

UNDERSTANDING AND APPLICATION OF WTO TRADE REMEDIES DISCIPLINES

FOCUS ON THE RELEVANT WTO AGREEMENTS (ANTI-DUMPING/ SAFEGUARDS/ AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES / AGREEMENT ON FISHERIES SUBSIDIES/AGREEMENT ON AGRICULTURE – DOMESTIC SUPPORT) TAKING INTO ACCOUNT DEVELOPMENTS ARISING FROM WTO DISPUTE CASES AND PROPOSALS TABLED UNDER THE WTO REFORM AGENDA

Day 1		
	Opening of the workshop: presentation and definition of objectives	
	COFFEE BREAK	
	<p>Presentation of the WTO trade remedy toolbox</p> <ul style="list-style-type: none"> ○ Core principles of the WTO ○ The legal panorama: the Anti-Dumping, Subsidies and Countervailing Measures and Safeguards Agreements ○ Conditions for application of trade remedies: a brief explanation of core concepts ○ Understanding differences and similarities among them, and with other measures e.g. under Agreement on Agriculture and new Fisheries Subsidies Agreement ○ Share about the WTO's trade remedies data portal launched in November 2022 <p>Trends in the application of trade remedy measures</p> <ul style="list-style-type: none"> ○ Structure of investigating authorities and trade remedy laws in WTO Members ○ Statistics by type of trade remedy measure, by reporting Members, affected exporters, targeted merchandise. ○ Understanding differences between safeguards, Countervailing Duties (CVD), and Anti-Dumping (AD) procedural issues, including sunset review, mid-term review, new shipper review, and anti-circumvention investigations ○ Understanding relationship between AD, CVD and safeguards – can there be simultaneous AD and CVD investigations, issue of cross cumulation, etc. 	
	Anti-dumping (AD) Measures	
	<p>Objective:</p> <ul style="list-style-type: none"> - Understanding the agreement with focus on the initiation and conduct of AD investigations. - Understanding the WTO ADA and its application and raising awareness of ongoing work at the WTO AD Committee 	
	LUNCH	
	<p>Calculation of the dumping margin</p> <ul style="list-style-type: none"> ○ Explanation of core principles outlined in the Anti-Dumping Agreement 	
	COFFEE BREAK	

	<p>Understanding AD Investigation processes:</p> <p>The Anti-Dumping investigation:</p> <ul style="list-style-type: none"> ○ Initiation of the investigation <ul style="list-style-type: none"> ▪ The role of the private sector and the application ▪ The role of the investigating authority, transparency, and due process ○ Collection of information ○ Questionnaire analysis and calculation steps: <ul style="list-style-type: none"> ▪ Organization of the firm and its accounts. ▪ Products and production processes. ▪ Characteristics of home market and export transactions. ▪ Cost and price analysis: profitability and sufficiency tests. ▪ Calculation of the dumping margin and the relevant adjustments. <p>Rules applying to the determination of injury and causal link:</p> <ul style="list-style-type: none"> ○ Explanation of core principles outlined in the Anti-Dumping Agreement and relevant dispute settlement proceedings: ○ Definition of the domestic industry ○ Mandatory injury factors and their role ○ Price effects analysis ○ The non-attribution requirement <p>(Factual discussion of WTO dispute settlement findings on issues of interest will be interwoven throughout the presentations)</p> <p>Anticircumvention</p> <ul style="list-style-type: none"> ○ Current application. <p>The WTO Committee on Anti-Dumping Practices</p> <ul style="list-style-type: none"> ○ Importance of transparency and modality of notifications ○ The Committee's ongoing work in facilitating compliance with established rules <p>Application of WTO Dispute Settlement Procedures to the Anti-Dumping Agreement</p> <ul style="list-style-type: none"> ○ Relevant dispute settlement proceedings 	
Day 2		
	Exercise on understanding AD system	
	COFFEE BREAK	
	<p>Subsidy disciplines and recourse in the WTO via Agreement on Subsidies and Countervailing Measures (ASCM) (including CVD action), Agreement on Agriculture, and Agreement on Fisheries Subsidies</p>	

	<p>Overview of the ASCM and its disciplines</p> <ul style="list-style-type: none"> ○ Subsidies and trade: the role of subsidies disciplines in the WTO system ○ Multilateral subsidies disciplines v. countervailing measures: Two tracks for relief ○ Coverage of the ASCM ○ Definition of a subsidy ○ Specificity <p>Prohibited subsidies</p> <ul style="list-style-type: none"> ○ Export subsidies ○ Local content subsidies ○ De jure v. <i>de facto</i> conditionality ○ Special and Differential Treatment <p>Actionable Subsidies</p> <ul style="list-style-type: none"> ○ Actionability and adverse effects ○ Types of adverse effects ○ Serious prejudice ○ Nullification and Impairment ○ Special and Differential Treatment <p>Non-Actionable Subsidies (Article 8)</p> <p>The WTO Subsidies Committee and Subsidies Notifications</p> <ul style="list-style-type: none"> ○ Importance of transparency and modality of notifications ○ The Committee's ongoing work in facilitating compliance with established rules <p>Application of WTO Dispute Settlement Procedures to the ASCM</p> <ul style="list-style-type: none"> ○ Consultation mechanism for prohibited or actionable subsidies ○ Relevant jurisprudence <p>Special Economic Zones</p> <p>Other issues</p> <ul style="list-style-type: none"> ○ Rationale behind need for notification and examination across the relevant agreements ○ Factual presentation of the reforms proposals in the area of subsidies. ○ AOA - Understanding the differences between CVD and Article 5 of AOA ○ Information on the WTO-IMF-OECD Joint Subsidy Platform launched in May 2023 <p>(Factual discussion of WTO dispute settlement results on issues of interest interwoven throughout the presentations)</p>	
	LUNCH	

	<p>Overview of the Agreement on Fisheries Subsidies (FSA)</p> <ul style="list-style-type: none"> ○ Main disciplines ○ Progress toward entry into force ○ Key implementation issues in relation to the FSA ○ Second wave of negotiations ○ Update on the WTO Technical Workshop on Fisheries Subsidies for Asia (23 – 25 May 2023 in Kuala Lumpur, Malaysia) 	
Day 3		
	<p>Countervailing Investigation under the ASCM</p> <p>The countervailing duty investigation</p> <ul style="list-style-type: none"> ○ Initiation of the investigation – consultations with the subsidizing state. ○ Collection of information – questionnaires to determine the existence and quantity of a subsidy. <p>CVD Calculations</p> <ul style="list-style-type: none"> ○ Analysis of hypothetical scenarios. <p>The WTO Subsidies Committee and Subsidies Notifications</p> <ul style="list-style-type: none"> ○ Importance of transparency and modality of notifications ○ The Committee's ongoing work in facilitating compliance with established rules <p>Application of WTO Dispute Settlement Procedures to the ASCM</p> <ul style="list-style-type: none"> ○ Relevant jurisprudence <p>Comparison of CVD/AD procedures</p> <p>(Factual discussion of WTO dispute settlement results on issues of interest interwoven throughout the presentations)</p>	
	Exercise on Understanding of CVD System	
	COFFEE BREAK	
	Safeguard Measures	
	<p>Safeguards – WTO Safeguards Agreement (Global Safeguards) and Bilateral Safeguard Mechanisms in FTAs</p> <p>Objectives are to understand:</p> <ul style="list-style-type: none"> (i) <i>Global Safeguard investigation initiation requirements</i> (ii) <i>difference between global and bilateral safeguard provisions</i> 	
	<p>Understanding the WTO Safeguards Agreement</p> <ul style="list-style-type: none"> ○ Objective of the Agreement ○ What does it intend to protect? ○ What are unforeseen developments? 	

	<ul style="list-style-type: none"> ○ How to measure increased imports and causality to serious injury? ○ Increased imports and serious injury ○ Procedural requirements of the Safeguards Agreement <ul style="list-style-type: none"> ▪ Requirement to conduct investigation and give public notice. ▪ Requirement to notify, consult and compensate. ○ Safeguard measures and legislation. <p>The WTO Committee on Safeguards</p> <ul style="list-style-type: none"> ○ Importance of transparency and modality of notifications The Committee's ongoing work in facilitating compliance with established rules. <p>Application of WTO Dispute Settlement Procedures to the Safeguards Agreement</p> <ul style="list-style-type: none"> ○ Relevant dispute settlement proceedings <p>(Factual discussion of WTO dispute settlement results on issues of interest interwoven throughout the presentations)</p> <p>Exercise on Understanding the Safeguard Mechanism</p>	
	LUNCH	
	<p>Presentation on discussions at the Informal meeting on WTO Reform on Industrial Policy and Subsidies (this will take place on 25-26 Sep)</p> <ul style="list-style-type: none"> ○ Depending on the structure of the retreat, the WTO Secretariat could share about the different views articulated on the issue ○ Proposed way forward by the General Council Chair ○ Implications for MC13 	
