

# **The Global Resort to Antidumping, Safeguards, and Other Trade Remedies Amidst the Economic Crisis**

**Monitoring Update to the  
*Global Antidumping Database***

**[www.brandeis.edu/~cbown/global\\_ad/](http://www.brandeis.edu/~cbown/global_ad/)**

**Chad P. Bown  
Brandeis University &  
The Brookings Institution  
([cbown@brandeis.edu](mailto:cbown@brandeis.edu))**

***Trade Implications of Policy Responses to the Crisis***

**Joint World Bank – CEPR Conference**

**Brussels, 26-27 May 2009**

# Outline

## **1. *Introduction to the Global Antidumping Database***

## **2. *Monitoring: Trade remedy use on the rise in 2008 and into 1Q 2009***

- Combined use of Antidumping (AD), Countervailing Duties (CVD), Global Safeguards (SG), China-specific Safeguards (CSG)
- Trade remedy-using countries
- Targeted exporters
  - Targeting China

## **3. *Questions raised by the early data during the crisis***

- Comparison of sectoral use by developed versus developing economies
  - Use by U.S./EC versus use by India/Argentina/Brazil/Turkey
- Examining the use of trade remedies across countries over “common products” and across “common firms” (multinational/subsidiary)
  - Trade deflection? Retaliation? Market segmentation?
- Trade remedy use in the era of fragmentation
  - “Antidumping jumping” foreign direct investment ? Downstream impacts...

## **4. *Appendices***

- Break down of data by policy
- Historical WTO dispute settlement activity over trade remedies

# 1. Introduction to the Global Antidumping Database

[www.brandeis.edu/~cbohn/global\\_ad/](http://www.brandeis.edu/~cbohn/global_ad/)

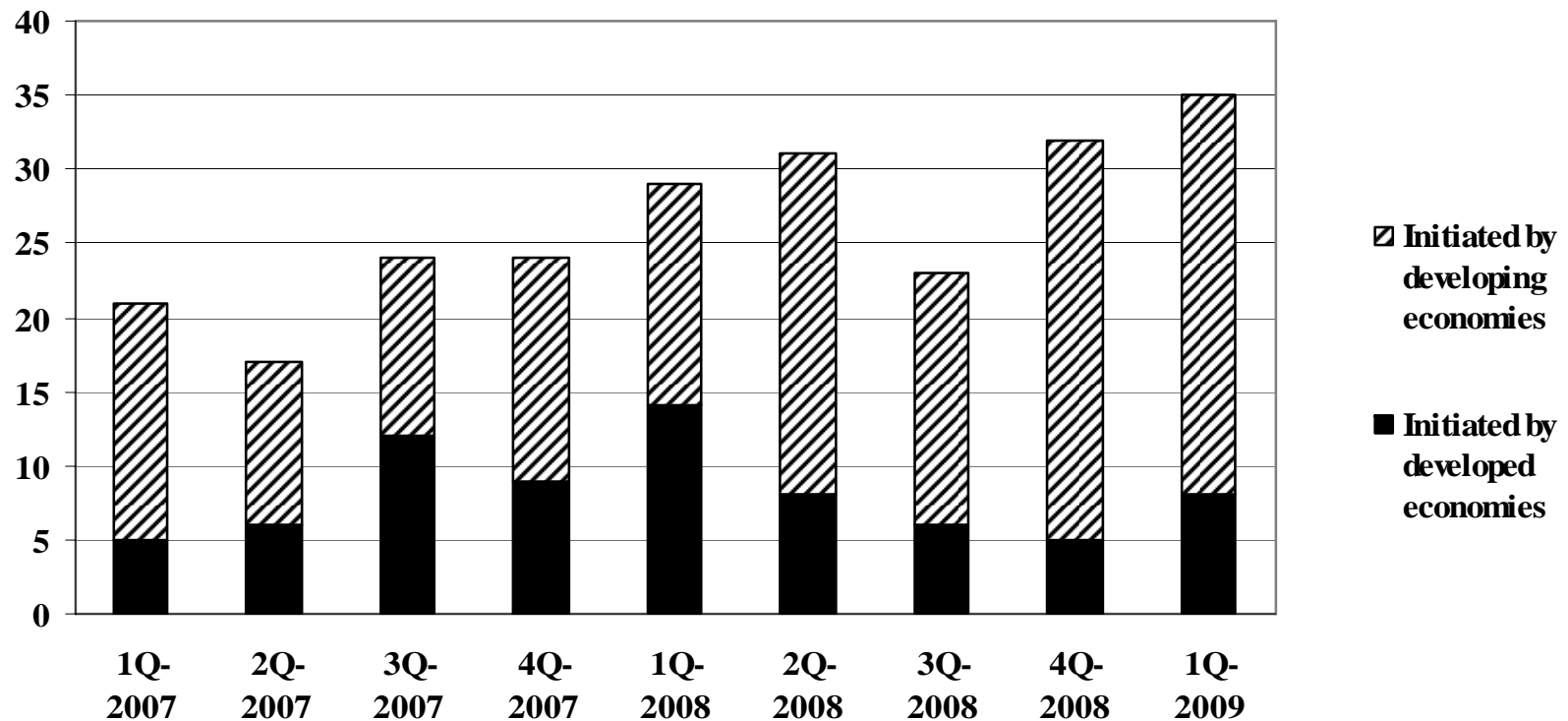
- **Data collection and dissemination project funded by the World Bank and Brandeis since 2004**
- **Provides detailed case-level information for more than 20 AD-using countries, more than 90% of the AD-using country activity**
  - Dates and outcomes of various stages of the investigation
  - Harmonized System (HS) codes for investigated products
  - Names of domestic petitioning firms
  - Names of foreign exporting firms and size of firm-specific measures
  - Sources of our data so researchers/analysts can go back and collect additional relevant information
- **Data derives directly from national government publications**
  - E.g., U.S. *Federal Register*; EC *Official Journal*, etc.
- **“Global Antidumping Database” is a misnomer: we also have detailed data on country use of Countervailing Measures (CVM), Global Safeguards (SG), China-specific Safeguards (CSG), and related Dispute Settlement Understanding (DSU) activity**
- **Current updating of database for AD activity through 2008**
  - Version 5.0 “beta” now available: AD use through 2008+ for Australia, Canada, European Union, India, New Zealand, Pakistan, Turkey, United States, and South Africa, plus use of CVD, SG, CSG...
  - Full version 5.0 will be available by summer 2009
- **It is all free! (to you...)**

## 2. Monitoring: Combined Use of Trade Remedies

- **Proliferation of new trade remedy investigations beyond AD (to CVD, SG, CSG) implies the need to “normalize” to formally track combined policy use**
- **Our approach:**
  - Define the unit of observation as an importing country’s “non-redundant” AD, CVD, SG, CSG investigation/measure at the product level
- **Examples for what that means:**
  - India’s two AD investigations of “Certain phosphorus based chemical compounds” from China and the EC are counted as one product-level investigation
  - U.S.’s three AD investigations of “Polyethylene retail carrier bags” from Indonesia, Taiwan and Vietnam and one CVD of “Polyethylene retail carrier bags” from Vietnam are counted as one product-level investigation (the AD and CVD investigations of the same product from the same country are “redundant”)
- This approach makes AD/CVD/CSG more comparable to a global safeguard (SG) investigation

## 2. Monitoring: Combined Use of Trade Remedies on the Rise in 2008-2009

Newly Initiated Import-Restricting Trade Remedy Investigations, 1Q 2007 - 1Q 2009  
(non-redundant AD, CVD, SG, CSG at the product level)

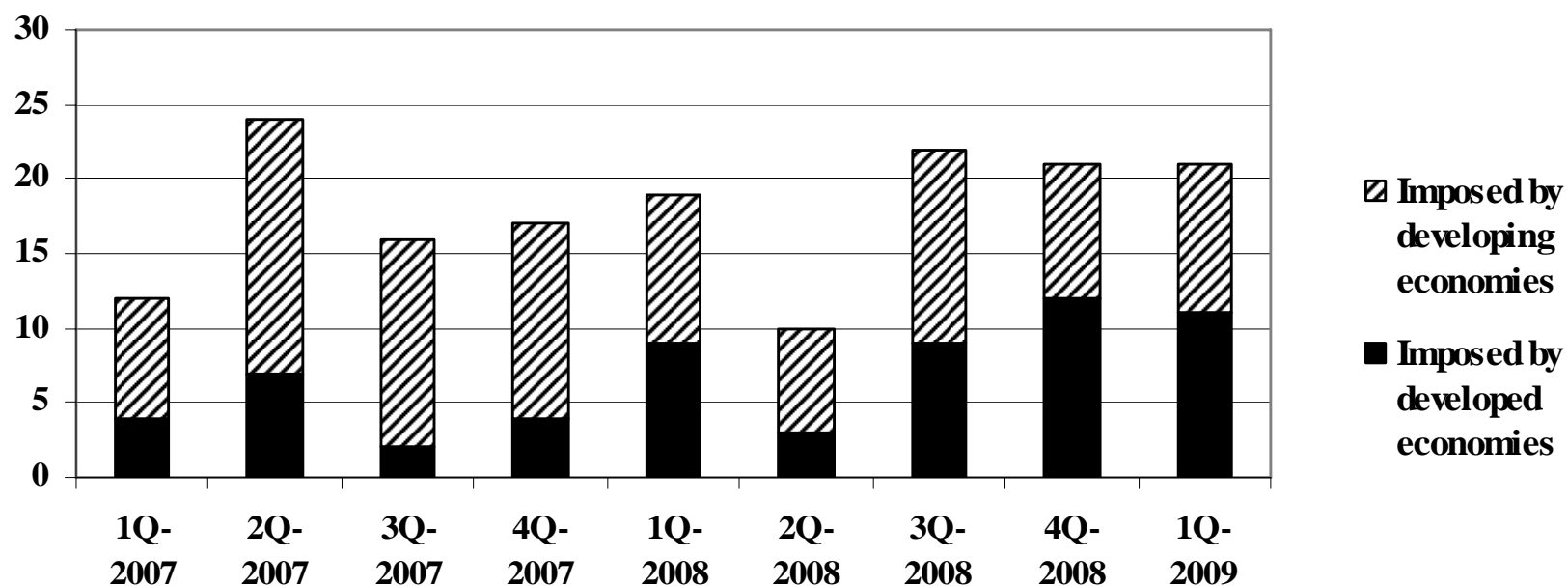


Source: Global Antidumping Database.

**Implication:** Starting from 2007 low point, 29.1% increase in 2008, 18.8% increase in 1Q 2009

## 2. Monitoring: Combined Use of Trade Remedies on the Rise in 2008-2009

Newly Imposed Import-Restricting Trade Remedies, 1Q 2007 - 1Q 2009  
(non-redundant AD, CVD, SG, CSG at the product level)



•Source: Global Antidumping Database.

**Implications:** Low point is 2Q 2008; 24.6% increase in second half of 2008 (compared to second half of 2007), additional 15.4% increase in 1Q 2009 (compared to 1Q 2008)

\*\*The 12 month lag (roughly) between new initiation (last figure) and new measures indicates we should expect a sharp increase in new measures in 3Q, 4Q 2009 and into 2010

## 2. Monitoring: Combined Use of Trade Remedies on the Rise in 2008-2009

### Country Use of Non-redundant AD, CVD, SG, CSG at the Product Level, 1Q 2007 - 1Q 2009

Countries	Initiations			Measures		
	2007 Total	2008 Total	1Q 2009 Total	2007 Total	2008 Total	1Q 2009 Total
<b>USA</b>	<b>14</b>	<b>12</b>	<b>2</b>	<b>3</b>	<b>14</b>	<b>4</b>
<b>European Union</b>	<b>6</b>	<b>10</b>	<b>1</b>	<b>8</b>	<b>9</b>	<b>1</b>
Canada	1	3	1	1	3	1
Australia	2	4	1	2	0	3
New Zealand	2	0	0	1	1	0
South Korea	6	3	0	0	6	0
Taiwan	0	0	0	1	0	0
<b>Argentina</b>	<b>6</b>	<b>11</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>2</b>
<b>Brazil</b>	<b>10</b>	<b>7</b>	<b>0</b>	<b>11</b>	<b>5</b>	<b>1</b>
<b>India</b>	<b>14</b>	<b>19</b>	<b>7</b>	<b>11</b>	<b>11</b>	<b>4</b>
<b>Turkey</b>	<b>3</b>	<b>11</b>	<b>1</b>	<b>3</b>	<b>6</b>	<b>2</b>
China	1	6	2	6	1	0
South Africa	4	2	1	1	2	0
Pakistan	0	3	1	2	0	0
Colombia	1	6	1	7	0	1
<i>Developed countries total</i>	31	32	5	16	33	9
<b><i>Developing countries total</i></b>	<b>39</b>	<b>65</b>	<b>21</b>	<b>46</b>	<b>29</b>	<b>10</b>
<b>Total</b>	70	97	26	62	62	19

Source: National government publications described in the *Global Antidumping Database*.

## 2. Monitoring: Combined Use of Trade Remedies on the Rise in 2008-2009

### Exporting Countries Targeted

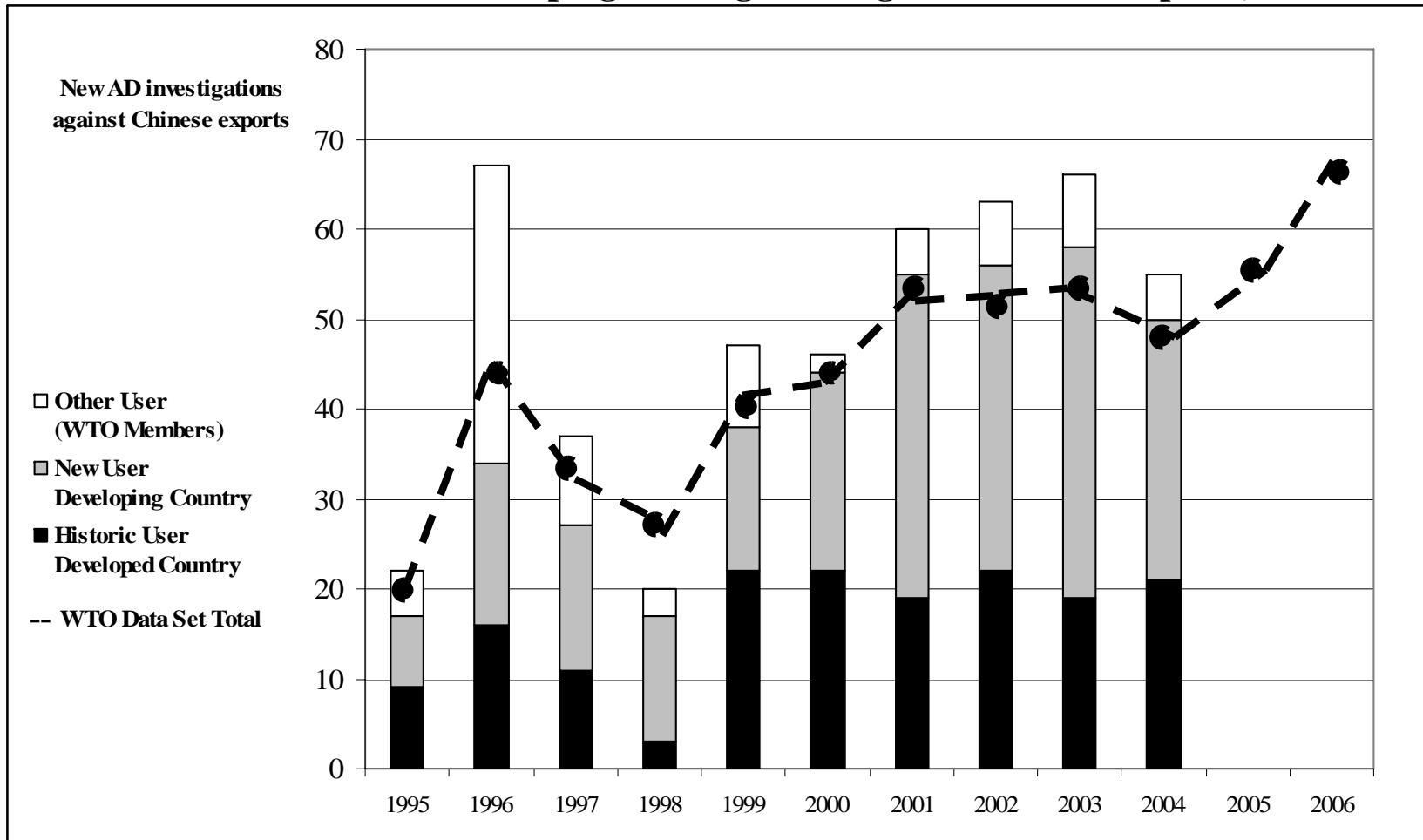
by Non-redundant AD, CVD, CSG at the Product Level, 1Q 2007 - 1Q 2009

Exporting (affected) country	Initiations			Measures		
	2007 Total	2008 Total	1Q 2009 Total	2007 Total	2008 Total	1Q 2009 Total
<i>Total</i>	143	189	43	102	114	32
<i>Developing country exporters (percent of total)</i>	<b>95 (0.66)</b>	<b>143 (0.76)</b>	<b>32 (0.74)</b>	<b>70 (0.69)</b>	<b>77 (0.68)</b>	<b>27 (0.84)</b>
<i>Developed country exporters</i>	48	46	11	32	37	5
<b>China (percent of total)</b>	<b>52 (0.36)</b>	<b>68 (0.36)</b>	<b>18 (0.42)</b>	<b>45 (0.44)</b>	<b>47 (0.41)</b>	<b>15 (0.47)</b>
South Korea	12	8	2	5	7	2
European Union	9	12	4	4	8	1
Thailand	8	11	2	5	1	2
USA	7	8	1	4	6	1
Taiwan	7	8	1	7	7	1
Malaysia	5	10	0	4	2	2
Indonesia	6	10	3	3	4	2
India	4	8	0	4	3	2
Japan	4	3	0	5	2	0
Russia	4	2	0	0	3	0
UAE	3	0	0	0	1	1
Brazil	2	3	3	2	2	0
Turkey	2	3	0	0	2	0
Others	18	35	9	14	19	3

Source: *Global Antidumping Database* – only contains data for 15 AD and CVD using countries for 2007 and 2008 so not comprehensive. (Historically these countries represented 84% of AD initiations by WTO members during 1995-2008.)

## *WTO Member AD Use in 2007-2008 is Following an Earlier Trend – Global AD is Increasingly Targeted Against China’s Exports*

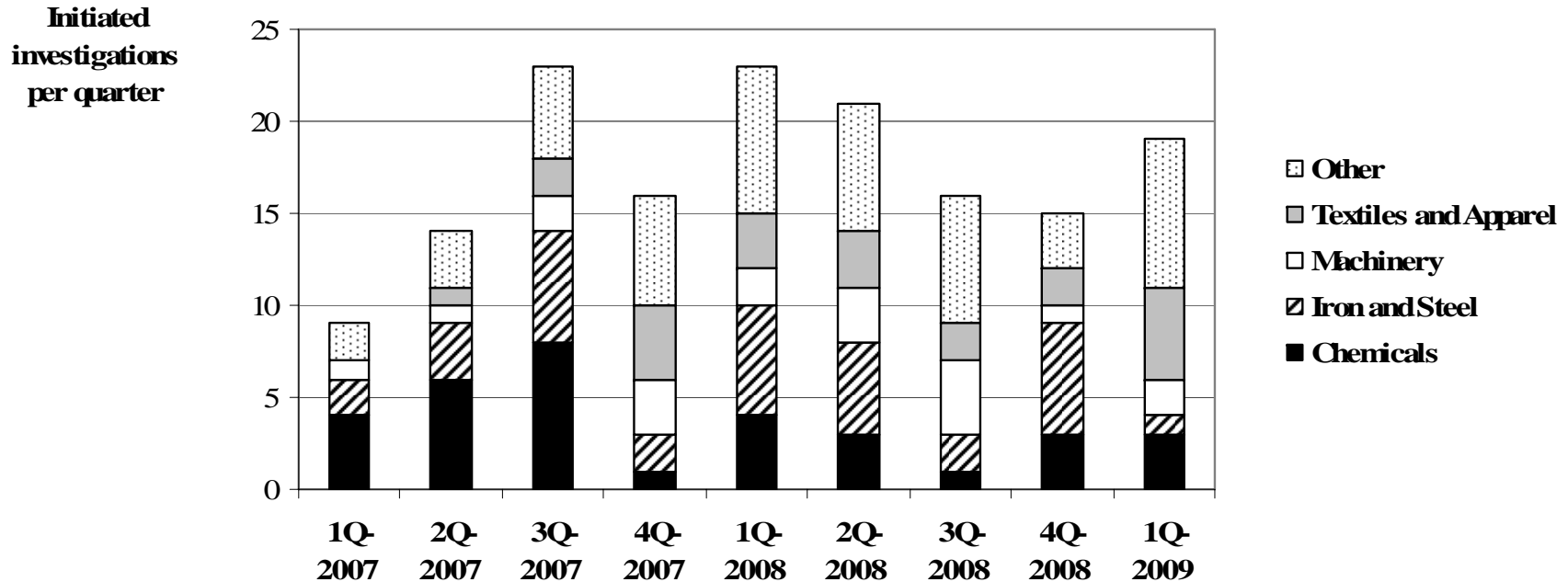
**WTO Member New Antidumping Investigations against Chinese Exports, 1995-2006**



**Source:** Figure 1 of Chad P. Bown (2009) “China’s WTO Entry: Antidumping, Safeguards, and Dispute Settlement,” in Robert Feenstra and Shang-Jin Wei (eds.) *China’s Growing Role in World Trade*. Chicago, IL: University of Chicago Press for NBER, forthcoming.

## *2. Monitoring: Combined Use of Trade Remedies Against China's Exporters 2007-2009, by Sector*

**Newly Initiated Import-Restricting Trade Remedy Investigations, 1Q 2007 - 1Q 2009  
(non-redundant AD, CVD, CSG at the product level)**



• *Source: Global Antidumping Database.*

**Implications:** China's exporters have been the dominant target for these new investigations that may result in import restrictions, in 1Q 2009 facing over 2/3 of all WTO members' new product-level investigations under AD/CVD/CSG

Of the 156 non-redundant product-level initiations against China's exporter's between 1Q 2007 and 1Q 2009 pictured above, the main sectoral targets include chemicals, iron and steel, machinery, and textiles and apparel

**But China became a WTO member in 2001 and since then receives “MFN treatment.”**

***Why hasn't the intensity of trade remedy use against China declined since 2001?***

- China's increasing exports implies more products to target with antidumping
- China's WTO accession and receipt of MFN treatment in foreign tariff schedules
  - Implication: any domestic political-economic pressure to discriminate against China since 2001 needs to be funneled through a WTO-consistent instrument of protection such as antidumping
- China continues to face non-market economy (NME) status in many countries' AD process
  - Implication: antidumping authorities have additional discretion in anti-China investigations which allows them to more easily impose more stringent measures against China's exporters when compared to exports from other WTO members
- China only began late 2008 to legally challenging any foreign use of AD/CVD through WTO dispute settlement provisions (i.e., formal “self-enforcement”)
  - September 2008: *US – AD/CVD on Steel Pipes and Tubes, Tires, and Laminated Woven Sacks* (China initiates WTO dispute DS379)

### *3. Questions Raised by the Early Data on 2007-2009 Trade Remedy Use*

#### **3.1 Comparison of sectoral use by developed versus developing economies**

- Use by U.S./EC versus use by India/Argentina/Brazil/Turkey

#### **3.2 Examining the use of trade remedies across countries over “common products” and across “common firms” (multinational/subsidiary)**

- Trade deflection? Retaliation? Market segmentation?

#### **3.3 Trade remedy use in the era of fragmentation**

- Does historically-induced “Antidumping jumping” foreign direct investment affect the current discriminatory nature of new trade remedy protectionism?
- Worries of spread up the “input” process

### 3.1 Developed Economy Use of Trade Remedies by Sector

Use of Non-redundant AD, CVD, SG, CSG at the Product Level, 1Q 2007 - 1Q 2009

Sectors	Initiations			Measures		
	2007 Total	2008 Total	1Q 2009 Total	2007 Total	2008 Total	1Q 2009 Total
Agriculture	1	1	0	4	1	1
<b>Chemicals</b>	<b>10</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>10</b>	<b>0</b>
<b>Iron and steel</b>	<b>8</b>	<b>10</b>	<b>0</b>	<b>2</b>	<b>9</b>	<b>3</b>
<b>Machinery</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>1</b>
Materials	1	0	2	1	2	0
Misc. manufactures	0	1	1	0	1	1
Other metals	0	3	0	2	0	1
Plastics and rubber	4	0	1	1	3	0
Textiles	1	1	0	1	1	0
Vehicles	0	1	0	1	0	1
<b>Wood</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>1</b>
<b>Total</b>	<b>31</b>	<b>32</b>	<b>5</b>	<b>16</b>	<b>33</b>	<b>9</b>

Source: National government publications described in the *Global Antidumping Database*. Developed countries are USA, European Union, Canada, Australia, New Zealand, South Korea, Taiwan.

### 3.1 Developing Economy Use of Trade Remedies by Sector

Use of Non-redundant AD, CVD, SG, CSG at the Product Level, 1Q 2007 - 1Q 2009

Sectors	Initiations			Measures		
	2007 Total	2008 Total	1Q 2009 Total	2007 Total	2008 Total	1Q 2009 Total
Agriculture	0	0	0	1	0	0
<b>Chemicals</b>	<b>15</b>	<b>14</b>	<b>5</b>	<b>9</b>	<b>13</b>	<b>1</b>
<b>Iron and steel</b>	<b>2</b>	<b>9</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>
<b>Machinery</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>3</b>
Materials	0	4	1	2	1	0
Misc. manufactures	1	3	0	6	0	0
Other metals	1	4	3	1	1	0
<b>Plastics and rubber</b>	<b>5</b>	<b>10</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>2</b>
<b>Textiles</b>	<b>6</b>	<b>10</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>1</b>
Vehicles	1	2	1	3	0	1
Wood	2	2	1	1	3	0
<b>Total</b>	<b>39</b>	<b>65</b>	<b>21</b>	<b>46</b>	<b>29</b>	<b>10</b>

Source: National government publications described in the *Global Antidumping Database*. Developing countries are Argentina, Brazil, India, Turkey, China, South Africa, Pakistan, Colombia.

## *3.2 Concern for Retaliation? “Trade Deflection”? Market Segmentation?*

**The following are samples of the 34 examples of HS-06 “product overlap” across trade remedy-using countries between 1Q 2007 - 1Q2009 (covering 58 unique 6-digit HS codes)**

Product	Common HS Code (6-digit)	First Initiating Country	Subsequent Initiating Countries	Targeted exporters (initiated case in which named)
1 Sodium	280511	1. USA	2. EU	EU (1); USA (2)
9 Bus and truck tires	401120	1. USA	2. Brazil 3. India	China (1,2,3); Thailand (3)
12 Cotton yarn	520500, 520600	1. Turkey (SG)	2. Peru (SG)	All because SG
14 Polyester fibre	550320	1. Pakistan	2. Argentina 3. South Africa	China (1,2,3); India (2); Indonesia (2); Taiwan (2)
21 Flat-rolled products of stainless steel	721931, 721932, 721933, 721934, 721935	1. EU	2. India	China (1,2); Korea (1,2); Taiwan (1,2); Japan (2); EU (2); South Africa (2); Thailand (2); USA (2)
22 Pipes and tubes	730630	1. USA	2. EU 3. Canada 4. Australia	China (1,2,3,4); Belarus (2); Bosnia Herzegovina (2); Malaysia (4); Russia (2)
27 Aluminum foil	760711	1. EU	2. India (CSG)	China (1,2); Armenia (1); Brazil (1)
31 Optical media	852340	1. India	2. Brazil (SG) 3. Argentina	China (1); Hong Kong (1); Paraguay (3); Taiwan (1)
34 Parts and accessories of motor vehicles	870899	1. Argentina	2. India	China (1,2)

Source: *Global Antidumping Database*.

## ***3.2 Concern for Retaliation?***

### **Example of U.S. – EC “tit-for-tat” cases over Sodium Metal**

**October 2007 – U.S. initiates AD investigation over *Sodium Metal* from France, including “Métaux Spéciaux (MSSA SAS)”**

- U.S. domestic petitioning firm is “E.I. DuPont de Nemours & Co. Inc.”
- May 2008, preliminary AD duty of 62.62% is imposed

**July 2008 – EC initiates AD/CVD investigations over *Sodium Metal* from the U.S.**

- December 2008, in the U.S. investigation, the USITC rules negative on injury determination so no final measures imposed
- EC investigation is still ongoing

## ***3.2 Concern for Market Segmentation?***

### **Anti-competitive concerns for trade remedy use by multinational firms?**

**November 2008 – U.S. imposes definitive AD duties on *Polyethylene Terephthalate Film, Sheet, and Strip (PET Film)* from China, including 3.49% on “DuPont Teijin Films China Ltd”**

- **DuPont Teijin Films** is a 50-50 global joint venture between DuPont and Teijin [Japan]  
(<http://www.dupontteijinfilms.com>)
- The American subsidiary “DuPont Teijin Films” is one of the domestic petitioners thus targeting the Chinese subsidiary of the same firm

**February 2009 – India imposes definitive AD measure (price undertakings) on *Compact Fluorescent Lamps* from China, including with “Osram China Lighting Co. Ltd.”**

- **Osram** is a German lamps and lighting systems firm  
([http://www.osram.com/osram.com/About\\_Us/The\\_Company/index.html](http://www.osram.com/osram.com/About_Us/The_Company/index.html))
- The Indian subsidiary “Osram India Pvt. Ltd.” is one of the domestic petitioners thus targeting the Chinese subsidiary of the same multinational firm

### ***3.3. Trade remedy use in the era of fragmentation***

#### ***The Impact of Antidumping-Jumping Foreign Direct Investment?***

##### **Specific examples of recent EC/Canada Trade Remedy Initiations over Steel Products**

- **In a recent major wave of EC AD use over steel (2000) India's steel producers were a target, being hit with new AD import restrictions (revoked after sunset in 2004-05)**
- **Indian Steel Firm Mergers & Acquisitions: ArcelorMittal (2006), Corus/Tata (2007)**
- **Subsequently, ArcelorMittal and Corus have become domestic EC petitioners...**
  - December 2008 EC imposes definitive AD duties on *Certain Welded Tubes And Pipes Of Iron Or Non-Alloy Steel* from Belarus, China and Russia (but not India)
  - February 2009, EC imposes preliminary AD duties on *Wire Rod* from China, Moldova, and Turkey (but not India)
  - April 2009, EC imposes preliminary AD duties on *Certain Seamless Pipes And Tubes* from China (but not India) [NB: domestic petitioners include Arcelor Mittal but not Corus]
- **ArcelorMittal is one of Canada's domestic petitioners...**
  - August 2008 Canada imposes definitive AD duties on *Certain Carbon Steel Welded Pipe* from China (but not India)

### ***3.3. Trade remedy use in the era of fragmentation***

#### ***The Impact of Antidumping-Jumping Foreign Direct Investment?***

##### **Specific examples of recent Indian Trade Remedy Initiations over Steel Products**

**March 2009 India imposes preliminary AD duties on *Cold-Rolled Flat Products of Stainless Steel* from the EC and 7 other exporting countries**

- Indian domestic petitioner is Jindal Stainless Limited (not Tata, not Ispat)
- Jindal Stainless Limited does report subsidiaries in UK (Jindal Stainless UK Limited, London) and Italy (Jindal Stainless Italy S.r.l. ) (<http://www.jindalstainless.com/subsidiary-companies.html>)

**December 2008, India initiates AD investigation over *Hot Rolled Steel Products* from 15 exporting countries, the only EC member state named is Romania**

- Indian domestic petitioners are Ispat Industries Limited (Mittal group), Essar Steels Limited, JSW Steel Limited

### ***3.3. Trade remedy use in the era of fragmentation***

#### ***The Global Supply Chain: Concerns over new trade remedy use over inputs...***

##### **Yarn**

- May 2008 India initiates AD investigation over *Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn Flat Yarn of Polyester* from China, Thailand and Vietnam
- May 2008 Brazil initiated AD investigation over *Rayon Yarn* from Austria, India, Indonesia, China, Thailand, Taiwan
- November 2008 Argentina initiates AD investigation over *Polyester Fiber and Yarn* from China, India, Indonesia, and Taiwan

##### **Electronics-and IT-Type Products**

- Since September 2007, India has initiated distinct AD investigations and/or imposed AD measures over imports (almost exclusively from East Asian suppliers) of all of the following
  - *Compact Disc - Recordable (CD-R)*
  - *Cathode Ray Colour Television Picture Tubes*
  - *Digital Versatile Discs - Recordable (DVD-R)*
  - *SDH Transmission Equipment*
  - *Recordable Digital Versatile Disc (DVD) of all kinds*

# Conclusions

- **Trade remedy use on the rise in 2008-2009 with the crisis**
  - Some developed economy users, dominated by developing economy users
  - **Targets: developing country exporters**
  - **A major component to the story is the increasing share of global targeting of China's exports, especially with AD**
- **While trade remedy protection is only a small part of the “rising protectionism” story, it is important to point out that even among the instruments of “contingent protection,” antidumping is not the whole story**
  - **CVM, China-SG, global SG also indicate worrisome trends, much with the same underlying political-economy flavor as the AD trends (e.g., targeting China)**
- **Many other interesting elements of the data on spread of trade remedy use**
  - **Trade deflection, market segmentation, retaliation, antidumping jumping FDI, downstream impacts**
- **Roll-out of version 5.0 of the detailed data in Global Antidumping Database**

[www.brandeis.edu/~crown/global\\_ad/](http://www.brandeis.edu/~crown/global_ad/)

## Additional References on Antidumping

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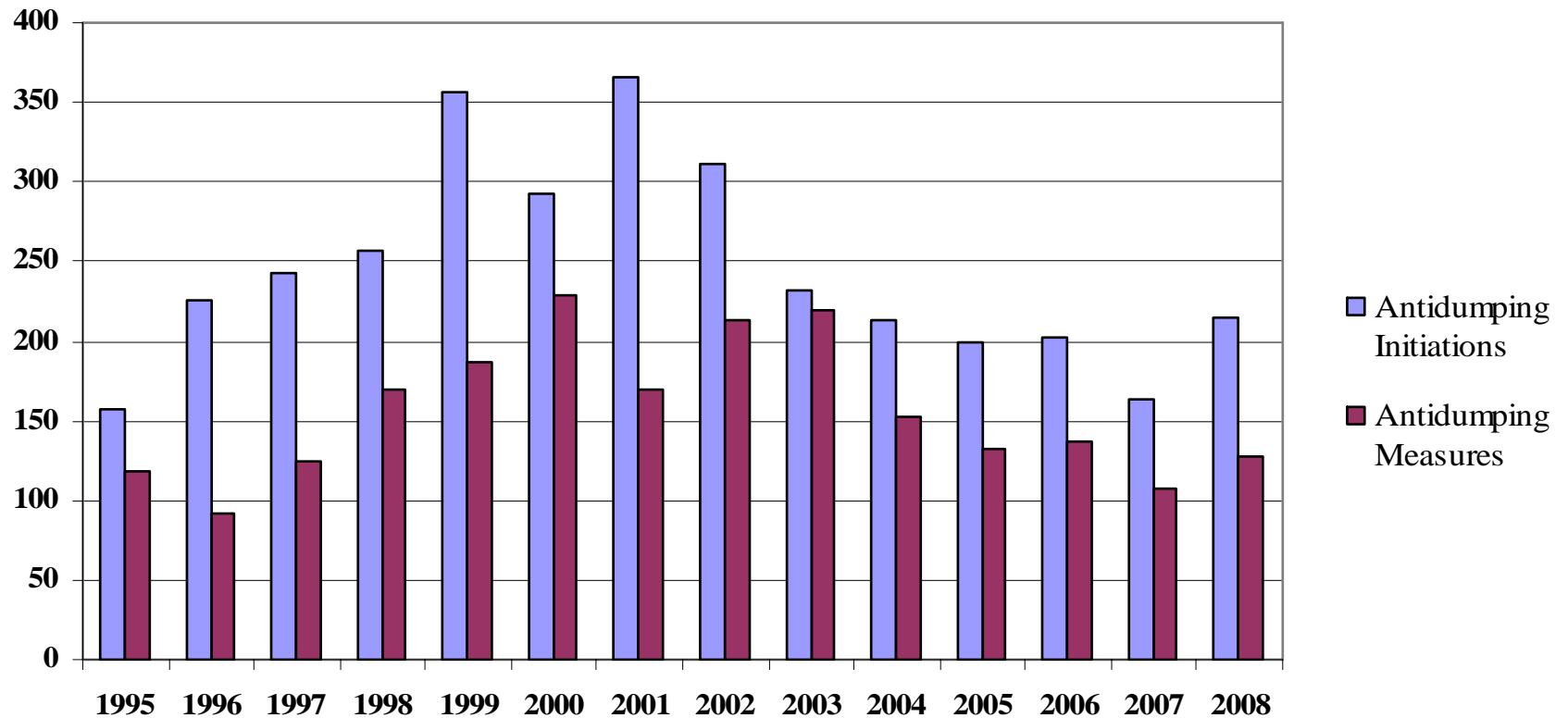
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# *Appendix Slides*

## 2. Monitoring: Antidumping Use on the Rise in 2008

### Antidumping Initiations and Measures by WTO Members, 1995-2008



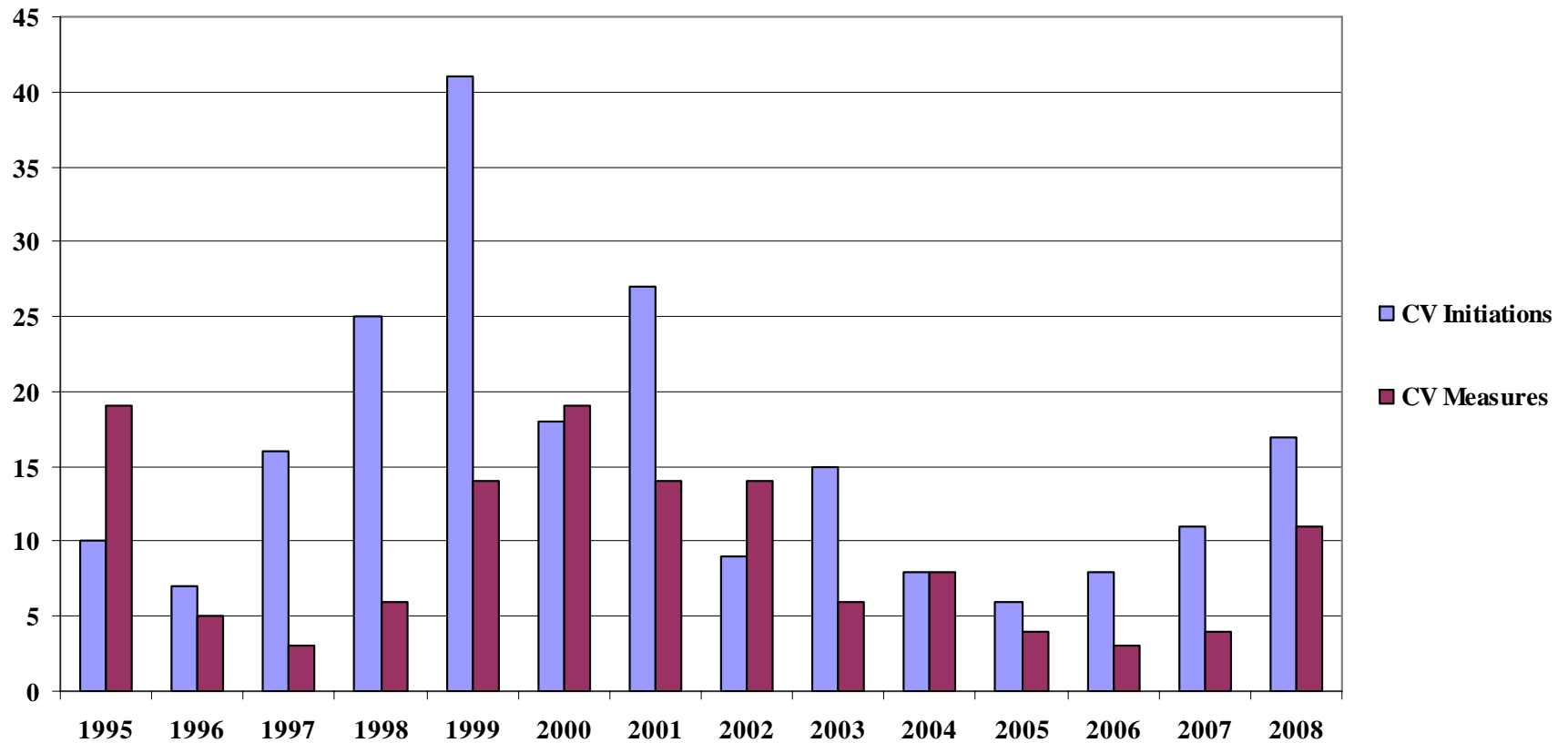
Source: 1995-2007 is from the WTO, 2008 data is estimated based on Global Antidumping Database.

**Implication:** Increase in AD use by the WTO membership in 2008, after decline between 2002-2007

Note: at the product level, use of AD is flat so far in 1Q 2009

## 2. Monitoring: Countervailing Measure Use on the Rise in 2008

### CVD Initiations and Measures by WTO Members, 1995-2008



Source: 1995-2007 is from the WTO, 2008 data is estimated based on Global Antidumping Database.

**Implication:** CVM smaller scale than AD overall, but on the rise in 2008.

## 2. Countervailing (Anti-subsidy) Measures

### Notable events in the “world” of CVM

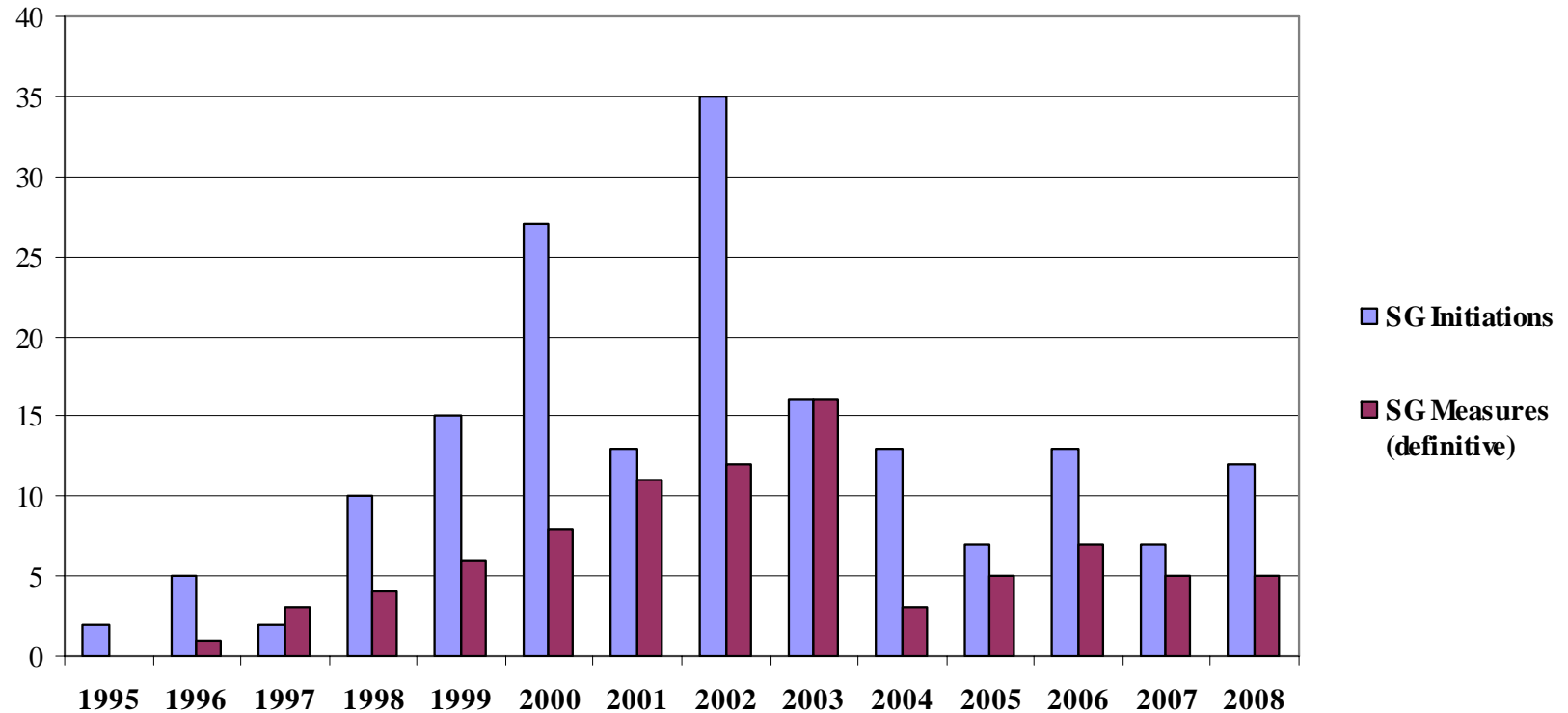
- **U.S. policy shift in March 2007 (reversing 1984 *Georgetown Steel* decision) – it is now willing to “consider” countervailing duty initiations against China**
  - U.S.: more than 14 CVM investigations against China since March 2007
  - A number of which have resulted in the imposition of CVDs (e.g., by 2008 this included *Circular Welded Carbon Quality Steel Pipe, Light-Walled Rectangular Pipe and Tube, Laminated Woven Sacks, Sodium Nitrite, Certain New Pneumatic Off-the-Road Tires, Raw Flexible Magnets, Lightweight Thermal Paper*)

### ***Other CVM-using countries: following the U.S. lead? (Examples)***

- **Canada**: 3 CVM initiations against China in 2008 (NB: Canada’s first CVM preceded the first U.S. measure)
- **Australia**: 2 CVM initiations against China in 2008
- **South Africa**: 1 CVM initiation against China in 2008
- **India** initiated its first ever CVM investigation in January 2009
  - *Imports of Sodium Nitrite from China*

## 2. Monitoring: Global Safeguard Use on the Rise in 2008

### SG Initiations and Measures by WTO Members, 1995-2008



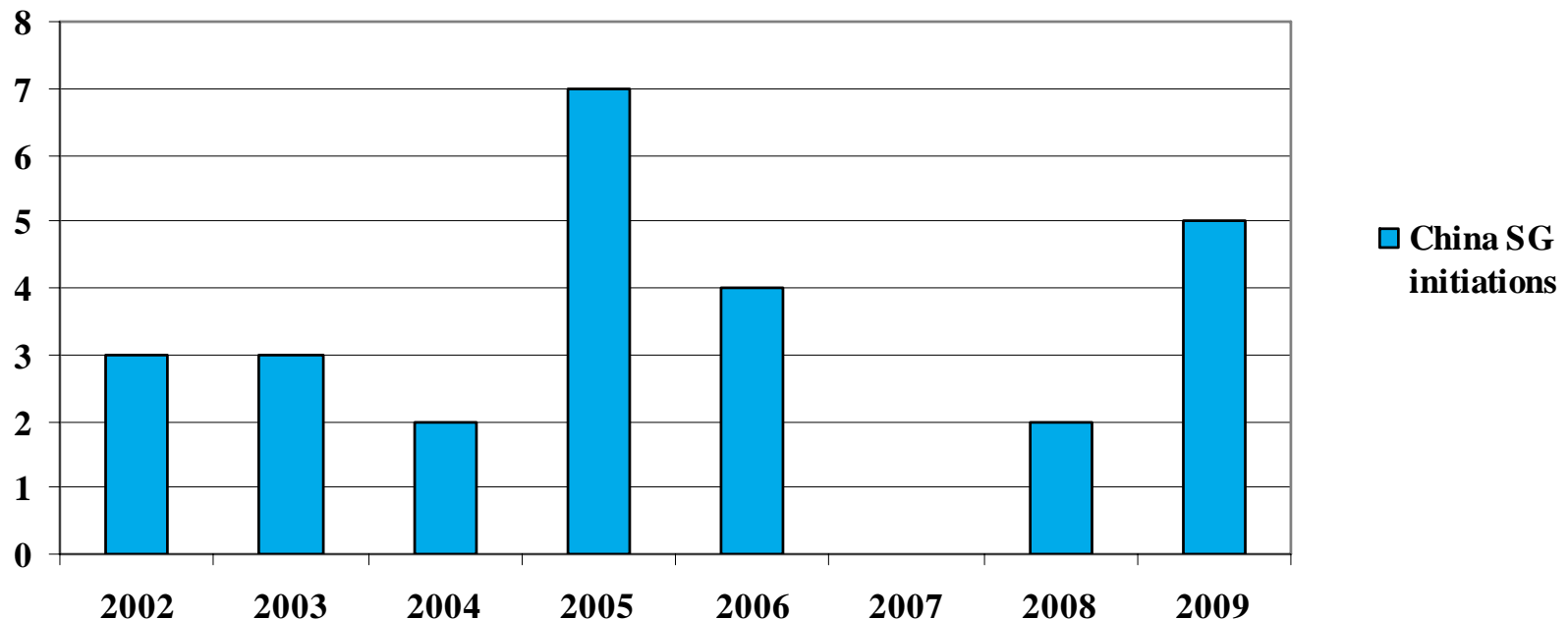
Source: government reports to the WTO Committee on Safeguards

#### Implications:

- Compared to AD, Global SG initiations less likely to result in definitive new measures (1995-2008= 177 investigations but only 86 definitive measures imposed)
- Note: 15 of the remaining 91 initiations did result in preliminary SG measures (so temporary protection)
- The crisis is not yet leading to a spike in SG use comparable to 2000 or 2002 (steel safeguard proliferation)

## 2. Monitoring: China-specific Safeguard (CSG) Use on the Rise in 2008-2009

CSG Initiations by WTO Members, 2002-2009



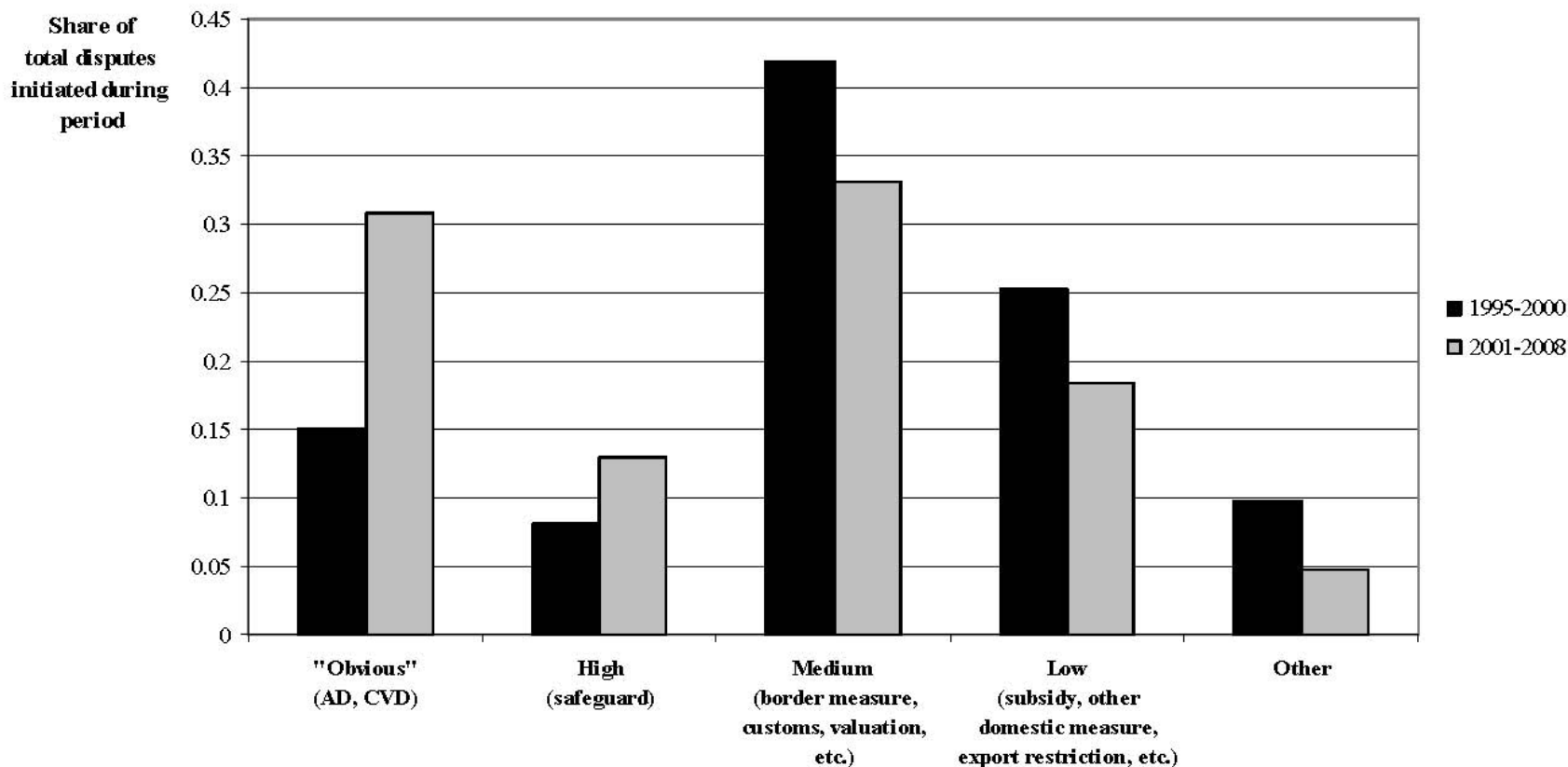
Source: government reports to the WTO Committee on Safeguards and national government website compiled into Global Antidumping Database.

### Implications:

- 2009 Initiations so far (4 by India, 1 by U.S.)
- 2005 “spike” likely associated with the end of the MFA/ATC (4 out of 7 investigations are apparel/textile products), 5 different countries initiated investigations
- Reporting is not complete, preliminary measures typically imposed but lack of reports on final measures
- Does not include all China-specific SGs (e.g., U.S. transitional textile/apparel China-specific SG administered by OTEXA for 2002-2005 not notified to WTO, 2005 U.S./EC negotiated textiles/apparel VERs with China)

#### 4. Monitoring: WTO Dispute Settlement over These Trade Remedies?

### WTO Disputes by Observability of Alleged Policy Cause of Lost Market Access, 1995-2000 and 2001-2008



Source: Table 4-3 of Chad P. Bown (2009) *Self-Enforcing Trade: Developing Countries and WTO Dispute Settlement*. Washington, DC: Brookings Institution Press, forthcoming.

**Implication:** An increasing share of all formal WTO dispute settlement is over member use of AD, CVM, SG.

## 4. Monitoring: WTO Dispute Settlement over These Trade Remedies?

### WTO Member Antidumping and Countervailing Measures Initiations, Impositions and DSU Challenges, by Targeted WTO Exporter for 1995-2008

Targeted WTO member	New AD Initiations	New AD Measures	Exporter uses DSU to challenge New AD	New CVM Initiations	New CV Measures	Exporter uses DSU to challenge New CVM
<b>Total developed economy exporters</b>	1175	722	72	72	39	15
EC	283	161	55	33	22	9
Japan	144	106	2	0	0	0
US	189	115	5	7	1	0
Korea	252	150	3	16	9	3
Taiwan*	92	64	2	1	0	0
Other developed	215	126	5	15	7	3
<b>Total developing economy exporters</b>	1416	909	38	125	82	9
Argentina	30	15	3	6	4	0
Brazil	97	74	5	7	8	1
China*	410	295	5	23	14	5
Costa Rica	2	0	1	0	0	0
Guatemala	3	1	1	0	0	0
India	137	84	10	46	27	2
Indonesia	145	82	2	11	8	0
Malaysia	90	50	0	3	3	0
Mexico	40	27	5	0	0	0
Pakistan	10	6	0	1	1	0
Philippines	11	6	0	1	2	0
South Africa	58	38	0	6	4	0
Thailand	142	84	2	9	3	0
Turkey	44	25	2	2	1	0
Other developing	197	122	2	10	7	1
<b>Total WTO member exporters</b>	2591	1631	110	197	121	24

Source: Table 4-3 of Chad P. Bown (2009) *Self-Enforcing Trade: Developing Countries and WTO Dispute Settlement*. Washington, DC: Brookings Institution Press, forthcoming.

## *4. Monitoring: WTO Dispute Settlement over These Trade Remedies?*

### **Implications**

- An increasing share of for WTO DSU activity is over challenges to AD, CVM, and SG (35% for 2001-2008, up from 21% during 1995-2000)
- However, these challenges are tiny fraction of the total newly imposed import restrictions that WTO members implement
  - Over 90% of imposed antidumping and countervailing measures have gone unchallenged through WTO dispute settlement
  - Furthermore, there are few countries that use this method of challenging – to date the big challengers to AD/CVM imposed on their exporters are EC and India