

**MINISTRY PAPER NO.:** \_\_\_\_\_

**PERFORMANCE OF THE ANTI-DUMPING AND SUBSIDIES  
COMMISSION FOR FINANCIAL YEAR 2003/2004 AND  
FOCUS FOR FINANCIAL YEAR 2004/2005**

**1.0 Purpose of Ministry Paper**

The purpose of this Ministry Paper is to provide a summary of the work of the Anti-dumping and Subsidies Commission, highlights of its performance and achievements for the Financial Year 2003/2004, and its focus for Financial Year 2004/2005.

**2.0 Mission, Role and Functions**

**2.1 Mission Statement of the Commission**

To foster fair competition and equity in international trade by vigorously enforcing laws, which enhance fair international trading practices; and to promote public awareness of Jamaica's Trade Remedies legislation.

**2.2 Vision Statement of the Commission**

To implement Jamaica's Trade Remedies laws in a fair, transparent and expeditious manner; to conduct the Commission's work with diligence, confidentiality and integrity.

The Anti-dumping and Subsidies Commission was established in 1999 pursuant to, and to administer the provisions of, the Customs Duties (Dumping and Subsidies) Act of 1999 (the "CDDASA" or the "1999 Act"). In 2001, the Safeguard Act 2001 was passed and administration of this Act was added to the mandate of the Commission.

The Commission's core mandate under the 1999 Act is the responsibility to investigate cases of dumping and improper subsidization of imported goods, and to impose remedies in the form of anti-dumping and countervailing duties to protect local interests. The Safeguard Act allows for the imposition of measures, such as duties or quotas, to defend domestic industries from the detrimental effects of increases in imports, where such increases cause or threaten to cause serious injury to the domestic industry. A safeguard may also be imposed when there is no unfair trade, so as to allow a particular local industry a grace period to become competitive.

Collectively, the redress available through the legal framework administered by the Commission is known as "Trade Remedies."

The Commission is a portfolio agency of the Ministry of Commerce, Science, and Technology (with Energy). The Commission is comprised of five (5) Commissioners appointed by the Minister for a term of up to three (3) years. The Commissioners independently adjudicate cases and make decisions based on investigations conducted by the staff of the Commission.

During the 2003/2004 Fiscal Year, the Commission played a greater role in assisting the Government with continued development of a coherent international trade policy, within the framework of FTAA and CARICOM developments.

## **2.3 Functions**

The main functions of the Commission are as follows:

- (a) To enhance business competitiveness: The trade remedy regime that the Commission administers is geared toward fostering fair and competitive trade between Jamaica and its international trading partners.
- (b) To conduct dumping, subsidy and safeguard investigations: Firms suffering material or serious injury or threat of such injury as a result of imports, fair or unfair, into the domestic market, may seek the assistance of the Commission, and if the appropriate conditions exist, the imposition of a duty or a measure will result.
- (c) To assist the Government in the development of international trade policy: This function includes review of draft legislation and assistance with drafting instructions as well as other supporting activities to facilitate the improvement of the legislative scheme.
- (d) To promote awareness on the part of businesses and the general public: In the area of international trade, the legal environment and Jamaica's trade remedy regime.
- (e) To encourage greater use of the Commission's facilities/services: In particular, the Commission seeks to ensure greater use of its services by local industry.
- (f) To develop competencies with respect to international trade arrangements: This relates primarily to CARICOM, FTAA and the WTO agreements.

## **3.0 Priority Target And Objectives for FY2003/2004**

### **3.1 Cases**

The Commission cannot readily predict its caseload, but nevertheless, for the FY 2003/2004, worked with an indicative target of handling up to three (3) investigations

simultaneously without undue strain on its resources and readied itself to conduct four (4) investigations for the year.

### **3.2 Legislative Matters**

The Commission engaged actively with other stakeholders in achieving the passage of the Safeguard Regulations and had as its goal, passage of these regulations within the first quarter of the year.

### **3.3 Public Education**

The Commission anticipated ongoing engagement in raising the public's awareness of its mandate and made provision for three (3) major public education seminars for the year. The Commission also aimed at increasing its ability to offer sound training to other Government entities both at home and abroad and to make major strides in its effort to become a Centre of Excellence in international trade and trade remedies.

### **3.4 Capacity Building and Institutional Strengthening**

The major focus remained internal capacity building and institutional strengthening. For the review year, the Commission aimed at completing and reinforcing training for staff in the critical areas of trade remedies disciplines. Additionally, the Commission, the work of which requires extensive document tracking systems, began the year with plans for a significantly improved information technology system and website. This was designed to enhance internal document management, and further its progress toward becoming a source of valuable information and a Centre of Excellence.

## **4.0 Performance Highlights for Financial Year 2003/04**

### **4.1 Cases Investigated**

During the period under review, the Commission opened two (2) new investigations. Prior to this period, dumped goods had accounted for all the cases initiated by the ADSC. The Commission however, commenced its first Safeguard case on October 16, 2003 in response to a complaint filed by the Caribbean Cement Company Limited. On December 16, 2003, a dumping case was also initiated against cement from China.

The ADSC has reached a preliminary determination in the statutory timeframe. Investigations will continue toward final determinations, which are scheduled for June 2004 in the open dumping case and July 2004 in the Safeguard case.

## **4.2 Legislative Matters**

Prior to the filing of the Safeguard case in September 2003, the Commission made significant headway in the process of reviewing the legislation to continue improvement in the regime. Since the second quarter, however, the magnitude of the overall caseload has affected the schedule for finalising comments on the legislative scheme.

The anticipated passage of the Safeguard Regulations in the first quarter of the review year, actually took place in the second quarter.

## **4.3 Public Education**

During the first and second quarters of the Financial Year, the Commission conducted two (2) major public education exercises to inform about and or reinforce knowledge of trade remedies in the business, academic and general communities. As of the third quarter however, the general caseload has also diverted resources from the public education thrust. Despite this, the Commission has continued to honour its commitment to public education by appearing at association and other meetings when invited, and responding to inquiries of persons visiting the Commission, via telephone, or in writing, about its work. Opportunities to educate the public via the electronic and print media have also been utilised.

Over the review year, the Commission placed priority on its role in providing advice on negotiating positions in the international arena. Papers and comments on negotiation issues were provided upon request. In its capacity as a member of the Jamaica Trade and Adjustment Team (JTAT) and in response to other requests, the ADSC continued to fulfil its mandate as a resource for ministers and other officials responsible for foreign trade policy, as well as private sector players responsible for trade policy positioning and international negotiations.

Public education continued through distribution of publications, including the Trade Remedies Guide, Complainant's Questionnaire, Importer's Self-Assessment Guide, and brochures, outlining the role of the ADSC. Publications are available at the offices of the Commission while some may also be accessed over the Internet.

- With the assistance of international donor organizations, work advanced in the development of the Resource Centre with the acquisition of critical materials and infrastructure. Toward the end of the review year, the Commission publicly launched its new website, document management system and resource centre.
- Work commenced on the design of a model to facilitate small relatively unsophisticated companies in filing complaints correctly and accessing the assistance of the Commission. A pilot of the model was run briefly with a graduate business class at Northern Caribbean University.

#### **4.4 Other Achievements**

- Developed an internal system of policies and procedures, both for case management and administration.
- Continued development and implementation of a plan to support the migration of paper-based administrative records to an electronic record system by which submissions to the ADSC may be made on compact disk or diskette.
- Reviewed the legislative scheme and contributed to improving the coherence and completeness of the regime.
- Engaged fellow agencies in dialogue regarding practical and necessary collaboration to improve the coherence of the legislative scheme.
- Assisted the Ministry of Foreign Affairs And Foreign Trade (MFAFT) and private sector interests, to develop coherent negotiating positions.
- Presented papers, participated in discussions and assisted in isolating issues for national and regional negotiating consideration.
- Assisted public and private sector interests in Guyana with matters respecting trade remedies. Honoraria earned in the process remitted to the Consolidated Fund.
- Conducted discussions with several domestic industries engaged in production of a variety of goods, with a view to assisting those industries to identify trade remedies cases.

#### **5.0 Strategic Focus/Summary of Main Programmes with Targets for Fiscal Year 2004/2005**

A priority focus for the 2004/05 year will be a technical review of the Acts and Regulations which the Commission administers. The review will seek, *inter alia*, to strengthen enforcement provisions.

The Commission will continue to develop its institutional capacity in conducting dumping, subsidy and safeguard investigations. The Commission aims to enhance its technical capability to allow for responding in an efficient and competent manner, within the statutory timeframe, to cases and other matters under its mandate, as they arise.

The ADSC will continue to build capacity in the disciplines relating to international trade. The essential means of achieving these objectives will be ongoing training and

honing of the skills of the Commission's personnel. A key objective is the creation of a cadre of Jamaican specialists in the areas of international trade law, negotiation, rules, and remedies.

The Commission is committed to the development of its public education programme, which includes the establishment of a library of international trade information. With a view to the future, it seeks to enhance the delivery of information by increasing materials available in the reading room resource centre and via its new interactive website. Upon the achievement of these objectives, Jamaica will be established as a regional Centre of Excellence and empowered to provide trade-related technical assistance more broadly within the region.

## **6.0 Budgetary Allocation**

The approved budget for the 2002/2003 Financial Year was \$26.5 M; while that for 2003/04 was \$30.0 M. The approved estimate for Financial Year 2004/05 is \$30.5 M.

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