

METI-RIETI International Seminar

Recent State of Play on Anti-dumping and Other Trade Remedy Measures: With overviews of Brazil and Japan

Handout



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<http://www.rieti.go.jp/en/index.html>

DECOM - State of Play

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November 4th, 2015
Tokyo



BACKGROUND

Decree 93.941, 1987

- Introduced the Anti-dumping Code in the Brazilian Legal System
- The first AD investigation – 1988
- Not a specialized Department
- Based on the European Experience



High tariffs



Several administrative restrictions

BACKGROUND

Early 90's

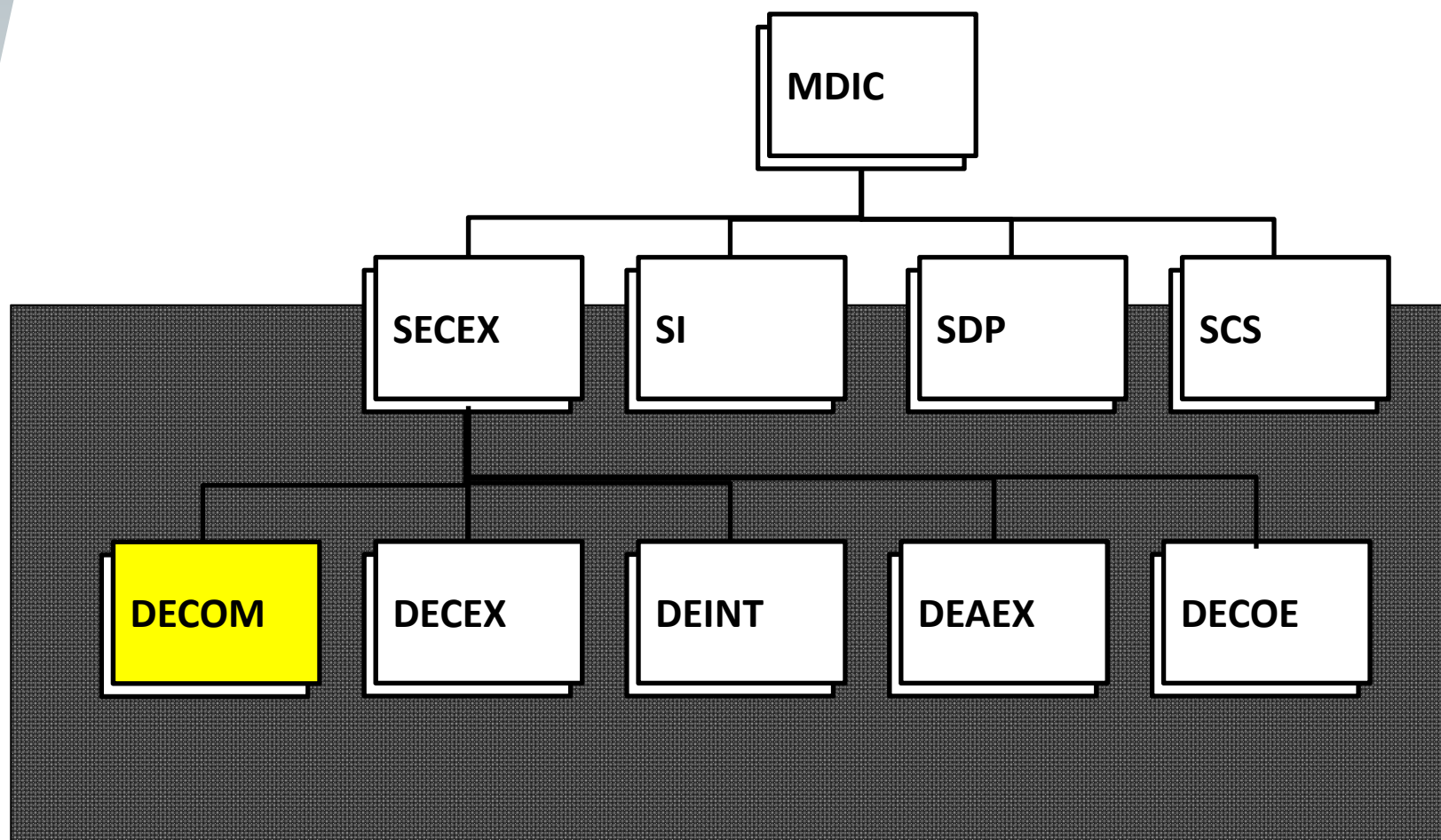
- Trade Opening
- Unilateral Tariff Reduction
- Treaty of Asunción – set up the Mercosur (1991)
- Elimination of Administrative Restraints

BACKGROUND

1995

- Creation of the WTO
- Claim of the Brazilian Private Sector
- Department dedicated exclusively to deal with trade remedies
- Establishment of DECOM – Department of Trade Remedies
- AD, CVD and Safeguards Regulations
- Based on the European Experience
 - Lesser Duty Rule
 - Public Interest Assessment

Ministry of Development, Industry and Foreign Trade



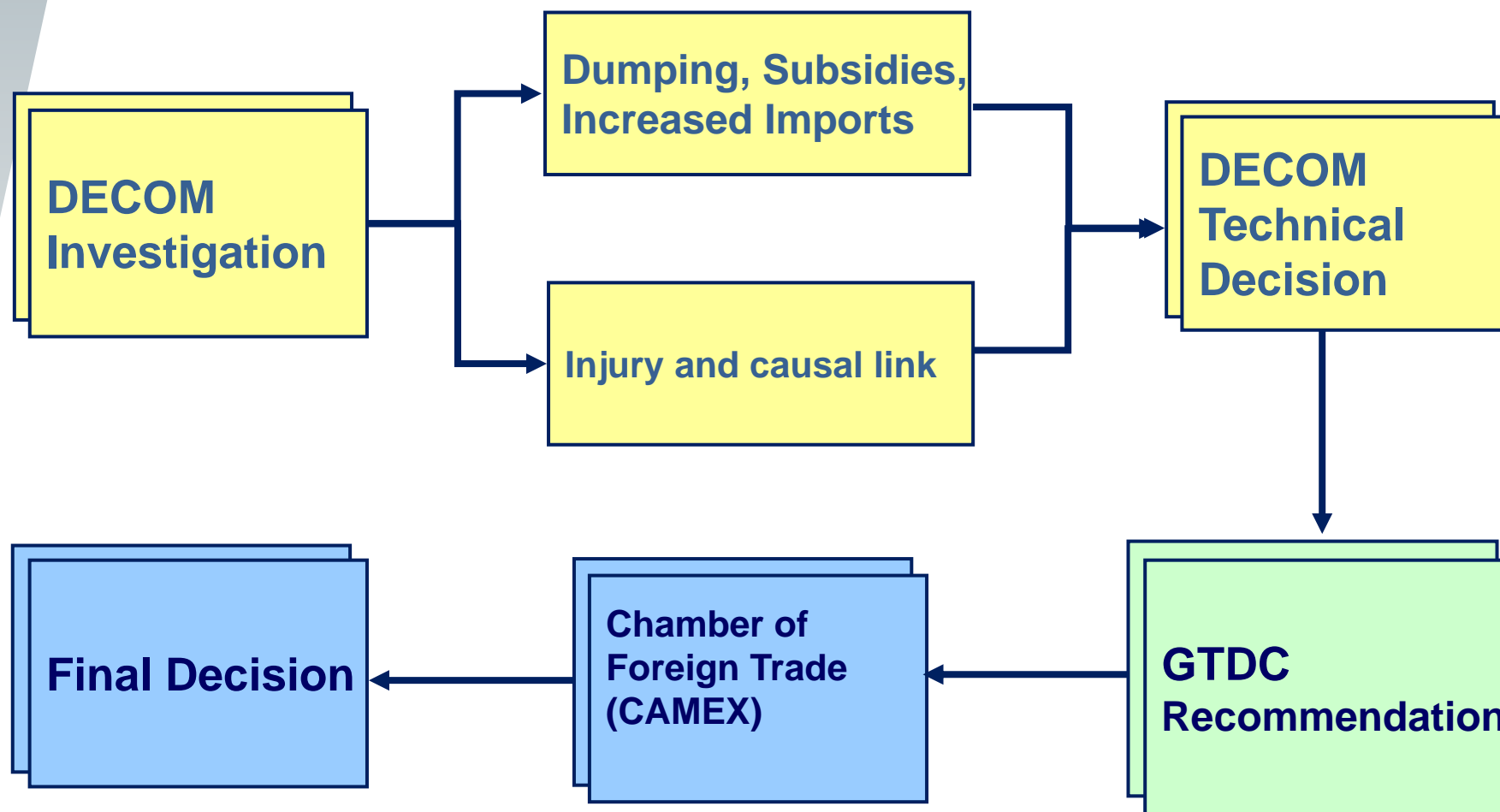
Trade Remedies Institutions in Brazil

- DECOM (Department of Trade Remedies)
 - Investigating Authority
 - Dumping, Actionable Subsidies
 - Injury and Causality
 - Safeguards

- CAMEX (Chamber of Foreign Trade)
 - Decision Authority
 - Public Interest Analysis
 - Formal proceeding apart from the investigation

- RFB (Secretariat of Federal Revenue)
 - Collection of duties

Decision Making Process



CAMEX – Brazilian Foreign Trade Chamber

Ministers Council

Higher and Final Resolution Body, composed by the following Ministers:

- Minister of Development, Industry and Foreign Trade (chairman of the board)
- Minister Chief of Staff
- Minister of Finance
- Minister of Planning, Budget and Management
- Minister of Foreign Affairs
- Minister of Agriculture, Livestock and Food Supply
- Minister of Agrarian Development

NEW AD REGULATION - BACKGROUND

- **Financial Crisis of 2008**
 - Great evaluation of Brazilian currency
 - Increase of imports
 - Consequent impact on the domestic producers

NEW AD REGULATION - BACKGROUND

- **Presidential Elections - 2010**
 - “Defense” of Brazilian Market (central issue)
 - Trade Remedies (relevant instrument)
 - Brazilian Industrial and Foreign Trade Policy
 - Shorter deadlines (from 15 to 10 months)
 - Mandatory preliminary determinations (120 days from the initiation)

DECOM'S Development

- INCREASED WORK FORCE
- NEW REGULATION
 - PUBLIC CONSULTATIONS
 - MANDATORY PRELIMINARY DETERMINATION
 - PHASES OF THE INVESTIGATION
 - DECISIONS OF THE WTO'S DSB

DECOM'S Development

- IT TOOLS
- REDUCING LANGUAGE BARRIERS:
 - NOTIFICATIONS
 - QUESTIONNAIRES
 - SUBMISSION OF DOCUMENTS IN EITHER ONE OF THE THREE OFFICIAL LANGUAGES OF THE WTO

DSB'S DECISIONS

INCORPORATION INTO THE NEW BRAZILIAN AD REGULATION

- DUMPED IMPORTS
- INJURY THREAT
- ZEROING PROHIBITION

IMPROVEMENTS – WTO PLUS

- PERIOD OF GRACE
- DEFINITION OF PRODUCT UNDER CONSIDERATION
- DOMESTIC INDUSTRY DEFINITION
- LESSER DUTY
- PUBLIC INTEREST

Current Structure of DECOM

- ✓ Director's Office
 - ✓ 1 Director
 - ✓ 1 Chief of Cabinet
 - ✓ 3 Foreign Trade Analysts
 - ✓ 5 Administrative Support
- ✓ Registration Office
 - ✓ 1 Division Manager
 - ✓ 5 Administrative Staff
- ✓ Each General Coordination
 - ✓ 1 General Coordinator
 - ✓ 13 Foreign Trade Analysts

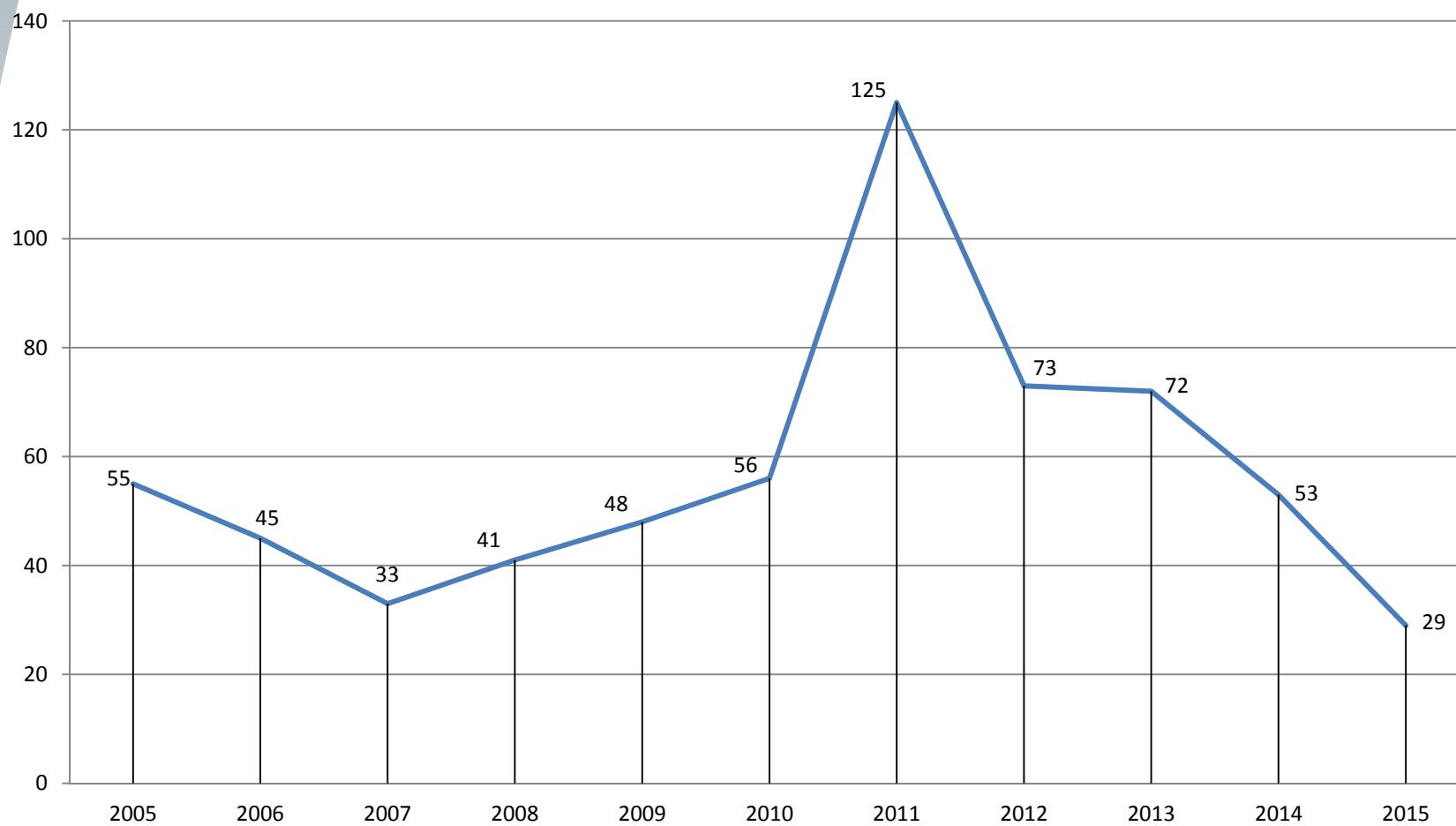
Statistics Data

- If an investigation covers imports from 3 countries, it is counted as 3 initiations/measures.
- Both originals investigations as reviews are included.

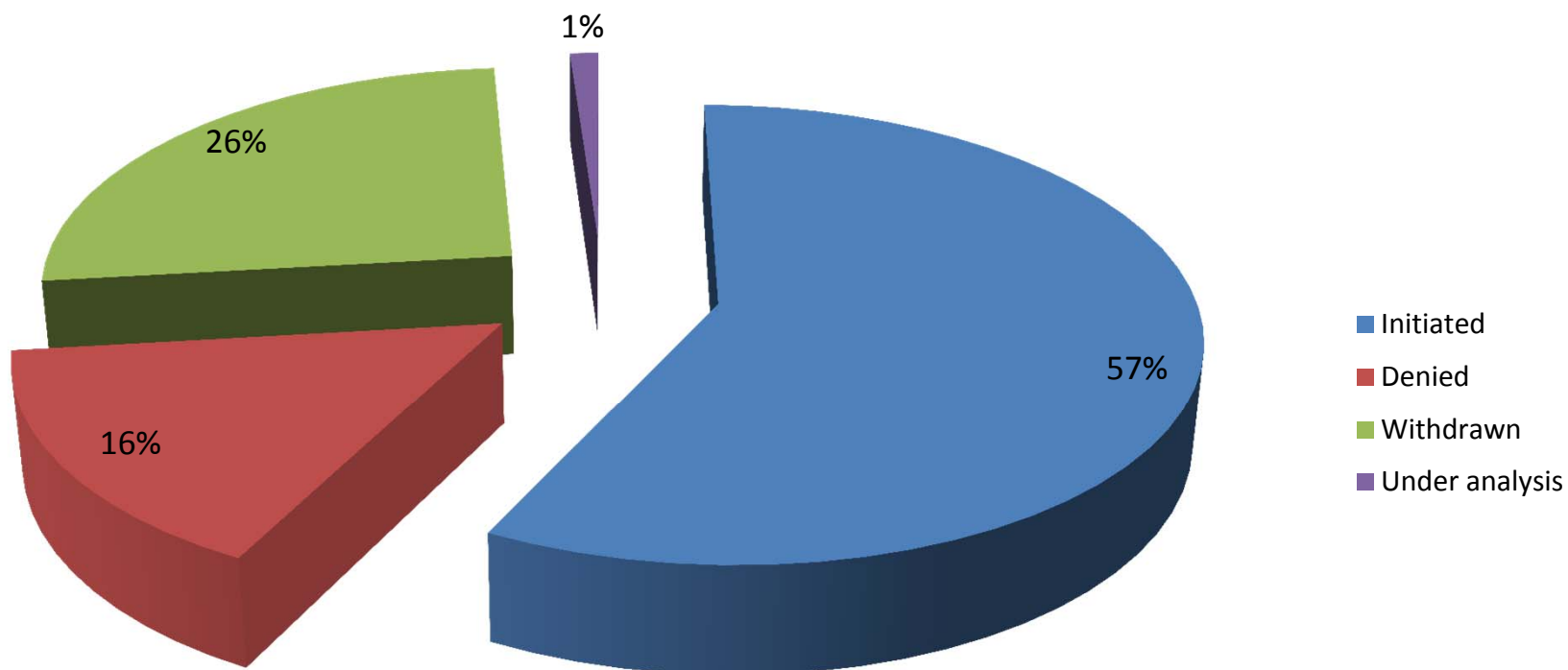
Brazilian Experience in Operating Trade Remedy Systems

- Concentration on dumping investigations
 - 96,5% of all trade remedies proceedings initiated by Brazil were related to dumping (original investigations and reviews);
 - 2,4% were subsidies investigations; and
 - 1,1% were related to safeguards (original investigations and reviews).

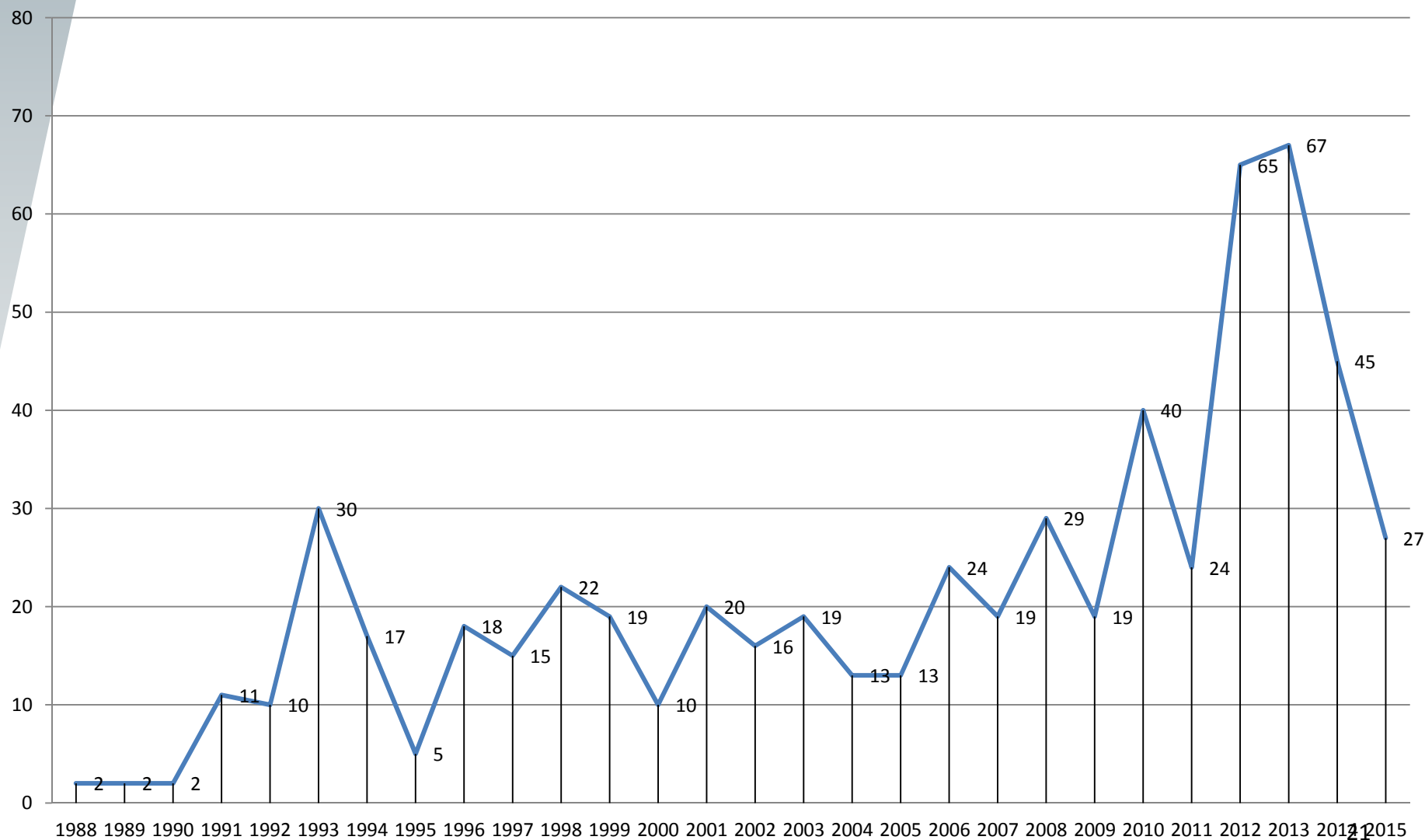
Petitions (2005-2015)



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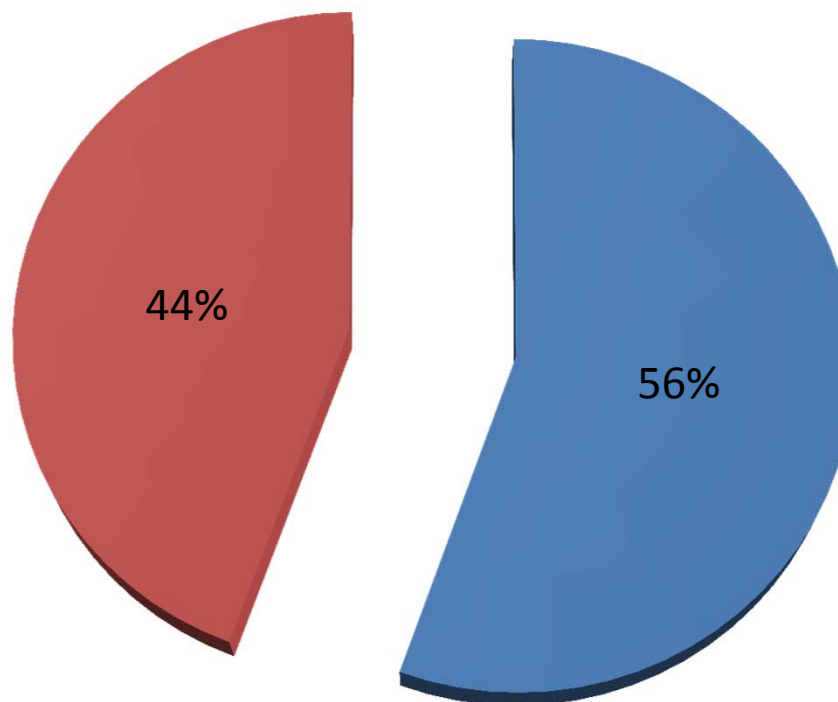


Investigations Initiated (1988-2015)

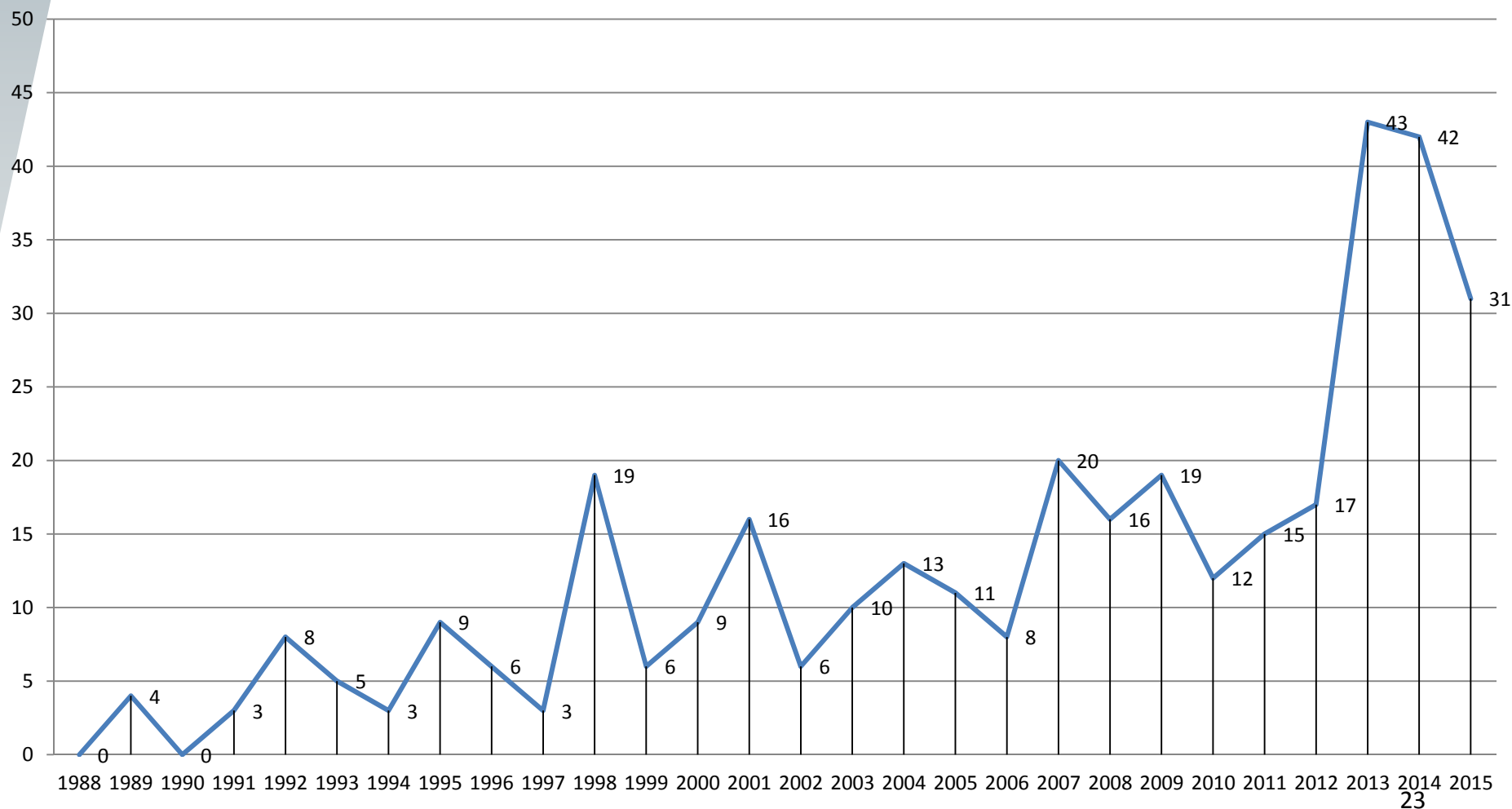


Investigations Initiated (1988-2015)

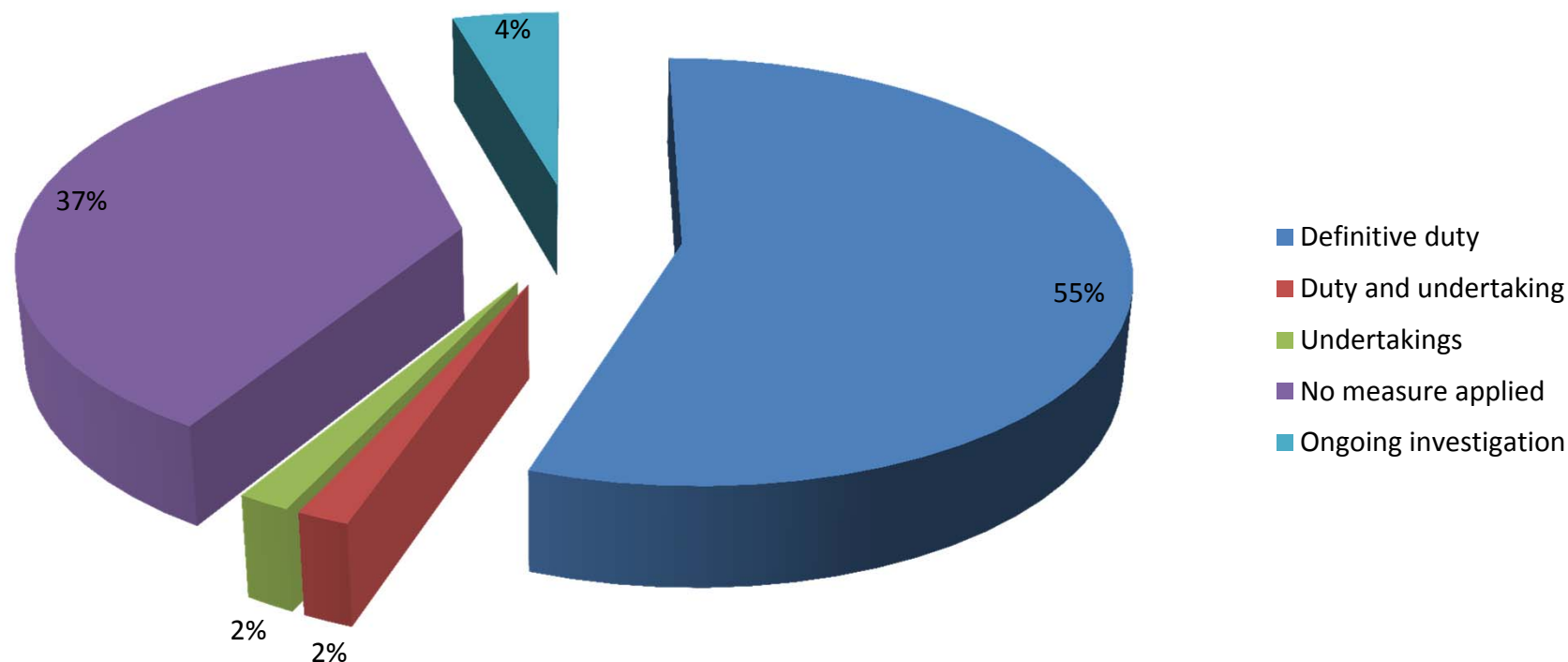
■ 1988-2009 Sum ■ 2010-2015 Sum



Measures applied (1988-2015)



Investigations Initiated by Brazil (1988-2015)



Thank you!
ありがとう

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