

CHAPTER 7

UNFAIR TRADE PRACTICES

Article 7.01 Anti-dumping and Countervailing Measures

The Parties confirm their rights and obligations for the application of antidumping or countervailing duties imposed by a Party on the goods imported from the territory of the other Party, such measures shall be subject to Article VI and XVI of the General Agreement on Tariffs and Trade 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures.

Article 7.02 Scope of Application

Except as provided in this Chapter, the antidumping and countervailing duties shall be applied by the Parties in accordance with the provisions of the agreements set forth in Article 7.01 and the legislation of each Party as suppletory.¹

Article 7.03 Competent Authority

For the investigation and application of the provisions of this Chapter the competent authority in the case of Guatemala is the Ministry of Economy or its successor and in the case of ROC, the Ministry of Economic Affairs and the Ministry of Finance, or their successors.

Article 7.04 Consultations

Prior to initiating an antidumping or countervailing investigation under this Chapter, the Parties may hold consultations in order to clarify the facts of the situations and to arrive at a mutually agreed solution.

Article 7.05 Support of Domestic Industry

An antidumping or countervailing investigation shall not be initiated between the Parties unless the authority has determined that the application has been made by or on behalf of the domestic industry whose collective output constitutes more than fifty per cent (50 %) of the total production of the like good produced by that portion of the domestic industry expressing either support for or opposition to the application, however no investigation shall be initiated when the domestic producers expressly supporting the application account for less than twenty five per cent (25 %) of the total production of the like product produced by the domestic industry.

¹ The Parties understand that it does not mean that they have to resort to the WTO, the mentioned agreements shall be applied bilaterally in this agreement.

Article 7.06 Maximum Period for Completing an Investigation

An investigation on dumping or subsidy practices initiated by a Party against the goods imported from the territory of the other Party shall be concluded within one (1) year and, in special circumstances, this period may be extended to no more than eighteen (18) months, after its initiation.

Article 7.07 Duration of Measures

Notwithstanding the right to review in accordance with the WTO Agreements included in Article 7.01, 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 five (5) years from its imposition.