolution of certain global trade actors' approaches to the use of antidumping measures. It is, in that context, useful to recall that, since 1979, only 43 WTO Members have reported using antidumping measures. Nevertheless, 174 RTAs, a number of them constituted only by WTO Members which have never ever taken antidumping measures, have nevertheless confirmed, implicitly or explicitly, through a simple reference to the WTO provisions or through a reformulation of them, their WTO rights and obligations related to a trade policy instrument they had never used for decades. Furthermore five countries (India, the US, the EU27, Argentina, and China) account for more than half (55%) of all the antidumping measures reported since 1995, and the five biggest "targets" of antidumping measures (China, Korea, Chinese Taipei, the US, and Japan) represent 46% of all antidumping measures taken under the WTO. While RTAs between some of these prime

"users" and "targets" of antidumping actions have been recently concluded, and while some others may be in the pipeline, none of them foresees the possibility for the use of antidumping measures to cease in their bilateral relations.

E. DO REGIONAL ANTIDUMPING REGIMES MAKE A DIFFERENCE?

Based on the analysis of antidumping provisions in 192 RTAs and on annual antidumping measures reported by GATT/WTO Members until 2010, a number of conclusions can be drawn as follows:

**Most regional antidumping regimes under RTAs do not fundamentally change the Parties' rights to take antidumping measures and are not really preferential.**

A large majority of RTAs (90.6%, representing 174 RTAs) establish regional antidumping regimes which, implicitly or explicitly, leave untouched the RTA Parties' rights to take antidumping measures, including in intra-regional trade. The regimes corresponding to Profiles A1 to A5 above do not create intra-RTA preferences as far as antidumping rights are concerned. Moreover, the evolution of antidumping measures by WTO Members suggests that, for the majority of the 174 RTAs in Category A, the establishment of preferential trade relations had not resulted in substantial changes in the pattern of anti-dumping among RTA Parties.

Moreover, 121 RTAs, explicitly or implicitly, maintain the Parties' WTO rights to take antidumping measures despite the fact that those Parties had never in the past taken antidumping actions against each other. One may think that, in a number of cases, those Parties have preferred to keep their rights unchanged as a "safety net" rather than to bind a longstanding practice.

**There is no evidence that RTAs increase regional partners' rights to take intra-RTA antidumping measures.**

None of the 192 RTAs establish a regional regime, which increases the Parties' rights to take antidumping measures on products from the RTA Parties. This should not be surprising as the objectives of a RTA should be to increase market access, develop closer integration between the Parties to RTAs, and facilitate trade between the constituent territories of Free Trade Areas or Customs Unions.

**Only 18 out of the 192 RTAs contain antidumping disciplines which diverge from the multilateral rules and create a preferential antidumping regime.**

These RTAs establish a regional antidumping regime which substantially departs from WTO disciplines by discriminating in favour of intra-RTA traded products.

**The establishment of preferential antidumping regimes by RTAs do not result in fundamental changes in the pattern of antidumping measures taken by the RTA Parties.**

In 15 out of the 18 RTAs in Category B, (including Profiles Ba1 (6), Ba3 (3), Bb4 (2), Bb5 (1), and Bb6(1)), there are no changes in the pattern of antidumping measures taken by the Parties.

**Deep integration: a factor which may generate, at the intra-regional level, a substantial change in the antidumping patterns of RTA Parties.**

For only three Category B RTAs, all corresponding to Profile Ba2, the prohibition on intra-regional antidumping has been accompanied by a change in the antidumping patterns of the Parties.

In the case of the (EU) Treaty of Rome, which from the beginning envisaged the creation of a Customs Union between its constituents (6 originally), the completion of the Customs Union was accompanied by a de facto elimination of intra-RTA antidumping measures. The creation of a single market (in 1992) followed by successive enlargements of the EU which expanded the coverage of the "*acquis communautaire*" to current 27 EU Member States consolidated the deep integration process. It also resulted in the prohibition of recourse to intra-regional antidumping. Problems with dumping had, instead, to be tackled internally including through other means, including through competition policy. While both the EU, and some of its "new Members" have traditionally been intensive users of antidumping, including among themselves, successive enlargements had significantly changed this pattern.

The evolution of the Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) is another example of a deepening of economic integration, which led to a fundamental change of the antidumping pattern of its constituent States, Australia and New Zealand. Before the 1988 modification of the bilateral agreement, which prohibited the use of bilateral antidumping, Australia had taken ten antidumping actions against New Zealand products. Since then, no intra-regional antidumping measures have ever been reported, although both Parties continue to use this trade policy instrument against Third Part' products (110 actions reported until 2010). The deepening of the bilateral integration process, in the context of a FTA, has since 1988, also substantially modified the antidumping pattern among the RTA Parties.

Similar deepening of regional integration processes, accompanied by the prohibition (or the restriction) of intra-regional antidumping measures, is also found in other RTAs, most of them classified under Category B. Five of these involve the EU. In the case of the EEA, the use of antidumping measures against products falling within the scope of the EEA Agreement was prohibited. Three RTAs, substantially modified by the adoption of the EEA were concerned: the Iceland-EU FTA, the Norway-EU FTA, and the Switzerland/Liechtenstein FTA. The EU's trade relations with Andorra and San Marino were also intensified in 1991, when the two States became part of a Customs Union with the EU. Their adoption of a large portion of the "*acquis communautaire*" resulted in the prohibition of intra-regional antidumping measures. It was not possible to measure any changes to anti-dumping patterns of these five RTAs as the Parties to these agreements have never taken any antidumping actions against each other, neither before nor after the conclusion of the concerned agreements. For the same reasons, in the case of China's two FTAs concluded, in 2004, with Hong-Kong, China and with Macao, China, the bilateral antidumping pattern remained unchanged. Finally, in the case of the Southern African Customs Union (SACU), while South Africa is the only Party that has taken antidumping measures<sup>75</sup>, it has never been against another SACU State.

### **Legal consolidation, at the regional level, of a current practice: only in a few cases.**

In only 15 RTAs (all under Category B), the Parties have decided to bind their anti-dumping practices at the regional level. By doing so, in contrast with certain above-mentioned cases, for some of which deeper integration resulted in a change in the Parties' antidumping patterns, a relatively limited number of Parties have agreed to consolidate an existing practice of not using antidumping as a trade remedy instrument in their bilateral trade. This is, for example, the case for relatively small users of antidumping measure, such as Singapore<sup>76</sup>, Chile<sup>77</sup>, or Nicaragua.<sup>78</sup> For a number of other Parties to

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<sup>75</sup> South Africa is a relatively important "user" of antidumping as a trade defence mechanism. Between 1996 and 2010, South Africa is reported to have taken 128 antidumping measures, most of them against products from the EU, China, Korea, and India.

<sup>76</sup> In relation with the EFTA-Singapore RTA, the Jordan-Singapore FTA, and the New Zealand - Singapore FTA. Note that Singapore reported two antidumping measures taken until 2010.

<sup>77</sup> In relation with the EFTA-Chile FTA and, the Canada-Chile FTA. Note that Chile reported ten antidumping measures taken until 2010.



RTAs which prohibit (or limit) the use of intra-regional antidumping measures, such measures have not been used on imports from RTA partners or Third Parties. Their decision to bind their current practice is nevertheless meaningful as it constitutes a legal self-restraint of an acquired right that had been established through the WTO legal framework. The EFTA States<sup>79</sup> (Iceland, Liechtenstein, Norway, and Switzerland), Hong Kong, China and Macao, China<sup>80</sup>, the SACU members other than South Africa<sup>81</sup>, Andorra<sup>82</sup>, San Marino<sup>83</sup>, Jordan<sup>84</sup>, and Panama<sup>85</sup> have made such a choice in relation with certain RTAs that they have concluded. In all the above-mentioned cases, the decision to consolidate, at the regional level, a constant practice may be indicative of a political stand as far as the use of trade defence tools is concerned, addressed primarily to the regional trade operators, but also possibly, at the multilateral level, to other trade actors.

### **Stricter disciplines to allow the use of antidumping measures at the intra-regional level: a preventive tool against future trade remedies?**

In four cases, RTAs establish regional antidumping regimes that permit the use of antidumping measures but introduce stricter conditions than under the WTO. The New Zealand-Singapore and the Jordan-Singapore FTAs *inter alia*, increase the *de minimis* dumping margin (from 2% to 5%) and reduce the maximum duration of a measure (from 5 to 3 years), as compared to the WTO Agreement on Antidumping. The Panama-Chinese Taipei FTA modifies the WTO criteria with regard to the *de minimis* level (set at 6% instead of 2%), while the Nicaragua-Chinese Taipei FTA reduces the maximum duration of a measure (four years instead of five in the WTO Agreement). As a result, these conditions "discriminate against" RTA partners compared to the conditions applicable to similar products from Third Parties (although they improve market access for producers in RTA Parties affected by the measure). It is interesting that some of these Parties, in particular Singapore and, more importantly, Chinese Taipei are relatively regular "targets" of antidumping measures. Between 1995 and 2010, Chinese Taipei was the target of 135 antidumping measures, while Singaporean products were targeted 32 times. Despite the fact that none of their RTA partners have ever taken such measures against them, the inclusion of such a restriction on the RTA Parties' rights to use antidumping as a defence mechanism is therefore not surprising. This approach does not seem, at first sight, to modify the conditions applicable to products originating in Third Parties. However, it does potentially introduce a preference in market access for goods originating in the RTA Parties.

### **Diversion of information: a potential risk that regional transparency blurs the global picture?**

35.4% (68) of the RTAs in this study contains specific procedural provisions on the operation and/or administration of antidumping. In most cases, these provisions establish an intra-regional transparency mechanism, often similar to that in the WTO, though, in a number of cases, more demanding, particularly in terms of deadlines, for the RTA Parties. Though this is never clarified in any of the RTAs, there is a possibility (or risk) that regional transparency obligations, *de facto*, prevail, and substitute for multilateral transparency obligations. Thus, while in the case of an initiation of an intra-RTA antidumping investigation, the "targeted" Party would still be appropriately informed, whether through a notification at the regional or at the multilateral level, a notification only at the regional level would deprive other Third Party WTO Members of important information. While

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<sup>78</sup> In relation with the Nicaragua-Chinese Taipei FTA.

<sup>79</sup> In relation with the Stockholm Convention (EFTA), the EFTA-Singapore FTA, the EFTA-Chile FTA, the EU-Liechtenstein FTA (updated by the EEA), the EU-Iceland FTA (updated by the EEA), the EU-Norway FTA (updated by the EEA)

<sup>80</sup> In relation with the twin China-Hong Kong, China and the China-Macao, China FTAs

<sup>81</sup> In relation with the SACU Agreement. See also, above, the note on South Africa.

<sup>82</sup> In relation with the EU-Andorra Customs Union Agreement.

<sup>83</sup> In relation with the EU-San Marino Customs Union Agreement.

<sup>84</sup> In relation with the Jordan-Singapore FTA.

<sup>85</sup> In relation with the Panama-Chinese Taipei FTA.

the study does not provide any evidence, there may be a potential risk of such "information diversion", which might be detrimental to the multilateral trading system. As transparency obligations in RTAs are not limited to antidumping measures but include a number of trade related matters, this may merit further attention.

Though it is even less documented in this Paper than the previous aspects, one may also wish to further examine if, as a domino effect of the multiplication of RTAs, the multilateral dispute settlement system may also be potentially at risk, particularly in cases involving systemic issues, if intra-regional dispute settlement mechanisms - also established for disputes relating to antidumping matters by some RTAs - indirectly deprive the multilateral trading system of "legal issues", which, in principle, should be handled at the multilateral level.

### **Coexistence of regional and multilateral rules on antidumping.**

The number of RTAs has grown steadily during the last decades and there are no apparent signs of a slowdown as a large number additional regional agreements are currently in the pipeline at various stage of development. Simultaneously, the overall number of antidumping measures in force has been declining during the last eight years, though a shift seems to be observed again with the figures now available for 2011 and for the beginning of 2012. Despite these developments and against this background, some countries have become intensive users of antidumping as a trade policy tool and others have become primary targets of such measures. Among the top ten "users" of antidumping measures (representing 77.6% of all measures taken between 1995 and 2011), five of them (India, the US, the EU, China, and Brazil) are also among the top ten countries "targeted" by such measures (representing 76.8% of all measures taken during the same period). The largest global traders are well represented among the top ten users of antidumping. They also have been driving forces of the multilateral trading system and would remain key players if the multilateral trading system intends to continue to play a leading role on world trade. Some of these countries have also been active for a long time, and the others have become prominent more recently, in the development of regional trade rules. Nevertheless, most of the antidumping regimes that they have contributed to design in their RTAs have not yet fundamentally departed from the multilateral rules and disciplines on antidumping. We also found little or no evidence in this study that, despite the proliferation of RTAs and except in rare cases of deep integration, regional antidumping regimes make a striking difference or can be considered to be the cause of fundamentally changed antidumping patterns.

### **Beyond antidumping.**

Beyond the aspects strictly related to antidumping, some of the results of the mapping performed for this study bring some new light on the broader implications that the proliferation of regional transparency mechanisms may have for the multilateral trading system. This should prompt the necessary reflection on the role that a multilateral institution devoted to trade, such as the WTO, may evolve in the future. Against this background, should the WTO increase its monitoring role to better capture the evolution of the global trading environment? Should it become a more proactive collector of relevant trade data and trade-related intelligence? Should it strengthen its function of analyst, and possibly supervisor of international trade rules and disciplines, embracing also the most recent developments at the regional and inter-regional levels? These questions have been in the air for quite some time. Working collectively on providing some solid answers may become an important element of the current attempts to reshape the global trading environment on the aftermath of one of the most significant financial and economic crisis.

## ANNEX I: "MARKERS" USED FOR THE MAPPING

In order to compare, through the mapping of RTAs, the different antidumping provisions contained in RTAs, and with a view to group similar provisions, ten (10) aspects of the disciplines have been particularly observed and associated with a specific question. We have used them as **Markers**, as follows.

**Marker 1:** *coverage.*

Question: does the RTA contain *specific disciplines on antidumping*?

Relevance of the question: it allows delimiting the scope of the research and identifying already two groups of RTAs (those leaving it to other regulatory text - such as the WTO Agreements - to discipline antidumping practices, and those disciplined (also) by the RTA itself)

Reading key for interpreting the answer: a positive answer (coding "1") indicates specific regional disciplines. A negative answer (coding "0") signifies that the RTA leaves the Parties rights and obligations untouched as compared with their WTO rights and obligations. As a consequence, such regimes would also have no, or insignificant, impact on WTO Members not party to the RTA.

**Marker 2:** *relationship with WTO rules (i).*

Question: When a RTA covers antidumping, does it only - by reference - simply *confirms* WTO rights and obligations of Parties to the RTA?

Relevance of the question: read in connection with the information provided by Marker 3, it allows fine-tuning whether RTA specific disciplines are simply a reaffirmation of and a direct reference to existing disciplines (creating rights and obligations) contained in the WTO texts or if it "rewrites" disciplines while, in fact, it only "re-states" existing (WTO) disciplines. Markers 2 and 3 may provide interesting information, *inter alia*, in terms of drafting approaches chosen by the RTA Parties.

Reading key for interpreting the answer: a positive answer (coding "1") indicates that the RTA Parties have chosen a "simple reference" technique rather than a "re-drafting" technique (shown by a positive Marker 3). A positive answer also signifies (like in the case of a positive Marker 1) that the RTA leaves the Parties rights and obligations untouched as compared with their WTO rights and obligations. As a consequence, such regimes would also have no, or insignificant, impact on WTO Members not party to the RTA. A negative answer (coding "0") signifies that the RTA Parties have chosen either to re-write existing disciplines without diverging from it (Marker 3), or that they have altered existing rights (Marker 4).

**Marker 3:** *relationship with WTO rules (ii).*

Question: When a RTA covers antidumping, does it only contain disciplines, which can be considered, in substance, as *similar* - though not automatically identically phrased - to those contained in the WTO Agreement on antidumping?

Relevance of the question: read in connection with the information provided by Marker 2, it allows fine-tuning whether RTA specific disciplines are "rewriting" disciplines while, in fact, it only "re-states" existing (WTO) disciplines or if it simply reaffirms and a direct refers to existing disciplines contained in the WTO texts or if it. Markers 2 and 3 may provide interesting information, *inter alia*, in terms of drafting approaches chosen by the RTA Parties.

Reading key for interpreting the answer: a positive answer (coding "1") indicates that the RTA Parties have chosen a "re-drafting" technique. A positive answer also signifies (like in the case of a positive Marker 1) that the RTA leaves the Parties rights and obligations untouched as compared with their WTO rights and obligations, despite the fact that the disciplines are different than (but substantially similar to) the corresponding WTO disciplines. As a consequence, such regimes would also have no, or insignificant, impact on WTO Members not party to the RTA. A negative answer (coding "0") signifies that the RTA Parties have chosen either to simply refer to existing (WTO) disciplines (Marker 2), or that they have altered existing rights (Marker 4).

**Marker 4:** *relationship with WTO rules (iii).*

Question: When a RTA covers antidumping, does it contain some disciplines, which can be considered, in substance, as *dissimilar* - introducing more or less rights to either Party to the RTA - to those contained in the WTO Agreement on antidumping?

Relevance of the question: read in connection with the information provided by Marker 2 and 3, it allows fine-tuning whether RTA specific disciplines are not only different from existing (WTO) disciplines (this is also the case for a positive Marker 3) but they also do alter the rights and obligations of RTA Parties by modifying them.

Reading key for interpreting the answer: a positive answer (coding "1") indicates that the RTA Parties' WTO rights and obligations are altered by the RTA discipline. Markers 6-10 complement the information and identify which right / obligation diverges compared to the corresponding right / obligation. A negative answer (coding "0") indicates no alteration. In such a case, either Marker 1 is negative (and all the other are negative as well), or Marker 2 or 3 is positive.

**Marker 5:** *procedural disciplines.*

Question: When a RTA covers antidumping, does it contain some procedural disciplines, (for example on investigation, notification, etc.) - similar or not to those contained in the WTO Agreement on antidumping?

Relevance of the question: it allows determining if the RTA contains specific procedural disciplines (essentially covering administrative procedures such as in the cases of, *inter alia*, investigations, and/or notifications of initiation of an investigation or decision (provisional or final) to impose an antidumping measure).

Reading key for interpreting the answer: a positive answer (coding "1") indicates that procedural disciplines are contained in the RTA. As such this information shows neither convergence nor divergence with corresponding WTO rights and obligations. It however may have an impact in terms of transparency, as some measures may have to be notified both at the regional and are the WTO levels, thus constituting an additional burden for the notifying Party.

**Marker 6:** *Prohibition of antidumping measures (legally binding commitment).*

Question: When a RTA covers antidumping, does it prohibit the imposition of an antidumping measure by the RTA Party which imports products originating in the other RTA Party (ies)?

Relevance of the question: it allows fine-tuning information when Marker 4 is positive, showing an alteration of WTO rights and obligations.

Reading key for interpreting the answer: a positive answer (coding "1") would result in less right for RTA importing countries, and more right for RTA exporting countries (in fact, its producers exporting

goods into the territory of another RTA Party). As a result, the RTA antidumping regime would create (at least potentially), a non-MFN, discriminatory treatment, for exports from Third Parties (other WTO Members) into the territory of an RTA Party.

**Marker 7:** *Prohibition of antidumping measures (best endeavour).*

Question: When a RTA covers antidumping, does it contain a "best endeavour" by an importing RTA Party not to impose an antidumping measure on products originating in the other RTA Party (ies)?

Relevance of the question: it allows fine-tuning information when Marker 4 is positive, showing an alteration of WTO rights and obligations.

Reading key for interpreting the answer: a positive answer (coding "1") would result, "*if the best endeavour provision is applied by a RTA Party*", in less right for RTA importing countries, and more right for RTA exporting countries (in fact, its producers exporting goods into the territory of another RTA Party). As a result, the RTA antidumping regime would create (at least potentially), a non-MFN, discriminatory treatment, for exports from Third Parties (other WTO Members) into the territory of an RTA Party.

**Marker 8:** *non-MFN discipline (preferential for the RTA exporting country).*

Question: When a RTA covers antidumping, does it contain a discriminatory treatment (preferential either for the importing RTA Party(ies) or for the exporting RTA Party(ies) related to the imposition of an antidumping measure on products originating in the other RTA Party(ies)?

Relevance of the question: it allows consolidating the information derived from Markers 4, 6, 7, 9, and 10 (showing an alternation of WTO rights and obligations).

Reading key for interpreting the answer: a positive answer (coding "1") would show that the alternation of WTO rights and obligations could have, at least potentially, an impact on Third Parties - through a potential loss of competitiveness on RTA's markets. A positive answer would therefore identify a non-MFN (preferential) antidumping regime (potentially if only Marker 7 is positive).

**Marker 9:** *de minimis level set higher than the level prescribed by the WTO antidumping agreement.*

Question: When a RTA covers antidumping, is the "*de minimis*" level (below which an antidumping measure may not be taken by an importing RTA Party) higher than the *de minimis* level established by the WTO Agreement on antidumping (2%)?

Relevance of the question: it allows fine-tuning information when Marker 4 is positive, showing an alteration of WTO rights and obligations. In particular, RTA importing countries would not be allowed to take antidumping measures against products originating in RTA partners in cases the dumping margin would be higher than 2% (up to the level of the *de minimis* defined in the RTA), while such measure would be allowed under WTO disciplines.

Reading key for interpreting the answer: a positive answer (coding "1") would result in less right for RTA importing countries, and more right for RTA exporting countries (in fact, its producers exporting goods into the territory of another RTA Party). As a result, the RTA antidumping regime would create (at least potentially), a non-MFN, discriminatory treatment, for exports from Third Parties (other WTO Members) into the territory of an RTA Party.

**Marker 10:** *duration of the measures set shorter than the duration prescribed by the WTO antidumping agreement.*

**Question:** When a RTA covers antidumping, is the *duration* of the imposed antidumping measure shorter than the duration established by the WTO Agreement on antidumping (5 years)?

**Relevance** of the question: it allows fine-tuning information when Marker 4 is positive, showing an alteration of WTO rights and obligations. In particular, RTA importing countries would not be allowed to take antidumping measures against products originating in RTA partners for as long as foreseen by the WTO disciplines; the duration of an antidumping measure being limited to up to 5 years by the WTO Agreement on antidumping.

**Reading key** for interpreting the answer: a positive answer (coding "1") would result in less right for RTA importing countries, and more right for RTA exporting countries (in fact, its producers exporting goods into the territory of another RTA Party). As a result, the RTA antidumping regime would create (at least potentially), a non-MFN, discriminatory treatment, for exports from Third Parties (other WTO Members) into the territory of an RTA Party.

## ANNEX II: MAPPING RECORDING TABLE

| RTA   | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category   | Remark  |
|---|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|------------|---|
| EC Treaty                                       | 01-Jan-58   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001101100    | <b>Ba2</b> |   |
| European Free Trade Association (EFTA)          | 03-May-60   | 1                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001001100    | <b>Ba1</b> | Updated on AD in 1991   |
| Central American Common Market (CACM)           | 04-Jun-61   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | <b>A2</b>  |   |
| EC - Switzerland Liechtenstein                  | 01-Jan-73   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001101100    | <b>Ba2</b> | For Liechtenstein: updated on AD by EEA in 1992 (except for agricultural products); For Switzerland: Not updated on AD;(Switzerland not Party to EEA) |
| EC - Iceland                                    | 01-Apr-73   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001101100    | <b>Ba2</b> | Updated on AD by EEA in 1992 (except for agricultural products)   |
| EC - Norway                                     | 01-Jul-73   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001101100    | <b>Ba2</b> | Updated on AD by EEA in 1992 (except for agricultural products)   |
| Caribbean Community and Common Market (CARICOM) | 01-Aug-73   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | <b>A2</b>  |   |
| Asia Pacific Trade Agreement (APTA)             | 17-Jun-76   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | <b>A1</b>  |   |

| RTA  | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark  |
|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|---|
| Australia - Papua New Guinea (PATCRA)        | 01-Feb-77   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| EC - Syria                                   | 01-Jul-77   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Latin American Integration Association (LAI) | 18-Mar-81   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| Australia - New Zealand (ANZCERTA) → CER     | 01-Jan-83   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001101100    | Ba2      | Updated in 1988 (Protocol) → AD regime changed  |
| US - Israel                                  | 19-Aug-85   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Andean Community (CAN)                       | 25-May-88   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Lao - Thailand                               | 20-Jun-91   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| EC - Andorra                                 | 01-Jul-91   | 0                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 0001001100    | Ba3      | Though no explicit disciplines on antidumping, in practice deep integration and de facto prohibition of intra-RTA AD measures |
| Southern Common Market (MERCOSUR)            | 29-Nov-91   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| ASEAN Free Trade Area (AFTA)                 | 28-Jan-92   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Economic Cooperation Organization (ECO)      | 17-Feb-92   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| EFTA - Turkey                                | 01-Apr-92   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| EFTA - Israel                                | 01-Jan-93   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |



| RTA  | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark                                   |
|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--|
| Armenia - Russian Federation                           | 25-Mar-93   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |
| Kyrgyz Republic - Russian Federation                   | 24-Apr-93   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |
| Faroe Islands - Norway                                 | 01-Jul-93   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |  |
| Economic Community of West African States (ECOWAS)     | 24-Jul-93   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       | Dumping prohibited but no AD disciplines |
| Melanesian Spearhead Group (MSG)                       | 01-Jan-94   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |  |
| North American Free Trade Agreement (NAFTA)            | 01-Jan-94   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       | Bi-national panel on AD cases (DS)       |
| Ukraine - Russian Federation                           | 21-Feb-94   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |
| Georgia - Russian Federation                           | 10-May-94   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |
| Common Market for Eastern and Southern Africa (COMESA) | 08-Dec-94   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |  |
| Commonwealth of Independent States (CIS)               | 30-Dec-94   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |  |
| Colombia - Mexico                                      | 01-Jan-95   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |  |
| Costa Rica - Mexico                                    | 01-Jan-95   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |  |
| Faroe Islands - Switzerland                            | 01-Mar-95   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |
| Kyrgyz Republic - Armenia                              | 27-Oct-95   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |
| Ukraine - Turkmenistan                                 | 04-Nov-95   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |  |

| RTA  | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark                |
|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|-----------------------|
| Kyrgyz Republic - Kazakhstan                       | 11-Nov-95   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| South Asian Preferential Trade Arrangement (SAPTA) | 07-Dec-95   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Armenia - Moldova                                  | 21-Dec-95   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| EC - Turkey  | 01-Jan-96   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |                       |
| Ukraine - Uzbekistan                               | 01-Jan-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Georgia - Ukraine                                  | 04-Jun-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Armenia - Turkmenistan                             | 07-Jul-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Georgia - Azerbaijan                               | 10-Jul-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Ukraine - Azerbaijan                               | 02-Sep-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Kyrgyz Republic - Moldova                          | 21-Nov-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Armenia - Ukraine                                  | 18-Dec-96   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| Canada - Israel                                    | 01-Jan-97   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |                       |
| EC - Faroe Islands                                 | 01-Jan-97   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |                       |
| Turkey - Israel                                    | 01-May-97   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |                       |
| EC - Palestinian Authority                         | 01-Jul-97   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |                       |
| Canada - Chile                                     | 05-Jul-97   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001101100    | Ba2      |                       |
| Eurasian Economic Community (EAEC)                 | 08-Oct-97   | 1                             | 0  | 1   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010000000    | A4       | Link with competition |
| Pan-Arab Free Trade Area (PAFTA)                   | 01-Jan-98   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |                       |
| Kyrgyz Republic - Ukraine                          | 19-Jan-98   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |                       |
| EC - Tunisia                                       | 01-Mar-98   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |                       |

| RTA   | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark |
|---|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--------|
| Kyrgyz Republic - Uzbekistan                              | 20-Mar-98   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Mexico - Nicaragua  | 01-Jul-98   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Ukraine - Kazakhstan                                      | 19-Oct-98   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Georgia - Armenia   | 11-Nov-98   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Economic and Monetary Community of Central Africa (CEMAC) | 24-Jun-99   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EFTA - Palestinian Authority                              | 01-Jul-99   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Georgia - Kazakhstan                                      | 16-Jul-99   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Chile - Mexico  | 01-Aug-99   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EFTA - Morocco  | 01-Dec-99   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EC - South Africa   | 01-Jan-00   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Georgia - Turkmenistan                                    | 01-Jan-00   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| West African Economic and Monetary Union (WAEMU / UEMOA)  | 01-Jan-00   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EC - Morocco  | 01-Mar-00   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EC - Israel   | 01-Jun-00   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EC - Mexico   | 01-Jul-00   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Israel - Mexico   | 01-Jul-00   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| East African Community (EAC)                              | 07-Jul-00   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Southern African Development Community                    | 01-Sep-00   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |

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|---|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--------|
| (SADC)  |   |                               |  |   |  |                    |   |  |         |                        |                              |               |          |        |
| Turkey - Former Yugoslav Republic of Macedonia    | 01-Sep-00   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EFTA - Former Yugoslav Republic of Macedonia      | 01-Jan-01   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| New Zealand - Singapore                           | 01-Jan-01   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 0  | 1       | 1                      | 1                            | 1001100111    | Bb4      |        |
| Mexico - El Salvador (Mexico - Northern Triangle) | 15-Mar-01   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Mexico - Guatemala (Mexico - Northern Triangle)   | 15-Mar-01   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EC - Former Yugoslav Republic of Macedonia        | 01-Jun-01   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Mexico - Honduras (Mexico - Northern Triangle)    | 01-Jun-01   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| EFTA - Mexico                                     | 01-Jul-01   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Ukraine - Former Yugoslav Republic of Macedonia   | 05-Jul-01   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| India - Sri Lanka                                 | 15-Dec-01   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| US - Jordan                                       | 17-Dec-01   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Armenia - Kazakhstan                              | 25-Dec-01   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| EFTA - Croatia                                    | 01-Jan-02   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |

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|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|---|
| EFTA - Jordan                                    | 01-Jan-02   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Chile - Costa Rica<br>(Chile - Central America)  | 15-Feb-02   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| EC - Croatia                                     | 01-Mar-02   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| EU - San Marino                                  | 01-Apr-02   | 0                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 0001001100    | Ba3      | Though no explicit disciplines on antidumping, in practice deep integration and de facto prohibition of intra-RTA AD measures |
| EC - Jordan                                      | 01-May-02   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Chile - El Salvador (Chile - Central America)    | 01-Jun-02   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Ukraine - Tajikistan                             | 11-Jul-02   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| Canada - Costa Rica                              | 01-Nov-02   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Japan - Singapore (JSEPA)                        | 30-Nov-02   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| EFTA - Singapore                                 | 01-Jan-03   | 1                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001001100    | Ba1      |   |
| Gulf Cooperation Council (GCC)                   | 01-Jan-03   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| EC - Chile                                       | 01-Feb-03   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| EC - Lebanon                                     | 01-Mar-03   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Panama - El Salvador (Panama - Central America)  | 11-Apr-03   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Pacific Island Countries Trade Agreement (PICTA) | 13-Apr-03   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |

| RTA                                   | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark |
|---------------------------------------|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--------|
| India - Afghanistan                   | 13-May-03   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Turkey - Bosnia and Herzegovina       | 01-Jul-03   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Turkey - Croatia                      | 01-Jul-03   | 1                             | 1  | 0   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Singapore - Australia                 | 28-Jul-03   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| China - Hong Kong, China              | 01-Jan-04   | 1                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001001100    | Ba1      |        |
| China - Macao, China                  | 01-Jan-04   | 1                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001001100    | Ba1      |        |
| Panama - Chinese Taipei               | 01-Jan-04   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 0  | 1       | 1                      | 0                            | 1001100110    | Bb5      |        |
| US - Chile                            | 01-Jan-04   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| US - Singapore                        | 01-Jan-04   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Korea - Chile                         | 01-Apr-04   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Common Economic Zone (CEZ)            | 20-May-04   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EC - Egypt                            | 01-Jun-04   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Southern African Customs Union (SACU) | 15-Jul-04   | 1                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001001100    | Ba1      |        |
| EFTA - Chile                          | 01-Dec-04   | 1                             | 0  | 0   | 1  | 0                  | 0                                       | 1  | 1       | 0                      | 0                            | 1001001100    | Ba1      |        |
| ASEAN - China                         | 01-Jan-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Thailand - Australia                  | 01-Jan-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| US - Australia                        | 01-Jan-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Japan - Mexico                        | 01-Apr-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Ukraine - Moldova                     | 19-May-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EFTA - Tunisia                        | 01-Jun-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Turkey - Palestinian Authority        | 01-Jun-05   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Pakistan - Sri Lanka                  | 12-Jun-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Thailand - New                        | 01-Jul-05   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |

| RTA  | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark  |
|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|---|
| Zealand  |   |                               |  |   |  |                    |   |  |         |                        |                              |               |          |   |
| Turkey - Tunisia   | 01-Jul-05   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| India - Singapore  | 01-Aug-05   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Jordan - Singapore   | 22-Aug-05   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 0  | 1       | 1                      | 1                            | 1001100111    | Bb4      |   |
| EC - Algeria   | 01-Sep-05   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| South Asian Free Trade Agreement (SAFTA)   | 01-Jan-06   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| Turkey - Morocco   | 01-Jan-06   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |
| US - Morocco   | 01-Jan-06   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Dominican Republic - Central America - United States Free Trade Agreement (CAFTA-DR) | 01-Mar-06   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Korea - Singapore  | 02-Mar-06   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Trans-Pacific Strategic Economic Partnership   | 28-May-06   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Japan - Malaysia   | 13-Jul-06   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| Panama - Singapore   | 24-Jul-06   | 1                             | 1  | 0   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| India - Bhutan   | 29-Jul-06   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |   |
| US - Bahrain   | 01-Aug-06   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| EFTA - Korea   | 01-Sep-06   | 1                             | 0  | 1   | 0  | 1                  | 1                                       | 0  | 0       | 0                      | 0                            | 1010110000    | A5       | Best endeavour not to take intra-RTA AD measure |
| Chile - China  | 01-Oct-06   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |   |
| Iceland - Faroe Islands  | 01-Nov-06   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |   |

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|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--------|
| Ukraine - Belarus                                  | 11-Nov-06   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| EC - Albania                                       | 01-Dec-06   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EFTA - Lebanon                                     | 01-Jan-07   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Turkey - Syria                                     | 01-Jan-07   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Egypt - Turkey                                     | 01-Mar-07   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Central European Free Trade Agreement (CEFTA) 2006 | 01-May-07   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Pakistan - China                                   | 01-Jul-07   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EFTA - Egypt                                       | 01-Aug-07   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Chile - India                                      | 17-Aug-07   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Chile - Japan                                      | 03-Sep-07   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Japan - Thailand                                   | 01-Nov-07   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EC - Montenegro                                    | 01-Jan-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Nicaragua - Chinese Taipei                         | 01-Jan-08   | 1                             | 0  | 0   | 1  | 1                  | 0                                       | 0  | 1       | 0                      | 1                            | 1001100101    | Bb6      |        |
| Pakistan - Malaysia                                | 01-Jan-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Honduras - Chinese Taipei                          | 01-Mar-08   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Panama - Chile                                     | 07-Mar-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EFTA - SACU  | 01-May-08   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Turkey - Albania                                   | 01-May-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EC - Bosnia and Herzegovina                        | 01-Jul-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Japan - Indonesia                                  | 01-Jul-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Brunei Darussalam - Japan                          | 31-Jul-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| China - New Zealand                                | 01-Oct-08   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |



| RTA  | First entry into force<br>Note: <i>some initial RTAs have been adjusted</i> | Specific regional rules on AD | specific regional rules only confirming WTO rights | specific regional rules similar to WTO AD rules | specific regional rules dissimilar to WTO AD rules | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN | <i>De minimis</i> > 2% | <i>AD duration</i> < 5 years | Profile (DNA) | Category | Remark |
|--|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--------|
| EC - CARIFORUM States EPA                      | 01-Nov-08   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Turkey - Georgia                               | 01-Nov-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Panama - Costa Rica (Panama - Central America) | 23-Nov-08   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| ASEAN - Japan                                  | 01-Dec-08   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Japan - Philippines                            | 11-Dec-08   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| China - Singapore                              | 01-Jan-09   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EC - Côte d'Ivoire                             | 01-Jan-09   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| US - Oman                                      | 01-Jan-09   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Panama - Honduras (Panama - Central America )  | 09-Jan-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| US - Peru                                      | 01-Feb-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Australia - Chile                              | 06-Mar-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Chile - Colombia                               | 08-May-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| MERCOSUR - India                               | 01-Jun-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| EFTA - Canada                                  | 01-Jul-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Canada - Peru                                  | 01-Aug-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Peru - Singapore                               | 01-Aug-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Japan - Switzerland                            | 01-Sep-09   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EC - Cameroon                                  | 01-Oct-09   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Japan - Viet Nam                               | 01-Oct-09   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| India - Nepal                                  | 27-Oct-09   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| ASEAN - Australia - New Zealand                | 01-Jan-10   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |

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|---------------------|---|-------------------------------|--|---|--|--------------------|---|--|---------|------------------------|------------------------------|---------------|----------|--------|
| ASEAN - India       | 01-Jan-10   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| ASEAN - Korea       | 01-Jan-10   | 0                             | 0  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 0000000000    | A3       |        |
| Korea - India       | 01-Jan-10   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| EU - Serbia         | 01-Feb-10   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |
| Peru - China        | 01-Mar-10   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Turkey - Montenegro | 01-Mar-10   | 1                             | 0  | 1   | 0  | 1                  | 0                                       | 0  | 0       | 0                      | 0                            | 1010100000    | A2       |        |
| Turkey - Serbia     | 01-Sep-10   | 1                             | 1  | 0   | 0  | 0                  | 0                                       | 0  | 0       | 0                      | 0                            | 1100000000    | A1       |        |

### Summary Table

|   | Absolute number      | Specific Procedure | Best endeavour not to take intra-RTA AD | Explicit legally binding prohibition of intra-RTA AD | non-MFN             | <i>De minimis</i> > 2%                       | <i>AD duration</i> 5 years | CategoryA             | CategoryB           |
|---|----------------------|--------------------|---|--|---------------------|--|----------------------------|-----------------------|---------------------|
| No specific provision on antidumping  | <b>43</b><br>(22.4%) |                    |   |  |                     |  |                            | <b>41</b>             | -                   |
| Specific provisions simply referring to the WTO rights and obligations of the Parties         | <b>76</b><br>(39.6%) |                    |   |  |                     |  |                            | <b>76</b>             | -                   |
| Specific provisions on antidumping similar to the WTO rights and obligations of the Parties   | <b>57</b><br>(29.7%) |                    | <b>1</b><br>(0.5%)                      |  |                     |  |                            | <b>57</b>             | -                   |
| Specific provisions on antidumping dissimilar to the WTO rights and obligation of the Parties | <b>18</b><br>(9.4%)  |                    |   | <b>14</b><br>(7.3%)                                  | <b>18</b><br>(9.4%) |  |                            | -                     | <b>16</b>           |
|   |                      |                    |   |  |                     | <b>3</b>                                     | <b>3</b>                   |                       |                     |
|   |                      |                    |   |  |                     | <b>Total excluding double counting:</b><br>4 |                            |                       |                     |
| <b>Total</b>  | <b>192</b>           | <b>68 (35.4%)</b>  | <b>1</b><br>(0.5%)                      | <b>14</b><br>(7.3%)                                  | <b>18</b><br>(9.4%) | <b>4(2%)</b>                                 |                            | <b>174</b><br>(90.6%) | <b>18</b><br>(9.4%) |

## ANNEX III: SUMMARY OF THE WTO ANTIDUMPING AGREEMENT

| Articles | Issue / Topic  | Summary description /Content   |
|----------|--|--|
| 1        | Principles   | The Antidumping Agreement governs the application of Article VI of GATT 1994.  |
| 2        | Determination of Dumping   | → Product is dumped when introduced into the commerce of another country at less than its normal value.<br>→ Alternative to and adjustments for calculating the <i>normal value</i> provided.  |
| 3        | Determination of Injury  | → <i>Injury</i> (and threat of material injury) assessed on the basis of evidences and an examination of (a) the volume of dumped imports and their effect on prices in the domestic market; and (b) the consequent impact of the dumped imports on domestic producers (in the importing market).<br>→ Volume of the dumped imports: significant increase in dumped imports;<br>→ Effect of the dumped imports on prices: significant price undercutting or depreciation of prices to a significant degree, or prevention of price increases.<br>→ Effect of the dumped imports on the domestic industry: evaluation of all relevant economic factors and indices indicating the state of the industry.<br>→ Demonstration of the causal relationship between the dumped imports and the injury to the domestic industry.<br>→ Calculation of the margin of dumping.   |
| 4        | Definition of Domestic Industry                                  | → In principle, <i>domestic industry</i> refers to the domestic producers as a whole or to those of them whose collective output constitutes a major proportion of the total domestic production.<br>→ Exceptions (adjustment of the notion) provided for.<br><i>Note:</i> In case of Customs Union (Article XXIV.8(a) of GATT 1994), the industry of the entire area (CU) is taken to be the domestic industry.   |
| 5        | Initiation and Subsequent Investigation                          | → Initiation, in principle, by the domestic industry (in special circumstances, the authorities may initiate).<br>→ Investigation based on evidence of (a) a <i>dumping</i> , (b) an <i>injury</i> , and (c) a <i>causal link</i> .<br>→ Notification of the initiation of an investigation to the authorities of the government of the exporting Member.<br>→ Investigation terminated in case the margin of dumping is <i>de minimis</i> (<2% of export price). <i>Negligible volume</i> (<3% of imports, unless countries which individually account for less than 3% of the imports account for more than 7% of imports)<br>→ Investigation, in principle, concluded within one year (in no case more than 18 months).   |
| 6        | Evidence   | → (Investigation) at least 30 days for exporters to reply to questionnaire.<br>→ (Investigation) protection of confidential information (non-confidential summaries).<br>→ (Investigation) text of written application communicated to exporters and authorities of the exporting Member.<br>→ on site investigation (in exporter's country) by investigation authorities (of importing country) possible (upon authorization by firms and authorities)<br>→ Determination of individual margin of dumping, in principle (reasonable limitation of the examinations possible).   |
| 7        | Provisional Measures   | → imposition subject to (a) initiation and public notice of an investigation, and possibility given to interested parties to submit information and make comments; (b) preliminary affirmative determination of dumping and consequent injury; and (c) necessity of the imposition of the provisional measure to prevent injury being caused during the investigation.<br>→ Possible forms of provisional antidumping measures: provisional duty, security, or withholding of appraisement (with some conditions).<br>→ Imposition not sooner than 60 days from the start of the investigation.<br>→ application limited to as short a period as possible (not exceeding 4 months – in special circumstances, not exceeding 6 months, and when less than the margin of dumping is levied respectively 6 and 9 months).<br>→ Article 9 (imposition and collection of antidumping duties) applies as relevant. |
| 8        | Price Undertakings   | → suspension or termination of proceedings upon receipt of satisfactory voluntary undertakings from exporters to revise the prices or to cease exports, at dumped prices, to the area in question<br>→ Price undertakings not sought or accepted from exporters unless an affirmative determination of dumping and injury caused by such dumping has been made.<br>→ In special circumstances, no obligation for the authorities of the importing Member to accept undertakings.<br>→ investigation completed even in case of undertakings (if requested by exporter or authorities of the importing Member)<br>→ Exporters not forced to accept suggestions of price undertakings (possibly made by authorities of importing Member).   |
| 9        | Imposition and Collection of Antidumping Duties                  | → Final decision to impose antidumping duties where all requirements fulfilled.<br>→ Final determination of the level of the antidumping duty not higher than the margin of dumping. Desirability to impose a duty amounting to less than the margin if such lesser duty is adequate to remove the injury to the domestic industry.<br>→ Collection of duty on a non-discriminatory basis on imports of products from all sources found to be dumped and causing injury (except for accepted undertakings). Suppliers to be named individually if possible. If not possible / practicable, possibility to name the supplying country concerned (⇒ imposition on all like products originating in the named country).   |
| 10       | Retroactivity  | → Measures no applicable retroactively to situation taking place prior to the initiation of an investigation.  |
| 11       | Duration and Review of Antidumping duties and Price Undertakings | → Measures in force as long as and to the extent necessary to counteract dumping which is causing injury.<br>→ Review by the authorities taking the measures, where warranted, provided a reasonable period of time has elapsed (upon substantiated request by any interested party).  |

|          |   |   |
|----------|---|---|
|          |   | <ul style="list-style-type: none"> <li>→ Definitive anti-dumping duty terminated not later than 5 years from its imposition, unless it is determined (review) that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.</li> <li>→ Review conducted within 12 months.</li> </ul>   |
| 12       | Public Notice and Explanation of Determination  | <ul style="list-style-type: none"> <li>→ notification and public notice of the initiation of an investigation (elements to be contained listed)</li> <li>→ Public notice of any preliminary or final determination.</li> <li>→ Public notice of the imposition of provisional measures.</li> <li>→ public notice of conclusion or suspension of an investigation in the case of an affirmative determination providing for the imposition of a definitive duty or the acceptance of a price undertaking</li> </ul>  |
| 13       | Judicial Review                                 | → Judicial, arbitral or administrative tribunals (independent from the authorities responsible for the determination) or procedures for judicial review.  |
| 14       | Antidumping Action on Behalf of a Third Country | <ul style="list-style-type: none"> <li>→ Application for anti-dumping action on behalf of a third country made by the authorities of the third country requesting action.</li> <li>→ Decision whether or not to proceed with a case rests with the importing country.</li> <li>→ WTO Council for trade in goods is approached by the importing country seeking its approval for such action.</li> </ul>   |
| 15       | Developing Country Members                      | → Special regard must be given by developed country Members to the special situation of developing country members when considering the application of anti-dumping measures. Possibilities of constructive remedies to be explored before applying antidumping duties where they would affect the essential interests of developing country Members.   |
| 16       | Committee on Antidumping Practices              | <ul style="list-style-type: none"> <li>→ Committee on Anti-Dumping Practices established to carry out responsibilities as assigned to it under the Agreement and to afford members the opportunity of consulting on any matters relating to the operation of the Agreement.</li> <li>→ Members to report to the Committee any preliminary or final antidumping actions taken.</li> <li>→ Members to prepare semi-annual reports of any antidumping actions taken within the preceding 6 months (on an agreed standard form).</li> <li>→ Members to notify the Committee which authorities are competent to initiate and conduct investigations and domestic procedures governing the initiation and conduct of investigations.</li> </ul> |
| 17       | Consultation and Dispute Settlement             | <ul style="list-style-type: none"> <li>→ The (WTO) Dispute Settlement Understanding is applicable (consultations and dispute settlement).</li> <li>→ Some specific procedural elements applicable for disputes related to the Antidumping Agreement.</li> </ul>   |
| 18       | Final Provisions                                | <ul style="list-style-type: none"> <li>→ No reservation possible.</li> <li>→ no transitional period for implementation</li> <li>→ Members to inform the Committee of changes in laws and regulations.</li> <li>→ Annual review by the Committee of the implementation and operation of the Agreement.</li> </ul>  |
| Annex I  |   | Procedural elements for on-the-spot investigations (related to Article 6.7 of the Agreement)  |
| Annex II | Best information available in terms of Art. 6.8 | Best endeavour to ensure appropriate use of best information available in terms of Article 6.8 of the Agreement (use of information in case of refusal by an interested party of access to, or lack of provision of, necessary information).  |

**ANNEX IV: ANTIDUMPING MEASURES TAKEN BY RTA PARTNERS**

| RTA   | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP)<br><br>Against products from Third Parties | Post RTA<br>(yearly TP+Post TP)<br><br>Against products from RTA partners | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra > variation intra |
|---|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|--|---|--------------------------------------|--------------------------------------|-----------------------------------|
|   |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |  |   |                                      |                                      |                                   |
|   |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |  |   |                                      |                                      |                                   |
| Rome Treaty and following (EU)                  | Ba2                | na                                  | na                                 | na                                  | na                                 | na                                  | na                                 | na   | na  | na                                   |                                      |                                   |
| European Free Trade Association (EFTA)          | Ba1                | na                                  | na                                 | na                                  | na                                 | 0.00                                | 0.00                               | 0.00   | 0.00  | 0.00                                 | 0.00                                 | 0.00                              |
| Central American Common Market (CACM)           | A2                 | na                                  | na                                 | na                                  | na                                 | 0.11                                | 0.02                               | 0.06   | 0.04  | 0.06                                 | 0.04                                 | 0.01                              |
| EC - Switzerland Liechtenstein                  | Ba2                | na                                  | na                                 | 0.00                                | 0.00                               | 15.94                               | 0.00                               | 7.97   | 0.00  | 26.30                                | 0.00                                 | 26.30                             |
| EC - Iceland                                    | Ba2                | na                                  | na                                 | 0.00                                | 0.00                               | 15.94                               | 0.00                               | 7.97   | 0.00  | 26.30                                | 0.00                                 | 26.30                             |
| EC - Norway                                     | Ba2                | na                                  | na                                 | 0.00                                | 0.00                               | 15.94                               | 0.19                               | 7.97   | 0.38  | 26.30                                | 0.38                                 | 25.93                             |
| Caribbean Community and Common Market (CARICOM) | A2                 | na                                  | na                                 | 0.00                                | 0.00                               | 0.52                                | 0.00                               | 0.26   | 0.00  | 0.26                                 | 0.00                                 | 0.26                              |
| Asia Pacific Trade Agreement (APTA)             | A1                 | na                                  | na                                 | na                                  | na                                 | 20.00                               | 5.85                               | 10.00  | 11.71   | 10.00                                | 11.71                                | -1.71                             |
| Australia - Papua New Guinea (PATCRA)           | A2                 | na                                  | na                                 | na                                  | na                                 | 9.82                                | 0.00                               | 4.91   | 0.00  | 4.91                                 | 0.00                                 | 4.91                              |
| EC - Syria                                      | A2                 | na                                  | na                                 | 1.00                                | 0.00                               | 12.07                               | 0.00                               | 6.53   | 0.00  | 6.53                                 | 0.00                                 | 6.53                              |
| Latin American Integration Association (LAIA)   | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 19.45                               | 3.76                               | 9.72   | 7.52  | 9.72                                 | 7.52                                 | 2.21                              |
| Australia - New Zealand (ANZCERTA) à CER        | Ba2                | 16.50                               | 2.25                               | 18.86                               | 1.29                               | 5.85                                | 0.00                               | 12.35  | 2.57  | -4.15                                | 0.32                                 | -4.47                             |
| US - Israel                                     | A1                 | 15.00                               | 0.00                               | 27.80                               | 0.00                               | 19.27                               | 0.20                               | 23.53  | 0.40  | 8.53                                 | 0.40                                 | 8.13                              |
| Andean Community (CAN)                          | A2                 | 0.00                                | 0.00                               | 3.55                                | 0.00                               | 3.00                                | 0.00                               | 3.28   | 0.00  | 3.28                                 | 0.00                                 | 3.28                              |
| Lao - Thailand                                  | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.68                                | 0.00                               | 0.84   | 0.00  | 0.84                                 | 0.00                                 | 0.84                              |
| EC - Andorra                                    | Ba3                | 4.75                                | 0.00                               | 16.80                               | 0.00                               | 16.00                               | 0.00                               | 16.40  | 0.00  | 11.65                                | 0.00                                 | 11.65                             |
| Southern Common Market (MERCOSUR)               | A2                 | 0.17                                | 0.00                               | 16.33                               | 2.73                               | 21.50                               | 2.00                               | 18.92  | 9.47  | 18.75                                | 9.47                                 | 9.28                              |
| ASEAN Free Trade Area (AFTA)                    | A1                 | 0.00                                | 0.00                               | 6.11                                | 1.22                               | 0.00                                | 0.00                               | 3.06   | 2.44  | 3.06                                 | 2.44                                 | 0.61                              |
| Economic Cooperation Organization (ECO)         | A3                 | 0.00                                | 0.00                               | 9.67                                | 0.11                               | 0.00                                | 0.00                               | 4.83   | 0.22  | 4.83                                 | 0.22                                 | 4.61                              |
| EFTA - Turkey                                   | A1                 | 0.00                                | 0.00                               | 3.25                                | 0.00                               | 9.43                                | 0.00                               | 6.34   | 0.00  | 6.34                                 | 0.00                                 | 6.34                              |
| EFTA - Israel                                   | A1                 | 0.00                                | 0.00                               | 1.56                                | 0.00                               | 0.88                                | 0.00                               | 1.22   | 0.00  | 1.22                                 | 0.00                                 | 1.22                              |

| RTA  | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP) | Post RTA<br>(yearly TP+Post TP) | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra > variation intra |
|--|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|-----------------------------------|
|  |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |                                 |                                 |                                      |                                      |                                   |
|  |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |                                 |                                 |                                      |                                      |                                   |
| Armenia - Russian Federation                           | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Kyrgyz Republic - Russian Federation                   | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Faroe Islands - Norway                                 | A1                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Economic Community of West African States (ECOWAS)     | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Melanesian Spearhead Group (MSG)                       | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| North American Free Trade Agreement (NAFTA)            | A1                 | 39.13                               | 5.93                               | 25.64                               | 3.86                               | 38.00                               | 2.00                               | 31.82                           | 11.71                           | -7.31                                | 5.78                                 | -13.09                            |
| Ukraine - Russian Federation                           | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.50                                | 0.38                               | 0.75                            | 0.75                            | 0.75                                 | 0.75                                 | 0.00                              |
| Georgia - Russian Federation                           | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Common Market for Eastern and Southern Africa (COMESA) | A2                 | 0.00                                | 0.00                               | 3.17                                | 0.00                               | 3.30                                | 0.00                               | 3.23                            | 0.00                            | 3.23                                 | 0.00                                 | 3.23                              |
| Commonwealth of Independent States (CIS)               | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.50                                | 0.00                               | 0.75                            | 0.00                            | 0.75                                 | 0.00                                 | 0.75                              |
| Colombia - Mexico                                      | A2                 | 4.13                                | 0.00                               | 7.13                                | 0.27                               | 0.00                                | 0.00                               | 3.57                            | 0.53                            | -0.56                                | 0.53                                 | -1.09                             |
| Costa Rica - Mexico                                    | A2                 | 3.75                                | 0.00                               | 6.36                                | 0.14                               | 5.00                                | 0.00                               | 5.68                            | 0.29                            | 1.93                                 | 0.29                                 | 1.64                              |
| Faroe Islands - Switzerland                            | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Kyrgyz Republic - Armenia                              | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Ukraine - Turkmenistan                                 | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.60                                | 0.00                               | 0.80                            | 0.00                            | 0.80                                 | 0.00                                 | 0.80                              |
| Kyrgyz Republic - Kazakhstan                           | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| South Asian Preferential Trade Arrangement (SAPTA)     | A3                 | 0.31                                | 0.00                               | 31.93                               | 0.07                               | 0.00                                | 0.00                               | 15.97                           | 0.13                            | 15.65                                | 0.13                                 | 15.52                             |
| Armenia - Moldova                                      | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| EC - Turkey  | A2                 | 9.06                                | 0.35                               | 0.00                                | 0.00                               | 26.07                               | 0.93                               | 13.04                           | 1.86                            | 3.98                                 | 1.50                                 | 2.47                              |
| Ukraine - Uzbekistan                                   | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.71                                | 0.00                               | 0.86                            | 0.00                            | 0.86                                 | 0.00                                 | 0.86                              |
| Georgia - Ukraine                                      | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.71                                | 0.00                               | 0.86                            | 0.00                            | 0.86                                 | 0.00                                 | 0.86                              |
| Armenia - Turkmenistan                                 | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Georgia - Azerbaijan                                   | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Ukraine - Azerbaijan                                   | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 1.71                                | 0.00                               | 0.86                            | 0.00                            | 0.86                                 | 0.00                                 | 0.86                              |

| RTA   | Category / Profile | Pre RTA<br>(yearly average index)            |   | Post RTA<br>(yearly average index)           |   |  |   | Post RTA<br>(yearly<br>TP+Post TP) | Post RTA<br>(yearly<br>TP+Post TP) | Variation extra<br>(Post.vs.Pre-<br>RTA) | Variation Intra<br>(Post.vs.Pre-<br>RTA) | Variation<br>extra ><br>variation<br>intra |
|---|--------------------|--|---|--|---|--|---|------------------------------------|------------------------------------|--|--|--|
|   |                    | Against<br>products<br>from Third<br>Parties | Against<br>products<br>from RTA<br>partners | During TP                                    |   | After TP                                     |   |                                    |                                    |  |  |  |
|   |                    |  |   | Against<br>products<br>from Third<br>Parties | Against<br>products<br>from RTA<br>partners | Against<br>products<br>from Third<br>Parties | Against<br>products<br>from RTA<br>partners |                                    |                                    |  |  |  |
| Kyrgyz Republic - Moldova                                 | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     |  |
| Armenia - Ukraine   | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 1.71   | 0.00  | 0.86                               | 0.00                               | 0.86                                     | 0.00                                     | 0.86                                       |
| Canada - Israel   | A1                 | 13.61  | 0.00  | 11.50  | 0.00  | 7.73   | 0.00  | 9.61                               | 0.00                               | -4.00                                    | 0.00                                     | -4.00                                      |
| EC - Faroe Islands  | A2                 | 9.06   | 0.00  | 0.00   | 0.00  | 15.54  | 0.00  | 7.77                               | 0.00                               | -1.29                                    | 0.00                                     | -1.29                                      |
| Turkey - Israel   | A2                 | 0.78   | 0.00  | 7.33   | 0.33  | 13.10  | 0.40  | 10.22                              | 1.47                               | 9.44                                     | 1.47                                     | 7.97                                       |
| EC - Palestinian Authority                                | A2                 | 9.06   | 0.00  | 20.40  | 0.00  | 12.50  | 0.00  | 16.45                              | 0.00                               | 7.39                                     | 0.00                                     | 7.39                                       |
| Canada - Chile  | Ba2                | 13.72  | 0.00  | 7.31   | 0.00  | 0.00   | 0.00  | 3.65                               | 0.00                               | -10.07                                   | 0.00                                     | -10.07                                     |
| Eurasian Economic Community (EAEC)                        | A4                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| Pan-Arab Free Trade Area (PAFTA)                          | A1                 | 0.00   | 0.00  | 4.86   | 0.00  | 3.60   | 0.00  | 4.23                               | 0.00                               | 4.23                                     | 0.00                                     | 4.23                                       |
| Kyrgyz Republic - Ukraine                                 | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 2.00   | 0.00  | 1.00                               | 0.00                               | 1.00                                     | 0.00                                     | 1.00                                       |
| EC - Tunisia  | A2                 | 9.53   | 0.00  | 15.64  | 0.00  | 13.00  | 0.00  | 14.32                              | 0.00                               | 4.79                                     | 0.00                                     | 4.79                                       |
| Kyrgyz Republic - Uzbekistan                              | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| Mexico - Nicaragua  | A1                 | 4.58   | 0.00  | 4.83   | 0.00  | 0.00   | 0.00  | 2.42                               | 0.00                               | -2.16                                    | 0.00                                     | -2.16                                      |
| Ukraine - Kazakhstan                                      | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 2.00   | 0.00  | 1.00                               | 0.00                               | 1.00                                     | 0.00                                     | 1.00                                       |
| Georgia - Armenia   | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| Economic and Monetary Community of Central Africa (CEMAC) | A2                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| EFTA - Palestinian Authority                              | A1                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| Georgia - Kazakhstan                                      | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| Chile - Mexico  | A1                 | 5.05   | 0.00  | 6.00   | 0.00  | 2.75   | 0.25  | 4.38                               | 0.50                               | -0.68                                    | 0.50                                     | -1.18                                      |
| EFTA - Morocco  | A1                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| EC - South Africa   | A1                 | 14.24  | 1.14  | 12.10  | 1.50  | 0.00   | 0.00  | 6.05                               | 3.00                               | -8.19                                    | 1.86                                     | -10.05                                     |
| Georgia - Turkmenistan                                    | A3                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| West African Economic and Monetary Union (WAEMU / UEMOA)  | A2                 | 0.00   | 0.00  | 0.00   | 0.00  | 0.00   | 0.00  | 0.00                               | 0.00                               | 0.00                                     | 0.00                                     | 0.00                                       |
| EC - Morocco  | A2                 | 10.76  | 0.00  | 6.60   | 0.00  | 0.00   | 0.00  | 3.30                               | 0.00                               | -7.46                                    | 0.00                                     | -7.46                                      |
| EC - Israel   | A1                 | 11.29  | 0.00  | 0.00   | 0.00  | 14.90  | 0.10  | 7.45                               | 0.20                               | -3.84                                    | 0.20                                     | -4.04                                      |
| EC - Mexico   | A1                 | 15.10  | 0.81  | 17.60  | 0.40  | 0.00   | 0.00  | 8.80                               | 0.80                               | -6.30                                    | -0.01                                    | -6.29                                      |
| Israel - Mexico   | A1                 | 4.86   | 0.00  | 7.80   | 0.00  | 4.80   | 0.00  | 6.30                               | 0.00                               | 1.44                                     | 0.00                                     | 1.44                                       |

| RTA   | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP) | Post RTA<br>(yearly TP+Post TP) | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra > variation intra |
|---|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|-----------------------------------|
|   |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |                                 |                                 |                                      |                                      |                                   |
|   |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |                                 |                                 |                                      |                                      |                                   |
| East African Community (EAC)                      | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Southern African Development Community (SADC)     | A1                 | 3.48                                | 0.00                               | 5.50                                | 0.00                               | 0.00                                | 0.00                               | 2.75                            | 0.00                            | -0.73                                | 0.00                                 | -0.73                             |
| Turkey - Former Yugoslav Republic of Macedonia    | A2                 | 0.67                                | 0.00                               | 12.63                               | 0.00                               | 15.00                               | 0.00                               | 13.81                           | 0.00                            | 13.15                                | 0.00                                 | 13.15                             |
| EFTA - Former Yugoslav Republic of Macedonia      | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| New Zealand - Singapore                           | Bb4                | 1.55                                | 0.05                               | 1.56                                | 0.00                               | 0.00                                | 0.00                               | 0.78                            | 0.00                            | -0.77                                | -0.05                                | -0.72                             |
| Mexico - El Salvador (Mexico - Northern Triangle) | A1                 | 4.41                                | 0.00                               | 5.22                                | 0.00                               | 0.00                                | 0.00                               | 2.61                            | 0.00                            | -1.80                                | 0.00                                 | -1.80                             |
| Mexico - Guatemala (Mexico - Northern Triangle)   | A1                 | 4.45                                | 0.05                               | 5.22                                | 0.11                               | 0.00                                | 0.00                               | 2.61                            | 0.22                            | -1.84                                | 0.18                                 | -2.02                             |
| EC - Former Yugoslav Republic of Macedonia        | A2                 | 11.95                               | 0.00                               | 1.22                                | 0.00                               | 0.00                                | 0.00                               | 0.61                            | 0.00                            | -11.34                               | 0.00                                 | -11.34                            |
| Mexico - Honduras (Mexico - Northern Triangle)    | A3                 | 4.41                                | 0.00                               | 5.22                                | 0.00                               | 0.00                                | 0.00                               | 2.61                            | 0.00                            | -1.80                                | 0.00                                 | -1.80                             |
| EFTA - Mexico                                     | A2                 | 4.41                                | 0.00                               | 5.22                                | 0.00                               | 0.00                                | 0.00                               | 2.61                            | 0.00                            | -1.80                                | 0.00                                 | -1.80                             |
| Ukraine - Former Yugoslav Republic of Macedonia   | A1                 | 0.00                                | 0.00                               | 2.67                                | 0.00                               | 0.00                                | 0.00                               | 1.33                            | 0.00                            | 1.33                                 | 0.00                                 | 1.33                              |
| India - Sri Lanka                                 | A2                 | 5.55                                | 0.00                               | 34.57                               | 0.14                               | 46.00                               | 0.00                               | 40.29                           | 0.29                            | 34.74                                | 0.29                                 | 34.45                             |
| US - Jordan                                       | A3                 | 21.23                               | 0.00                               | 68.78                               | 0.00                               | 0.00                                | 0.00                               | 34.39                           | 0.00                            | 13.16                                | 0.00                                 | 13.16                             |
| Armenia - Kazakhstan                              | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| EFTA - Croatia                                    | A1                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| EFTA - Jordan                                     | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Chile - Costa Rica (Chile - Central America)      | A1                 | 0.30                                | 0.00                               | 0.75                                | 0.00                               | 0.00                                | 0.00                               | 0.38                            | 0.00                            | 0.07                                 | 0.00                                 | 0.07                              |
| EC - Croatia                                      | A1                 | 11.91                               | 0.26                               | 12.20                               | 0.00                               | 10.00                               | 0.00                               | 11.10                           | 0.00                            | -0.81                                | -0.26                                | -0.55                             |
| EU - San Marino                                   | Ba3                | 11.91                               | 0.00                               | 0.00                                | 0.00                               | 11.38                               | 0.00                               | 5.69                            | 0.00                            | -6.23                                | 0.00                                 | -6.23                             |
| EC - Jordan                                       | A2                 | 11.91                               | 0.00                               | 11.38                               | 0.00                               | 0.00                                | 0.00                               | 5.69                            | 0.00                            | -6.23                                | 0.00                                 | -6.23                             |
| Chile - El Salvador (Chile - Central America)     | A1                 | 0.30                                | 0.00                               | 1.25                                | 0.00                               | 0.00                                | 0.00                               | 0.63                            | 0.00                            | 0.32                                 | 0.00                                 | 0.32                              |
| Ukraine - Tajikistan                              | A3                 | 0.04                                | 0.00                               | 0.00                                | 0.00                               | 2.88                                | 0.00                               | 1.44                            | 0.00                            | 1.39                                 | 0.00                                 | 1.39                              |
| Canada - Costa Rica                               | A2                 | 13.22                               | 0.00                               | 3.88                                | 0.00                               | 0.00                                | 0.00                               | 1.94                            | 0.00                            | -11.28                               | 0.00                                 | -11.28                            |



| RTA  | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP) | Post RTA<br>(yearly TP+Post TP) | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra > variation intra |
|--|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|-----------------------------------|
|  |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |                                 |                                 |                                      |                                      |                                   |
|  |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |                                 |                                 |                                      |                                      |                                   |
| Japan - Singapore (JSEPA)                        | A1                 | 0.09                                | 0.00                               | 1.25                                | 0.00                               | 0.00                                | 0.00                               | 0.63                            | 0.00                            | 0.54                                 | 0.00                                 | 0.54                              |
| EFTA - Singapore                                 | Ba1                | 0.08                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -0.08                                | 0.00                                 | -0.08                             |
| Gulf Cooperation Council (GCC)                   | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| EC - Chile                                       | A1                 | 12.42                               | 0.00                               | 11.00                               | 0.00                               | 0.00                                | 0.00                               | 5.50                            | 0.00                            | -6.92                                | 0.00                                 | -6.92                             |
| EC - Lebanon                                     | A1                 | 12.13                               | 0.00                               | 10.57                               | 0.00                               | 0.00                                | 0.00                               | 5.29                            | 0.00                            | -6.84                                | 0.00                                 | -6.84                             |
| Panama - El Salvador (Panama - Central America)  | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Pacific Island Countries Trade Agreement (PICTA) | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| India - Afghanistan                              | A2                 | 9.33                                | 0.00                               | 0.00                                | 0.00                               | 14.00                               | 0.00                               | 7.00                            | 0.00                            | -2.33                                | 0.00                                 | -2.33                             |
| Turkey - Bosnia and Herzegovina                  | A2                 | 1.46                                | 0.00                               | 18.50                               | 0.00                               | 12.00                               | 0.00                               | 15.25                           | 0.00                            | 13.79                                | 0.00                                 | 13.79                             |
| Turkey - Croatia                                 | A1                 | 1.46                                | 0.00                               | 18.50                               | 0.00                               | 12.00                               | 0.00                               | 15.25                           | 0.00                            | 13.79                                | 0.00                                 | 13.79                             |
| Singapore - Australia                            | A1                 | 12.38                               | 0.42                               | 0.00                                | 0.00                               | 4.14                                | 0.00                               | 2.07                            | 0.00                            | -10.30                               | -0.42                                | -9.89                             |
| China - Hong Kong, China                         | Ba1                | 1.92                                | 0.00                               | 15.00                               | 0.00                               | 16.75                               | 0.00                               | 15.88                           | 0.00                            | 13.96                                | 0.00                                 | 13.96                             |
| China - Macao, China                             | Ba1                | 1.92                                | 0.00                               | 15.00                               | 0.00                               | 16.75                               | 0.00                               | 15.88                           | 0.00                            | 13.96                                | 0.00                                 | 13.96                             |
| Panama - Chinese Taipei                          | Bb5                | 0.40                                | 0.00                               | 0.67                                | 0.00                               | 0.00                                | 0.00                               | 0.33                            | 0.00                            | -0.07                                | 0.00                                 | -0.07                             |
| US - Chile                                       | A1                 | 0.28                                | 0.20                               | 13.33                               | 0.00                               | 0.00                                | 0.00                               | 6.67                            | 0.00                            | 6.39                                 | -0.20                                | 6.59                              |
| US - Singapore                                   | A1                 | 22.44                               | 0.12                               | 12.83                               | 0.00                               | 0.00                                | 0.00                               | 6.42                            | 0.00                            | -16.02                               | -0.12                                | -15.90                            |
| Korea - Chile                                    | A1                 | 1.96                                | 0.00                               | 6.50                                | 0.00                               | 0.00                                | 0.00                               | 3.25                            | 0.00                            | 1.29                                 | 0.00                                 | 1.29                              |
| Common Economic Zone (CEZ)                       | A1                 | 0.20                                | 0.20                               | 0.00                                | 0.00                               | 3.17                                | 0.83                               | 1.58                            | 1.67                            | 1.38                                 | 1.47                                 | -0.08                             |
| EC - Egypt                                       | A1                 | 13.04                               | 0.72                               | 15.17                               | 0.83                               | 0.00                                | 0.00                               | 7.58                            | 1.67                            | -5.46                                | 0.95                                 | -6.40                             |
| Southern African Customs Union (SACU)            | Ba1                | 4.36                                | 0.00                               | 0.00                                | 0.00                               | 3.17                                | 0.00                               | 1.58                            | 0.00                            | -2.78                                | 0.00                                 | -2.78                             |
| EFTA - Chile                                     | Ba1                | 0.28                                | 0.00                               | 0.33                                | 0.00                               | 0.00                                | 0.00                               | 0.17                            | 0.00                            | -0.11                                | 0.00                                 | -0.11                             |
| ASEAN - China                                    | A1                 | 5.46                                | 0.42                               | 18.40                               | 3.80                               | 0.00                                | 0.00                               | 9.20                            | 7.60                            | 3.74                                 | 7.18                                 | -3.44                             |
| Thailand - Australia                             | A1                 | 12.88                               | 0.50                               | 4.20                                | 0.00                               | 0.00                                | 0.00                               | 2.10                            | 0.00                            | -10.78                               | -0.50                                | -10.28                            |
| US - Australia                                   | A1                 | 33.15                               | 0.27                               | 19.60                               | 0.40                               | 0.00                                | 0.00                               | 9.80                            | 0.80                            | -23.35                               | 0.53                                 | -23.88                            |
| Japan - Mexico                                   | A1                 | 1.23                                | 0.08                               | 24.00                               | 0.00                               | 0.00                                | 0.00                               | 12.00                           | 0.00                            | 10.77                                | -0.08                                | 10.85                             |
| Ukraine - Moldova                                | A1                 | 0.00                                | 0.00                               | 7.00                                | 0.00                               | 1.50                                | 0.00                               | 4.25                            | 0.00                            | 4.25                                 | 0.00                                 | 4.25                              |
| EFTA - Tunisia                                   | A1                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Turkey - Palestinian                             | A2                 | 3.04                                | 0.00                               | 0.00                                | 0.00                               | 13.20                               | 0.00                               | 6.60                            | 0.00                            | 3.56                                 | 0.00                                 | 3.56                              |

| RTA  | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP) | Post RTA<br>(yearly TP+Post TP) | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra > variation intra |
|--|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|-----------------------------------|
|  |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |                                 |                                 |                                      |                                      |                                   |
|  |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |                                 |                                 |                                      |                                      |                                   |
| Authority  |                    |                                     |                                    |                                     |                                    |                                     |                                    |                                 |                                 |                                      |                                      |                                   |
| Pakistan - Sri Lanka   | A1                 | 0.27                                | 0.00                               | 4.40                                | 0.00                               | 0.00                                | 0.00                               | 2.20                            | 0.00                            | 1.93                                 | 0.00                                 | 1.93                              |
| Thailand - New Zealand   | A1                 | 2.42                                | 0.27                               | 3.00                                | 0.20                               | 0.00                                | 0.00                               | 1.50                            | 0.40                            | -0.92                                | 0.13                                 | -1.05                             |
| Turkey - Tunisia   | A2                 | 3.04                                | 0.00                               | 13.20                               | 0.00                               | 0.00                                | 0.00                               | 6.60                            | 0.00                            | 3.56                                 | 0.00                                 | 3.56                              |
| India - Singapore  | A2                 | 11.81                               | 0.50                               | 22.50                               | 1.00                               | 61.00                               | 1.00                               | 41.75                           | 4.00                            | 29.94                                | 3.50                                 | 26.44                             |
| Jordan - Singapore   | Bb4                | 0.08                                | 0.50                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -0.08                                | -0.50                                | 0.42                              |
| EC - Algeria   | A2                 | 11.65                               | 0.00                               | 12.40                               | 0.00                               | 0.00                                | 0.00                               | 6.20                            | 0.00                            | -5.45                                | 0.00                                 | -5.45                             |
| South Asian Free Trade Agreement (SAFTA)   | A2                 | 12.26                               | 0.00                               | 38.50                               | 1.25                               | 0.00                                | 0.00                               | 19.25                           | 2.50                            | 6.99                                 | 2.50                                 | 4.49                              |
| Turkey - Morocco   | A2                 | 3.26                                | 0.00                               | 14.25                               | 0.00                               | 0.00                                | 0.00                               | 7.13                            | 0.00                            | 3.87                                 | 0.00                                 | 3.87                              |
| US - Morocco   | A1                 | 20.48                               | 0.00                               | 20.75                               | 0.00                               | 0.00                                | 0.00                               | 10.38                           | 0.00                            | -10.11                               | 0.00                                 | -10.11                            |
| Dominican Republic - Central America - United States Free Trade Agreement (CAFTA-DR) | A1                 | 20.59                               | 0.00                               | 21.00                               | 0.25                               | 0.00                                | 0.00                               | 10.50                           | 0.50                            | -10.09                               | 0.50                                 | -10.59                            |
| Korea - Singapore  | A1                 | 2.11                                | 0.07                               | 6.00                                | 0.50                               | 0.00                                | 0.00                               | 3.00                            | 1.00                            | 0.89                                 | 0.93                                 | -0.04                             |
| Trans-Pacific Strategic Economic Partnership   | A1                 | 1.85                                | 0.04                               | 2.00                                | 0.00                               | 0.00                                | 0.00                               | 1.00                            | 0.00                            | -0.85                                | -0.04                                | -0.81                             |
| Japan - Malaysia   | A3                 | 1.07                                | 0.04                               | 1.00                                | 0.00                               | 0.00                                | 0.00                               | 0.50                            | 0.00                            | -0.57                                | -0.04                                | -0.54                             |
| Panama - Singapore   | A1                 | 0.07                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -0.07                                | 0.00                                 | -0.07                             |
| India - Bhutan   | A3                 | 11.96                               | 0.00                               | 0.00                                | 0.00                               | 33.25                               | 0.00                               | 16.63                           | 0.00                            | 4.66                                 | 0.00                                 | 4.66                              |
| US - Bahrain   | A1                 | 20.48                               | 0.00                               | 20.75                               | 0.00                               | 0.00                                | 0.00                               | 10.38                           | 0.00                            | -10.11                               | 0.00                                 | -10.11                            |
| EFTA - Korea   | A5                 | 2.11                                | 0.00                               | 6.00                                | 0.00                               | 0.00                                | 0.00                               | 3.00                            | 0.00                            | 0.89                                 | 0.00                                 | 0.89                              |
| Chile - China  | A1                 | 3.15                                | 0.04                               | 17.50                               | 0.00                               | 0.00                                | 0.00                               | 8.75                            | 0.00                            | 5.60                                 | -0.04                                | 5.64                              |
| Iceland - Faroe Islands  | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Ukraine - Belarus  | A3                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.75                                | 0.00                               | 0.38                            | 0.00                            | 0.38                                 | 0.00                                 | 0.38                              |
| EC - Albania   | A2                 | 12.00                               | 0.00                               | 10.25                               | 0.00                               | 0.00                                | 0.00                               | 5.13                            | 0.00                            | -6.88                                | 0.00                                 | -6.88                             |
| EFTA - Lebanon   | A1                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Turkey - Syria   | A2                 | 3.89                                | 0.00                               | 12.00                               | 0.00                               | 0.00                                | 0.00                               | 6.00                            | 0.00                            | 2.11                                 | 0.00                                 | 2.11                              |
| Egypt - Turkey   | A1                 | 5.54                                | 0.04                               | 14.00                               | 0.00                               | 0.00                                | 0.00                               | 7.00                            | 0.00                            | 1.46                                 | -0.04                                | 1.50                              |
| Central European Free Trade Agreement (CEFTA) 2006                                   | A2                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                              |
| Pakistan - China   | A1                 | 4.14                                | 0.04                               | 19.33                               | 1.00                               | 0.00                                | 0.00                               | 9.67                            | 2.00                            | 5.52                                 | 1.96                                 | 3.56                              |
| EFTA - Egypt   | A1                 | 1.64                                | 0.00                               | 2.00                                | 0.00                               | 0.00                                | 0.00                               | 1.00                            | 0.00                            | -0.64                                | 0.00                                 | -0.64                             |
| Chile - India  | A1                 | 12.43                               | 0.00                               | 0.00                                | 0.00                               | 39.33                               | 0.00                               | 19.67                           | 0.00                            | 7.24                                 | 0.00                                 | 7.24                              |

| RTA  | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP) | Post RTA<br>(yearly TP+Post TP) | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra ><br>variation intra |
|--|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
|  |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |                                 |                                 |                                      |                                      |                                      |
|  |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |                                 |                                 |                                      |                                      |                                      |
| Chile - Japan                                  | A3                 | 0.39                                | 0.00                               | 2.33                                | 0.00                               | 0.00                                | 0.00                               | 1.17                            | 0.00                            | 0.77                                 | 0.00                                 | 0.77                                 |
| Japan - Thailand                               | A1                 | 1.14                                | 0.07                               | 2.67                                | 0.00                               | 0.00                                | 0.00                               | 1.33                            | 0.00                            | 0.19                                 | -0.07                                | 0.26                                 |
| EC - Montenegro                                | A1                 | 5.07                                | 0.00                               | 9.00                                | 0.00                               | 0.00                                | 0.00                               | 4.50                            | 0.00                            | -0.57                                | 0.00                                 | -0.57                                |
| Nicaragua - Chinese Taipei                     | Bb6                | 0.45                                | 0.00                               | 1.00                                | 0.00                               | 0.00                                | 0.00                               | 0.50                            | 0.00                            | 0.05                                 | 0.00                                 | 0.05                                 |
| Pakistan - Malaysia                            | A1                 | 1.83                                | 0.00                               | 5.50                                | 0.50                               | 0.00                                | 0.00                               | 2.75                            | 1.00                            | 0.92                                 | 1.00                                 | -0.08                                |
| Honduras - Chinese Taipei                      | A2                 | 0.41                                | 0.00                               | 1.00                                | 0.00                               | 0.00                                | 0.00                               | 0.50                            | 0.00                            | 0.09                                 | 0.00                                 | 0.09                                 |
| Panama - Chile                                 | A1                 | 0.28                                | 0.00                               | 1.00                                | 0.00                               | 0.00                                | 0.00                               | 0.50                            | 0.00                            | 0.22                                 | 0.00                                 | 0.22                                 |
| EFTA - SACU                                    | A2                 | 0.38                                | 0.00                               | 3.50                                | 0.00                               | 0.00                                | 0.00                               | 1.75                            | 0.00                            | 1.37                                 | 0.00                                 | 1.37                                 |
| Turkey - Albania                               | A1                 | 3.97                                | 0.00                               | 15.00                               | 0.00                               | 0.00                                | 0.00                               | 7.50                            | 0.00                            | 3.53                                 | 0.00                                 | 3.53                                 |
| EC - Bosnia and Herzegovina                    | A1                 | 5.07                                | 0.00                               | 9.00                                | 0.00                               | 0.00                                | 0.00                               | 4.50                            | 0.00                            | -0.57                                | 0.00                                 | -0.57                                |
| Japan - Indonesia                              | A1                 | 1.14                                | 0.10                               | 7.50                                | 0.00                               | 0.00                                | 0.00                               | 3.75                            | 0.00                            | 2.61                                 | -0.10                                | 2.72                                 |
| Brunei Darussalam - Japan                      | A1                 | 0.14                                | 0.00                               | 2.00                                | 0.00                               | 0.00                                | 0.00                               | 1.00                            | 0.00                            | 0.86                                 | 0.00                                 | 0.86                                 |
| China - New Zealand                            | A2                 | 5.52                                | 0.21                               | 15.50                               | 0.00                               | 0.00                                | 0.00                               | 7.75                            | 0.00                            | 2.23                                 | -0.21                                | 2.44                                 |
| EC - CARIFORUM States EPA                      | A2                 | 12.34                               | 0.00                               | 9.00                                | 0.00                               | 0.00                                | 0.00                               | 4.50                            | 0.00                            | -7.84                                | 0.00                                 | -7.84                                |
| Turkey - Georgia                               | A1                 | 3.97                                | 0.00                               | 0.00                                | 0.00                               | 15.00                               | 0.00                               | 7.50                            | 0.00                            | 3.53                                 | 0.00                                 | 3.53                                 |
| Panama - Costa Rica (Panama - Central America) | A2                 | 0.10                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -0.10                                | 0.00                                 | -0.10                                |
| ASEAN - Japan                                  | A3                 | 3.83                                | 0.14                               | 9.00                                | 0.00                               | 0.00                                | 0.00                               | 4.50                            | 0.00                            | 0.67                                 | -0.14                                | 0.81                                 |
| Japan - Philippines                            | A1                 | 0.52                                | 0.00                               | 2.00                                | 0.00                               | 0.00                                | 0.00                               | 1.00                            | 0.00                            | 0.48                                 | 0.00                                 | 0.48                                 |
| China - Singapore                              | A2                 | 4.00                                | 0.17                               | 27.00                               | 0.00                               | 0.00                                | 0.00                               | 13.50                           | 0.00                            | 9.50                                 | -0.17                                | 9.67                                 |
| EC - Côte d'Ivoire                             | A2                 | 12.03                               | 0.00                               | 4.00                                | 0.00                               | 0.00                                | 0.00                               | 2.00                            | 0.00                            | -10.03                               | 0.00                                 | -10.03                               |
| US - Oman                                      | A3                 | 20.97                               | 0.00                               | 17.00                               | 0.00                               | 0.00                                | 0.00                               | 8.50                            | 0.00                            | -12.47                               | 0.00                                 | -12.47                               |
| Panama - Honduras (Panama - Central America )  | A1                 | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | 0.00                                 | 0.00                                 | 0.00                                 |
| US - Peru                                      | A1                 | 20.97                               | 0.00                               | 17.00                               | 0.00                               | 0.00                                | 0.00                               | 8.50                            | 0.00                            | -12.47                               | 0.00                                 | -12.47                               |
| Australia - Chile                              | A1                 | 11.03                               | 0.00                               | 3.00                                | 0.00                               | 0.00                                | 0.00                               | 1.50                            | 0.00                            | -9.53                                | 0.00                                 | -9.53                                |
| Chile - Colombia                               | A1                 | 1.27                                | 0.00                               | 1.00                                | 0.00                               | 0.00                                | 0.00                               | 0.50                            | 0.00                            | -0.77                                | 0.00                                 | -0.77                                |
| MERCOSUR - India                               | A1                 | 24.63                               | 0.73                               | 0.00                                | 0.00                               | 50.00                               | 2.00                               | 25.00                           | 4.00                            | 0.37                                 | 3.27                                 | -2.90                                |
| EFTA - Canada                                  | A1                 | 10.90                               | 0.03                               | 5.00                                | 0.00                               | 0.00                                | 0.00                               | 2.50                            | 0.00                            | -8.40                                | -0.03                                | -8.37                                |
| Canada - Peru                                  | A1                 | 12.40                               | 0.00                               | 8.00                                | 0.00                               | 0.00                                | 0.00                               | 4.00                            | 0.00                            | -8.40                                | 0.00                                 | -8.40                                |

| RTA                             | Category / Profile | Pre RTA<br>(yearly average index)   |                                    | Post RTA<br>(yearly average index)  |                                    |                                     |                                    | Post RTA<br>(yearly TP+Post TP) | Post RTA<br>(yearly TP+Post TP) | Variation extra<br>(Post.vs.Pre-RTA) | Variation Intra<br>(Post.vs.Pre-RTA) | Variation extra > variation intra |
|---------------------------------|--------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|------------------------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|-----------------------------------|
|                                 |                    | Against products from Third Parties | Against products from RTA partners | During TP                           |                                    | After TP                            |                                    |                                 |                                 |                                      |                                      |                                   |
|                                 |                    |                                     |                                    | Against products from Third Parties | Against products from RTA partners | Against products from Third Parties | Against products from RTA partners |                                 |                                 |                                      |                                      |                                   |
| Peru - Singapore                | A1                 | 1.57                                | 0.00                               | 3.00                                | 0.00                               | 0.00                                | 0.00                               | 1.50                            | 0.00                            | -0.07                                | 0.00                                 | -0.07                             |
| Japan - Switzerland             | A2                 | 0.27                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -0.27                                | 0.00                                 | -0.27                             |
| EC - Cameroon                   | A2                 | 12.03                               | 0.00                               | 18.00                               | 0.00                               | 0.00                                | 0.00                               | 9.00                            | 0.00                            | -3.03                                | 0.00                                 | -3.03                             |
| Japan - Viet Nam                | A1                 | 0.27                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -0.27                                | 0.00                                 | -0.27                             |
| India - Nepal                   | A3                 | 14.17                               | 0.03                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -14.17                               | -0.03                                | -14.13                            |
| ASEAN - Australia - New Zealand | A3                 | 15.26                               | 2.03                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -15.26                               | -2.03                                | -13.23                            |
| ASEAN - India                   | A3                 | 17.13                               | 2.42                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -17.13                               | -2.42                                | -14.71                            |
| ASEAN - Korea                   | A3                 | 5.94                                | 0.77                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -5.94                                | -0.77                                | -5.16                             |
| Korea - India                   | A2                 | 16.26                               | 1.23                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -16.26                               | -1.23                                | -15.03                            |
| EU - Serbia                     | A1                 | 11.65                               | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -11.65                               | 0.00                                 | -11.65                            |
| Peru - China                    | A2                 | 5.71                                | 0.48                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -5.71                                | -0.48                                | -5.23                             |
| Turkey - Montenegro             | A2                 | 4.35                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -4.35                                | 0.00                                 | -4.35                             |
| Turkey - Serbia                 | A1                 | 4.35                                | 0.00                               | 0.00                                | 0.00                               | 0.00                                | 0.00                               | 0.00                            | 0.00                            | -4.35                                | 0.00                                 | -4.35                             |