

**City University of Hong Kong**  
**Course Syllabus**  
**offered by School of Law**  
**with effect from Semester B 2017/18**

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**Part I     Course Overview**

<b>Course Title:</b>	<u>Advanced Study of Antidumping and Countervailing Measures</u>
<b>Course Code:</b>	<u>LW6160E</u>
<b>Course Duration:</b>	<u>One semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P6</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>LW6160C and LW6160E are equivalent courses.</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>

## Part II Course Details

### 1. Abstract

Freedom in international trade is one of the ultimate purposes of WTO. On the one hand, antidumping and countervailing measures are regarded as powerful weapons against unfair and discriminating international trade practice. On the other hand, however, the abuse of antidumping and countervailing measures would destroy trade freedom and distort its spirit. This course is intended to guide students to thoroughly examine the texts of 1994 Antidumping Agreement, 1994 Agreement on Subsidies and Countervailing Measures, as well as to analyze relevant cases which provide detailed interpretations of these two Agreements. It teaches students to understand the genuine purposes of these two Agreements and to critically evaluate specific domestic antidumping and countervailing measures in selected jurisdictions such as the USA, the EU and China.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Explain the 1994 Antidumping Agreement, 1994 Agreement on Subsidies and Countervailing Measures, as well as selected domestic legislations relating to those measures.		√		
2.	Research antidumping and countervailing measures and to resolve critical problems arising from these areas.			√	
3.	Identify, analyse, evaluate and critically comment on domestic legislations relating to antidumping and countervailing measures in selected jurisdictions.			√	√
4.	Use the knowledge for further research and/or professionally.				√
		100%			

**A1: Attitude**

*Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

**A2: Ability**

*Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

**A3: Accomplishments**

*Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

### 3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
Lectures/seminars	Students will be required to meet their course leader once a week. Students are required to read relevant provisions and cases assigned by their course leader in advance, so that they will be able to outline relevant issues and express their views in seminars.	√	√	√	√	3

### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: 50%						
Coursework	√	√	√	√	50%	
Examination 50% (duration: 3 hours)						
					100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Coursework	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to identify issues. Application of knowledge to specific problems and to discuss questions. Ability to engage in analysis and to offer innovative solutions	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Examination	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to identify issues. Application of knowledge to specific problems and to discuss questions. Ability to engage in analysis and to offer innovative solutions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Syllabus**

##### **1.1 Keyword Syllabus**

*(An indication of the key topics of the course.)*

1994 Antidumping Agreement; 1994 Agreement on Subsidies and Countervailing Measures; less than normal value; dumping margin; injury; causation; prohibited subsidies; actionable subsidies; serious prejudice; non-actionable subsidies.

##### **1.2 Detailed Syllabus**

1. History and legal force of 1994 Antidumping Agreement and 1994 Agreement on Subsidies and Countervailing Measures.
2. Procedural matters of implementing antidumping and countervailing measures.
3. Evident issues in implementing antidumping and countervailing measures.
4. Substantive matters of implementing antidumping and countervailing measures.
5. Specific contents of various antidumping and countervailing measures.
6. Evolution of domestic laws on antidumping and countervailing measures, and their implementation.
7. Future development of 1994 Antidumping Agreement and 1994 Agreement on Subsidies and Countervailing Measures.

#### **2. Reading List**

##### **2.1 Recommended Readings**

*(Additional references for students to learn to expand their knowledge about the subject.)*

##### **Essential Readings**

- Anti-dumping Agreement (Article VI of GATT 1994)
- Agreement on Subsidies and Countervailing Measures
- Cases

##### ***1. Cases of Antidumping Measures:***

Argentina, carton board from Germany

— Brought by EC [DS189](#)

Argentina, ceramic floor tiles from Italy

— Brought by EC [DS189](#)

Argentina, drill bits from Italy

— Brought by EC [DS157](#)

Argentina, poultry

— Brought by Brazil [DS241](#)

Australia, paper sheets, coated woodfree

— Brought by Switzerland [DS119](#)

Brazil, jute bags  
— *Brought by India* [DS229](#)

Canada, lumber  
— *Brought by Canada* [DS277](#)

EC, bed-linen  
— *Brought by India* [DS141](#)

EC, cast iron  
— *Brought by Brazil* [DS219](#)

EC, cotton  
— *Brought by India* [DS140](#)

EC, poultry (chicken)  
— *Brought by Brazil* [DS269](#)  
— *Brought by Thailand* [DS286](#)

EC, steel  
— *Brought by India* [DS313](#)

Ecuador, cement  
— *Brought by Mexico* [DS182](#)  
— *Brought by Mexico* [DS191](#)

Egypt, steel, rebar  
— *Brought by Turkey* [DS211](#)

Guatemala, cement  
— *Brought by Mexico* [DS156](#)  
— *Brought by Mexico* [DS60](#)

India, batteries  
— *Brought by Bangladesh* [DS306](#)

India, certain products  
— *Brought by Chinese Taipei* [DS318](#)  
— *Brought by EC* [DS304](#)

Korea, paper  
— *Brought by Indonesia* [DS312](#)

Mexico, ... and sanitary restrictions, technical regulations, swine  
— *Brought by US* [DS203](#)

Mexico, beef and rice  
— *Brought by US* [DS295](#)

Mexico, electric transformers  
— *Brought by Brazil* [DS216](#)

Mexico, high-fructose corn syrup  
— *Brought by US* [DS101](#)  
— *Brought by US* [DS132](#)

Peru, vegetable oils  
— *Brought by Argentina* [DS272](#)

Philippines, polypropylene  
— *Brought by Korea* [DS215](#)

S Africa, pharmaceuticals  
— *Brought by India* [DS168](#)

S Africa, textiles (blanketing)  
— *Brought by Turkey* [DS288](#)

Thailand, steel  
— *Brought by Poland* [DS122](#)

Trinidad and Tobago, macaroni and spaghetti  
— *Brought by Costa Rica* [DS187](#)

Trinidad and Tobago, pasta  
— *Brought by Costa Rica* [DS185](#)

Turkey, steel and iron pipe fittings  
— *Brought by Brazil* [DS208](#)

US, ... and countervailing duty, steel plate  
— *Brought by India* [DS206](#)

US, Act of 1916  
— *Brought by EC* [DS136](#)  
— *Brought by Japan* [DS162](#)

US, cement  
— *Brought by Mexico* [DS281](#)

US, DRAMS  
— *Brought by Korea* [DS99](#)

US, lumber  
— *Brought by Canada* [DS221](#)  
— *Brought by Canada* [DS247](#)  
— *Brought by Canada* [DS264](#)

US, methodology  
— *Brought by Brazil* [DS239](#)

US, solid urea  
— *Brought by EC* [DS63](#)

US, stainless steel  
— *Brought by Korea* [DS179](#)  
— *Brought by Mexico* [DS325](#)

US, steel  
— *Brought by EC* [DS262](#)  
— *Brought by EC* [DS319](#)  
— *Brought by Japan* [DS244](#)

US, steel, hot-rolled products  
— *Brought by Japan* [DS184](#)

US, steel, seamless pipe from Italy

— *Brought by EC* [DS225](#)

US, subsidy offset (Byrd Amendment)

— *Brought by Australia, Brazil, Chile, the EC, India, Indonesia, Japan, Korea, Thailand*  
[DS217](#)

— *Brought by Canada and Mexico* [DS234](#)

US, televisions

— *Brought by Korea* [DS89](#)

US, tomatoes

— *Brought by Mexico* [DS49](#)

US, tubular goods

— *Brought by Argentina* [DS268](#)

— *Brought by Mexico* [DS282](#)

US, ‘zeroing’

— *Brought by EC* [DS294](#)

— *Brought by Japan* [DS322](#)

Venezuela, tubular goods

— *Brought by Mexico* [DS23](#)

## **2. Cases of Countervailing Measures:**

Argentina, wheat gluten

— *Brought by EC* [DS145](#)

Brazil, coconut

— *Brought by Philippines* [DS22](#)

— *Brought by Sri Lanka* [DS30](#)

EC, DRAMS

— *Brought by Korea* [DS299](#)

Peru, buses

— *Brought by Brazil* [DS112](#)

US steel

— *Brought by EC* [DS262](#)

US, ... and anti-dumping, steel plate

— *Brought by India* [DS206](#)

US, carbon steel

— *Brought by Brazil* [DS218](#)

US, cattle

— *Brought by Canada* [DS167](#)

US, change of ownership, on steel

— *Brought by EC* [DS212](#)

— *Brought by Mexico* [DS280](#)



US, corrosion-resistant carbon steel from Germany

— *Brought by EC* [DS213](#)

US, DRAMS

— *Brought by Korea* [DS296](#)

US, hot-rolled steel, on UK products

— *Brought by EC* [DS138](#)

US, lumber

— *Brought by Canada* [DS311](#)

— *Brought by Canada* [DS236](#)

— *Brought by Canada* [DS257](#)

— *Brought by Canada* [DS277](#)

US, salmon

— *Brought by Chile* [DS97](#)

### **Supplementary Readings**

Other supplementary readings will be suggested by the course leader from time to time. For example:

Bhagirath Lal Das, WTO: the Doha Agenda: the New Negotiations on World Trade, (London; New York: Zed Books, 2003)

Clive Stanbrook/Philip Bentley, Dumping and Subsidies: the Law and Procedures Governing the Imposition of Anti-Dumping and Countervailing Duties in the European Community, 3<sup>rd</sup> ed., (London: Kluwer Law International, 1996)

Dale Richard, Anti-Dumping Law in a Liberal Trade Order, (London: Macmillan, 1980)

Douglas A. Irwin, Free Trade Under Fire, 2<sup>nd</sup> ed., (Princeton, N.J.: Princeton University Press, 2005)

Konstantinos Adamantopoulos/Maria J. Preeyra-Friedrichsen, EU Anti-Dumping Law & Practice, (Bembridge: Palladian Law, 2001)

Keith Steele (ed.), Anti-dumping under the WTO: a comparative review, (London: Kluwer Law International: International Bar Association, 1996)

Lindsey Brink/Daniel J. Ikenson, Antidumping exposed: the devilish details of unfair trade law, (Washington, D.C.: Cato Institute, 2003)

R.K. Gupta, Anti-Dumping and Countervailing Measures: The complete Reference, (New Delhi; Thousand Oaks, Calif.: Response Books, 1996)