



ANTI-DUMPING MEASURES UNDER THE WTO REGIME (2007).  
By Dr. Neeraj Varshney. Universal Law Publishing Co. Pvt. Ltd., Delhi  
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THE GLOBALISED village results in globalised patterns of consumption. The process is accelerated by information technology. Hence the international economic order demands more and more of the same products or goods for all. Consequently the teeming billions of developing countries with transforming economies constitute the target consumer for the manufacturers of these products in the developing as well as the developed world. The sales assault on this common consumer pits the manufacturers of the developing countries against the developing countries and of both against the developed countries. Every manufacturer, trader, exporter, country justifies the fight for markets on the principles of free and fair international trade according to their respective perception. This book tells us how from the time of League of Nations in the early 1920s to the 1947 GATT, the Anti-Dumping Code 1967 to the 1979 Code followed in 1993 by the Anti Dumping Agreement, the global community has struggled to establish the rule of reason in the international marketing of goods through exports. The author has not only crunched large spans of time but also a huge amount of material into a comprehensive but readable book of 495 pages. The book is rounded off by giving the key reference material as an appendix at the end – text of article VI and interpretative note as also the agreement on the implementation of article VI of the General Agreement on Tariffs and Trade 1994.

Dumping is the common name give to the economic misery of the manufacturers of a product in a country resulting from the monetary delight of another country's exporter selling the same or similar goods at a price less than that at which he sells these goods in his own country. One man's extinction is another's exhilaration. But then when it comes to applying the concept of dumping legally in terms of the 1995 WTO Agreement there is a whole world of complexity. The complexity arises from the "normal value" against which the price of the exported product has to be compared. The normal value has to be based on the price at which a like product is sold in the domestic market of the exporting country in the ordinary course of trade, the comparison between the export price and the normal value should be fair that is it should be for the same level of trade in respect of sales made near about the same time and due allowance should be made in



each case on merits for differences which affect price comparability like differences in conditions and terms of sale, taxation, levels of trade, quantities and any other differences which demonstrably affect price comparability. If normal value cannot be established normally then the legal routes for the same are cost of production in the exporting country, or nearby sales by the exporting country of that like product to other countries or a best judgment on the information available. Then the law requires establishing material injury or threat thereof from the exported product to the importing country's domestic industry or material retardation in the establishment of a domestic industry and then of course a nexus of causation between the material injury and the price of the product exported. The author fully explores these complexities in chapters 3 and 4 with extensive comparisons of cases from the US, EU, Indian and the WTO. The entire Indian law from the *Haldor Topsoe* to the pending *Tata Chemicals* (Metallurgical coke) has been covered along with the relevant extracts of statutes in the appendix. The investigation procedures, the factors involved in calculating the dumping margin and the WTO settlement procedures are detailed in a simple and logical manner.

The conflict in international trade is two fold. There is a silent economic war between developing countries in capturing each other's mass markets and in exporting to the developed world products at the low or middle level of the knowledge chain. As the thirst and desire for higher end knowledge products grow in the developing countries there is a similar war for capturing this demand by the developed world, subject to their security and strategic concerns. This explains the hard truth of circumvention of anti dumping measures and disagreement concerning this issue, which the author has succinctly dealt with in chapter 8. Post Doha negotiations and issues and perspectives in chapters 9 and 10 give a glimpse into the future of international trade.

Hence this book is a must have for all those interested in the global village of which all of us form a part. As global consumers of global products we all love to have more for less which dumping ensures at least for some time. But in the absence of any WTO drive towards global information on cost of production of these products and of transparency, the threat of price/technology slavery looms large since global consumers are still rooted in sovereign countries fighting for economic hegemony based on knowledge imprisoned in product-process patents. In the absence of global information on cost of production of products it is difficult to distinguish between comparative advantage in manufacturing a product by a country and dumping of that product. Such global information would reveal sweated labour on the one hand and unpaid for environmental pollution on the other, leading thereby to a realistic comparative price advantage of the manufacturer of a product



in different countries. The book needs to be set in this perspective of the international economic order, which it does not touch. The addition of a well-organized index would add value to the book's contents.

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