

# PART I PRELIMINARY

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### 1 Short title

Short title

1.

This Act may be cited as the Countervailing and Anti-Dumping Duties Act.

### 2 Interpretation

Interpretation

2.

—(1) In this Act, unless the context otherwise requires —

"Agreement on Agriculture" means the Agreement by that name set out in Annex 1A to the World Trade Organisation Agreement;

"Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994" means the Agreement by that name set out in Annex 1A to the World Trade Organisation Agreement;

"Agreement on Subsidies and Countervailing Measures" means the Agreement by that name set out in Annex 1A to the World Trade Organisation Agreement;

"country" includes a customs union or customs territory;

"domestic industry" means —

(a) the domestic producers as a whole of the like goods; or

(b) the domestic producers whose collective output of the like goods constitutes a major proportion of the total domestic production of those goods,

but shall not, if the Minister so determines, include domestic producers who are related to the exporters or importers, or are themselves importers, of the

subject goods or, in relation to Part II, like goods from other countries;

"dumping margin" means the amount by which the normal value of the subject goods exceeds the export price;

"export price" means the export price of the subject goods as determined in accordance with section 16;

"exporting country" means —

(a) the country of export of the subject goods; or

(b) where the subject goods are not exported directly to Singapore but are transhipped without substantial transformation through an intermediate country, the country of origin of the subject goods;

"General Agreement on Tariffs and Trade 1994" means the Agreement by that name whose parts are described in Annex 1A to the World Trade Organisation Agreement;

"interested party" means —

(a) a producer, exporter or importer of the subject goods;

(b) a trade or business association of which a majority of its members are producers, exporters or importers of the subject goods;

(c) the government of a country in which the subject goods are produced or from which they are exported;

(d) a producer of the like goods in Singapore;

(e) a trade or business association of which a majority of its members produce the like goods in Singapore; or

(f) any other person the Minister considers appropriate;

"like goods" means any goods which the Minister determines are identical in all respects to the subject goods or, in the absence of such goods, any other goods which the Minister determines have characteristics closely resembling those of the subject goods;

"non-market economy country" means any foreign country the government of which has a complete or substantially complete monopoly of its trade and where domestic prices are fixed by the government of the foreign country;

"normal value" means the normal value of any subject goods as determined in accordance with section 15 or 18;

"producer" means such producer, manufacturer or processor as may be prescribed;

"provisional measures" means —

(a) in relation to Part II, the requirement to pay the provisional duty or furnish a security equal to the estimated subsidy found in the preliminary determination; and

(b) in relation to Part III, the requirement to pay the provisional duty or furnish a security equal to the estimated dumping margin found in the preliminary determination;

"subject goods" means the goods imported, or sold for importation, into Singapore that are the subject of any countervailing or anti-dumping duty investigation or review under this Act;

"Tribunal" means the Anti-Dumping Tribunal established under section 30;

"undertakings" means such undertakings as may be prescribed;

"World Trade Organisation Agreement" means the Marrakesh Agreement Establishing the World Trade Organisation done at Marrakesh on 15th April 1994.

(2) For the purposes of this Act, "subsidy", in relation to goods that are imported into Singapore, means —

(a) a financial contribution by a government or public body of the country of export that is made in connection with the production, manufacture or export of those goods that involves —

(i) a direct transfer of funds from that government or public body;

(ii) a potential direct transfer of funds or liabilities from that government or public body;

(iii) the forgoing, or non-collection of revenue (other than an allowable exemption or remission) due to that government or public body;

(iv) the provision by that government or public body of goods or services otherwise than in the course of providing normal infrastructure; or

(v) the purchase by that government or public body of goods; or

(b) any form of income or price support as referred to in Article XVI of the General Agreement on Tariffs and Trade 1994 that is received from such a government or public body,

and a benefit is thereby conferred, but shall not include any government action that satisfies the conditions described in footnote 1 of the Agreement on Subsidies and Countervailing Measures.

(3) Subject to subsection (4), a subsidy shall be countervailable if the receipt of the benefit is, in law or in fact —

(a) specific to an enterprise or industry or group of enterprises or industries within the jurisdiction of the granting authority; or

(b) contingent upon —

(i) export performance;

(ii) the use of domestic over imported goods; or

(iii) location in a designated geographic region within the jurisdiction of the granting authority.

(4) A subsidy shall not be countervailable if the Minister determines that —

(a) the government action satisfies the conditions described in paragraph (a), (b) or (c) of Article 8.2 of the Agreement on Subsidies and Countervailing Measures;

(b) the government action has been notified in accordance with Article 8.3 of the Agreement on Subsidies and Countervailing Measures and there has been no determination by the Committee on Subsidies and Countervailing Measures or an arbitral body under Article 8.4 or 8.5 of that Agreement that the action does not satisfy the criteria in Article 8.2 of that Agreement; or

(c) the government action is a domestic support measure that meets the criteria or conditions set out in Annex 2 to the Agreement on Agriculture.

(5) The amount of countervailable subsidy shall be calculated in the prescribed manner.

(6) For the purposes of this Act —

(a) parties shall be deemed to be related if —

(i) one of them, directly or indirectly, controls the other;

(ii) both of them are, directly or indirectly, controlled by a third party; or

(iii) together they, directly or indirectly, control a third party,

provided that there are grounds for believing or suspecting that the effects of the relationship is such as to cause the parties concerned to behave differently from non-related parties; and

(b) one party shall be deemed to control another when the first-mentioned party is legally or operationally in a position to exercise restraint or direction over the latter.

## PART II COUNTERVAILING DUTIES

### PART II

### COUNTERVAILING DUTIES

## 3 Imposition of countervailing duties

### Imposition of countervailing duties

3.

— (1) The Minister may impose a countervailing duty on the subject goods imported into Singapore where he determines —

(a) that a countervailable subsidy is being provided with respect to the subject goods; and

(b) that injury is found to exist in any one of the following ways:

(i) the subject goods are, through the effects of the subsidy, causing material injury to the domestic industry in Singapore producing like goods;

(ii) the subject goods are, through the effects of the subsidy, threatening to cause material injury to the domestic industry in Singapore producing like

goods; or

(iii) the subject goods are, through the effects of the subsidy, causing material retardation of the establishment of the domestic industry in Singapore.

(2) The amount of countervailing duty to be imposed —

(a) shall be equal to the countervailable subsidy determined to be provided with respect to the subject goods; or

(b) if the Minister determines that a lower countervailing duty is sufficient to eliminate the injury determined in subsection (1) (b), shall be such lower duty.

(3) For the purposes of this section —

(a) it must be demonstrated that the subject goods are causing injury within the meaning of this Act;

(b) the demonstration of a causal relationship between the subject goods and the injury to the domestic industry shall be based on an examination of all relevant evidence before the Minister;

(c) the Minister shall also examine any known factors other than the subject goods which at the same time are injuring the domestic industry, and the injuries caused by these other factors must not be attributed to the subject goods.

(4) Where the country of origin of the subject goods is a non-market economy country, the countervailable subsidy and countervailing duty shall be determined in the prescribed manner.

## 4 Initiation of investigation

Initiation of investigation

4.

— (1) A written petition requesting that a countervailing duty investigation be initiated with regard to goods imported, or likely to be imported, into Singapore may be submitted to the Minister by any person on behalf of the domestic industry producing like goods.

(2) A petition shall be in such form as may be determined by the Minister and shall include evidence of each of the elements specified in section 3 (1) and all other evidence that may be prescribed.

(3) The Minister shall, within the period prescribed, review the petition and other available information and determine whether —

(a) sufficient evidence to warrant the initiation of an investigation into whether the elements necessary for the imposition of a countervailing duty as provided under section 3 (1) exists; and

(b) such an investigation is in the public interest.

(4) Where the Minister determines that sufficient evidence does not exist to warrant the initiation of a countervailing duty investigation or that such an investigation is not in the public interest, the Minister shall as soon as practicable notify the petitioner of his determination not to initiate an investigation.

(5) Where the Minister determines that sufficient evidence exists to warrant the initiation of a countervailing duty investigation and that such an investigation is in the public interest, the Minister shall notify the appropriate interested parties and publish a notice of initiation of investigation.

(6) The Minister may, in special circumstances, initiate a countervailing duty investigation on his own accord where he has sufficient evidence of each of the elements specified in section 3 (1).

(7) Where the Minister decides to initiate an investigation under subsection (6), he shall notify the appropriate interested parties and publish a notice of initiation of investigation.

(8) Notwithstanding any provision in this section, the Minister shall not initiate an investigation unless he has determined on the basis of an examination of the degree of support for, or opposition to, any written petition submitted under subsection (1) —

(a) that the written petition is supported by domestic producers of like goods whose collective output constitutes more than 50% of the total production of the like goods produced by that portion of the domestic industry expressing either support for or opposition to the written petition; and

(b) that the domestic producers of like goods expressly supporting the written petition account for not less than 25% of the total production of the like

goods produced by the domestic industry.

(9) For the purposes of subsection (8), in the case of fragmented industries involving an exceptionally large number of producers, the Minister may determine the support and opposition by using statistically valid sampling techniques.

## **5 Consultations with interested foreign governments**

Consultations with interested foreign governments

5.

— (1) Before initiating a countervailing duty investigation and throughout such an investigation, the Minister shall provide any interested foreign government an opportunity for consultation for the purpose of clarifying matters relevant to the investigation and arriving at a mutually agreed solution.

(2) The consultations shall not impede the conduct of the investigation.

## **6 Duration of investigation**

Duration of investigation

6.

All countervailing duty investigations shall, except in special circumstances, be concluded by the Minister within one year, and in no case more than 18 months after initiation.

## **7 Preliminary determination of subsidy and injury**

Preliminary determination of subsidy and injury

7.

— (1) The Minister shall, within such period as may be prescribed, make a preliminary determination regarding —

(a) whether a countervailable subsidy is being provided with respect to the subject goods, and the amount of such countervailable subsidy; and



(b) whether injury is found to exist in any one of the following ways:

(i) the subject goods are, through the effects of the subsidy, causing material injury to the domestic industry in Singapore producing like goods;

(ii) the subject goods are, through the effects of the subsidy, threatening to cause material injury to the domestic industry in Singapore producing like goods; or

(iii) the subject goods are, through the effects of the subsidy, causing material retardation of the establishment of the domestic industry in Singapore.

(2) If the Minister makes a negative preliminary determination under subsection (1), he shall publish a notice stating the reasons therefor and may terminate the investigation if the Minister is satisfied that there is insufficient evidence of either subsidisation or of injury to justify proceeding with the investigation.

(3) If the Minister makes an affirmative preliminary determination under subsection (1), he shall continue the investigation and publish a notice of —

(a) the affirmative preliminary determination stating the reasons for his determination under subsection (1) (a) and (b); and

(b) the provisional measures applicable.

## 8 Provisional measures

### Provisional measures

8.

—(1) The Minister shall apply provisional measures with regard to the subject goods imported into Singapore on or after the publication of the notice of affirmative preliminary determination where the Minister determines that such measures are necessary to prevent the injury referred to in section 7 (1) (b) from occurring during the period of investigation.

(2) Provisional measures shall not be imposed sooner than 60 days from the date of initiation of the investigation.

(3) Provisional measures shall take the form of a provisional duty or a security equal to the amount of the estimated countervailable subsidy

determined under section 7 (1).

(4) The application of provisional measures shall be limited to as short a period as possible but shall in no case exceed 4 months.

## 9 Final determination of subsidy and injury

Final determination of subsidy and injury

9.

—(1) The Minister shall, within such period as may be prescribed, make a final determination regarding —

(a) whether a countervailable subsidy is being provided with respect to the subject goods, and the amount of such countervailable subsidy; and

(b) whether injury is found to exist in any one of the following ways:

(i) the subject goods are, through the effects of the subsidy, causing material injury to the domestic industry in Singapore producing like goods;

(ii) the subject goods are, through the effects of the subsidy, threatening to cause material injury to the domestic industry in Singapore producing like goods; or

(iii) the subject goods are, through the effects of the subsidy, causing material retardation of the establishment of the domestic industry in Singapore.

(2) Where the Minister makes a negative final determination under subsection (1), he shall —

(a) terminate the investigation;

(b) terminate any provisional measures applied under section 8 and refund any provisional duty paid and release any security required by such measures; and

(c) publish a notice of the negative final determination stating the reasons therefor.

(3) Where the Minister makes an affirmative final determination under subsection (1), he shall —

(a) publish a notice of the affirmative final determination stating the reasons therefor, the countervailing duties applicable and the subject goods on which the countervailing duties apply;

(b) impose countervailing duties in accordance with section 3 (2) on the subject goods imported into Singapore on or after the date of publication of the affirmative final determination; and

(c) impose countervailing duties in accordance with subsections (5) and (6) on imports into Singapore for which provisional measures were applied.

(4) Where an affirmative final determination has been made, the Minister may take into consideration public interest in determining whether to impose countervailing duties and the amount of such duties.

(5) The Minister shall impose countervailing duties on the subject goods against which provisional measures were applied if the Minister —

(a) makes a determination of material injury under subsection (1) (b) (i); or

(b) makes a determination of threat of material injury under subsection (1) (b) (ii) and finds that the import of the subject goods, in the absence of the provisional measures, would have led to a finding of material injury under subsection (1) (b) (i).

(6) With respect to the imposition of any countervailing duty under subsection (5) —

(a) where the countervailing duty is higher than the provisional duty or the amount guaranteed by the security required under the provisional measures, only the amount equal to the provisional duty or the security given shall be imposed; and

(b) where the countervailing duty is less than the provisional duty or the amount guaranteed by the security required under the provisional measures, the full amount of the countervailing duty shall be imposed and the excess provisional duty paid or security given shall be reimbursed or released.

(7) Where no countervailing duties are imposed under subsection (5) on the subject goods against which the provisional measures were applied, the Minister shall refund the provisional duty paid and release the security required by the provisional measures.

(8) Notwithstanding subsections (3) and (5), the Minister may impose countervailing duties on the subject goods imported into Singapore within a

period of 90 days prior to the application of provisional measures, but in no case earlier than the date of initiation of the investigation, if —

- (a) the Minister finds injury that is difficult to repair;
- (b) such injury is being caused by massive imports of the subject goods in a relatively short period of time and the Minister considers the retroactive imposition of duties necessary to preclude the recurrence of such injury; and
- (c) countervailable subsidies are being provided with respect to the subject goods in a manner inconsistent with the provisions of the General Agreement of Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures.

(9) When a countervailing duty is imposed on the subject goods, such countervailing duty shall, as provided in the regulations, be imposed in the appropriate amount on a non-discriminatory basis on all imports of such goods into Singapore from the country found to be subsidising the subject goods.

## 10 Termination of investigation

Termination of investigation

10.

— (1) Notwithstanding any other provisions of this Act but subject to subsection (2), an investigation may be terminated at any time if —

- (a) the petitioner withdraws the petition; or
- (b) the Minister determines that such termination is in the public interest.

(2) An investigation shall be terminated immediately if the Minister determines that the amount of countervailable subsidy is de minimis or that the volume of subsidised imports, actual or potential, or the injury, is negligible.

(3) For the purpose of subsection (2) —

- (a) the amount of countervailable subsidy shall be considered to be de minimis if the amount is less than the prescribed percentage, expressed as an ad valorem percentage; and
- (b) the volume of subsidised imports shall be regarded as negligible if the

volume of subsidised imports from a particular country is found to account for less than the prescribed percentage of the imports of the like goods into Singapore.

(4) If a termination under subsection (1) or (2) occurs prior to the preliminary determination, the Minister shall publish a notice of such termination stating the reasons therefor.

(5) If a termination under subsection (1) or (2) occurs after the preliminary determination, the Minister shall —

(a) terminate any provisional measures applied and refund the provisional duties paid or release the security required by such measures; and

(b) publish a notice of such termination stating the reasons therefor.

## 11 Suspension of investigation

Suspension of investigation

11.

— (1) An investigation may be suspended if undertakings are accepted by the Minister.

(2) Before accepting the undertakings, the Minister shall determine that such undertakings —

(a) will eliminate the countervailable subsidy or the injurious effects caused by the subject goods;

(b) can be monitored effectively; and

(c) are in the public interest.

(3) If the undertakings are accepted by the Minister, which undertakings shall be accepted only after an affirmative preliminary determination, the Minister shall —

(a) suspend the investigation;

(b) suspend any provisional measures applied under section 8 and refund the provisional duty paid and release the security required by such measures as the Minister may think appropriate; and

(c) publish a notice stating the reasons for the suspension of the investigation and the actions under paragraph (b).

(4) Notwithstanding the acceptance of the undertakings, the investigation shall be completed upon the written request of the interested foreign government or if the Minister so decides.

(5) Where the Minister completes the investigation under subsection (4) or for any other reason, and makes an affirmative final determination, the undertakings shall remain in effect subject to the provisions of this Act.

(6) Where the Minister completes the investigation under subsection (4) or for any other reason, and makes a negative determination, the undertakings shall lapse, except in circumstances referred to in subsection (7).

(7) Where the negative determination referred to in subsection (6) is due in large part to the existence of the undertakings, the undertakings may be maintained subject to the provisions of this Act.

(8) The Minister may take any action under subsection (9) or (10) at any time if he determines that —

(a) the undertakings accepted under subsection (1) no longer meet the requirements of subsection (2); or

(b) there is a material violation of the undertakings.

(9) Where an investigation has not been completed despite subsection (4), the Minister may resume the investigation and take expeditious action to —

(a) make a preliminary determination under section 7;

(b) apply provisional measures in conformity with section 8 if appropriate; and

(c) make a final determination under section 9 within the prescribed period after the publication of the preliminary determination.

(10) Where an investigation has been completed under subsection (4), the Minister may forthwith make a final determination under section 9 and collect the countervailing duties applicable.

(11) The Minister may use the facts available with respect to any determination under subsection (9) where a material violation of the

undertakings occurs.

(12) Where the Minister resumes an investigation under subsection (8) (b), the Minister may impose countervailing duties in conformity with section 9 on the subject goods imported into Singapore within a period of 90 days prior to the provisional measures applied under subsection (9) (b).

(13) No retroactive assessment under subsection (12) shall be applied to the subject goods imported prior to the violation of the undertakings.

## 12 Review by Minister

### Review by Minister

12.

— (1) Whenever any interested party provides information to the Minister, or the Minister otherwise obtains information, that —

- (a) the amount of countervailable subsidy has changed substantially;
- (b) a refund of the countervailing duty imposed is appropriate;
- (c) the imposition of a countervailing duty is no longer necessary;
- (d) an undertaking is no longer necessary or should be modified;
- (e) a countervailing duty or undertaking which is required to be terminated under subsection (7) should be maintained; or
- (f) an expedited review is required for exporters who were not previously investigated,

the Minister shall conduct a review if he determines that such review is in the public interest or is required under the Agreement on Subsidies and Countervailing Measures.

(2) No review shall be undertaken under subsection (1) unless the period prescribed has lapsed.

(3) If the Minister decides to conduct a review under subsection (1), he shall —

- (a) publish a notice of the initiation of a review; and

(b) conduct such review and allow interested parties an opportunity to provide comments.

(4) Any review conducted under this section shall be completed within such period as may be prescribed.

(5) On the completion of the review, the Minister shall publish a final determination in the review stating the reasons therefor.

(6) Except in the case of a review under subsection (1) (b) or an expedited review under subsection (1) (f), any determination made under subsection (5) shall apply to the subject goods imported on or after the date of publication of the final determination in the review.

(7) Countervailing duties shall not be collected on imports made after 5 years from the date of the publication of the notice of the final determination and undertakings shall automatically lapse with respect to imports made after 5 years from the date of publication of the notice of suspension of the investigation, unless the Minister determines on the basis of a review under this section that the termination of such duties or undertaking would be likely to lead to continuation or recurrence of subsidisation and injury.

## 13 Review by Tribunal

### Review by Tribunal

13.

— (1) An interested party shall have the right of review by the Tribunal against any —

(a) affirmative or negative final determination under section 9; or

(b) final review determination under section 12 (5).

(2) An application for review shall be filed within 30 days of the date of the notice of final determination under section 9 or of the date of publication of the final determination under section 12 (5).

(3) The Tribunal may, upon review, affirm the determination or remit the matter to the Minister for reconsideration.

(4) The Minister shall implement any decision of the Tribunal under subsection (3).



# PART III ANTI-DUMPING DUTIES

## PART III ANTI-DUMPING DUTIES

### 14 Imposition of anti-dumping duties

Imposition of anti-dumping duties

14.

— (1) The Minister may impose an anti-dumping duty on the subject goods imported into Singapore where he determines —

(a) that the export price of the subject goods is less than the normal value; and

(b) that injury is found to exist in any one of the following ways:

(i) the subject goods are, through the effects of dumping, causing material injury to the domestic industry in Singapore producing like goods;

(ii) the subject goods are, through the effects of dumping, threatening to cause material injury to the domestic industry in Singapore producing like goods; or

(iii) the subject goods are, through the effects of dumping, causing material retardation of the establishment of the domestic industry in Singapore.

(2) The amount of anti-dumping duty to be imposed —

(a) shall be equal to the dumping margin determined to exist with respect to the subject goods; or

(b) if the Minister determines that a lower anti-dumping duty will be sufficient to eliminate the injury determined in subsection (1) (b), shall be such lower duty.

(3) For the purposes of this section —

(a) it must be demonstrated that the subject goods are causing injury within the meaning of this Act;

(b) the demonstration of a causal relationship between the subject goods and the injury to the domestic industry shall be based on an examination of all relevant evidence before the Minister;

(c) the Minister shall also examine any known factors other than the subject goods which at the same time are injuring the domestic industry, and the injuries caused by these other factors must not be attributed to the subject goods.

## 15 Normal value

Normal value

15.

— (1) For the purpose of this Act, the normal value of any subject goods shall be the comparable price actually paid or payable in the ordinary course of trade for like goods sold for consumption in the domestic market of the exporting country.

(2) Where there are no sales in the domestic market of the exporting country under subsection (1), or where, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, such sales do not permit a proper comparison, the normal value of the subject goods shall be —

(a) the comparable price actually paid or payable in the ordinary course of trade for like goods exported to any appropriate third country, provided that such price is representative; or

(b) the constructed value of the subject goods which shall include the cost of production in the exporting country, plus a reasonable amount for profits.

(3) For the purpose of subsection (2), sales of like goods destined for consumption in the domestic market of the exporting country or the appropriate third country shall normally be considered a sufficient quantity for the determination of the normal value if such sales constitute 5% or more of the sales of the subject goods to Singapore, except that a lower ratio shall be acceptable where the evidence shows that domestic sales at such lower ratio are of sufficient magnitude to provide for a proper comparison.

(4) Sales of the like goods in the domestic market of the exporting country or sales to a third country at prices below per unit cost of production may be treated as not being in the ordinary course of trade by reason of price and

may be disregarded in determining normal value only if the Minister determines that such sales are made within an extended period of time in substantial quantities and are at prices which do not provide for the recovery of all costs within a reasonable period of time.

(5) For the purpose of determining the cost of production referred to in subsections (2) (b) and (4), the cost of production shall be computed on the basis of all fixed and variable costs of manufacturing for sale in the exporting country plus a reasonable amount for selling, administrative and other general expenses.

(6) In the circumstances described in subsection (4), the normal value of any subject goods may be determined on the basis of —

(a) the remaining sales in the domestic market made at a price which is not less than the cost of production, provided that such remaining sales are in sufficient quantities; or

(b) where the sale does not exist in sufficient quantities in the domestic market, the remaining sales in the third country market made at a price which is not less than the cost of production, provided that such remaining sales are in sufficient quantities.

(7) Where the remaining sales are not in sufficient quantities for the calculation of normal value under subsection (6), the normal value of any subject goods may be determined on the basis of the constructed value as described in subsection (2) (b).

## 16 Export price

Export price

16.

— (1) The export price of any subject goods shall be the price actually paid or payable for the subject goods.

(2) Where there is no export price, or where there is an association or a compensatory arrangement between the exporter and the importer or a third party and it appears that the price actually paid or payable for the subject goods is unreliable, the export price may be constructed on the basis of the price at which the subject goods are first resold to an independent buyer or, if the subject goods are not resold to an independent buyer or not resold in the condition imported, on any reasonable basis.

(3) If the export price is constructed as described in subsection (2), allowance shall be made for all costs incurred between importation and resale.

## **17 Comparison of normal value and export price**

Comparison of normal value and export price

17.

— (1) A fair comparison shall be made between the export price and the normal value of any subject goods, due allowance shall be made in each case on its merits for differences which affect price comparability.

(2) The comparison under subsection (1) shall be made at the same level of trade, normally at the ex-factory level, and in respect of sales made at as nearly as possible the same time.

(3) Subject to subsections (1) and (2), the existence of the margin of dumping shall, unless otherwise provided by regulations, normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable export transactions of the subject goods.

## **18 Subject goods from non-market economy country**

Subject goods from non-market economy country

18.

Where the country of origin of any subject goods is a non-market economy country, the normal value of the subject goods shall be determined in the prescribed manner.

## **19 Initiation of investigation**

Initiation of investigation

19.

— (1) A written petition requesting that an anti-dumping duty investigation be initiated with regard to goods imported, or likely to be imported, into Singapore may be submitted to the Minister by any person on behalf of the domestic industry producing like goods.

(2) A petition shall be in such form as may be determined by the Minister and shall include evidence of each of the elements specified in section 14 (1) and all other evidence that may be prescribed.

(3) The Minister shall, within the period prescribed, review the petition and other available information and determine whether —

(a) sufficient evidence to warrant the initiation of an investigation into whether the elements necessary for the imposition of an anti-dumping duty as provided under section 14 (1) exists; and

(b) such an investigation is in the public interest.

(4) Where the Minister determines that sufficient evidence does not exist to warrant the initiation of an anti-dumping duty investigation or that such an investigation is not in the public interest, the Minister shall as soon as practicable notify the petitioner of his determination not to initiate an investigation.

(5) Where the Minister determines that sufficient evidence exists to warrant the initiation of an anti-dumping duty investigation and that such an investigation is in the public interest, the Minister shall notify the appropriate interested parties and publish a notice of initiation of investigation.

(6) The Minister may, in special circumstances, initiate an anti-dumping duty investigation on his own accord where he has sufficient evidence of each of the elements specified in section 14 (1).

(7) Where the Minister decides to initiate an investigation under subsection (6), he shall notify the appropriate interested parties and publish a notice of initiation of investigation.

(8) Notwithstanding any provision in this section, the Minister shall not initiate an investigation unless he has determined on the basis of an examination of the degree of support for, or opposition to, any written petition submitted under subsection (1) —

(a) that the written petition is supported by domestic producers of like goods whose collective output constitutes more than 50% of the total production of the like goods produced by that portion of the domestic industry expressing either support for or opposition to the written petition; and

(b) that the domestic producers of like goods expressly supporting the written petition account for not less than 25% of the total production of the like

goods produced by the domestic industry.

(9) For the purposes of subsection (8), in the case of fragmented industries involving an exceptionally large number of producers, the Minister may determine the support and opposition by using statistically valid sampling techniques.

## 20 Duration of investigation

Duration of investigation

20.

All anti-dumping duty investigations shall, except in special circumstances, be concluded by the Minister within one year, and in no case more than 18 months after initiation.

## 21 Preliminary determination of dumping and injury

Preliminary determination of dumping and injury

21.

— (1) The Minister shall, within such period as may be prescribed, make a preliminary determination regarding —

(a) whether a dumping margin exists with respect to the subject goods, and the amount of such a margin; and

(b) whether injury is found to exist in any one of the following ways:

(i) the subject goods are, through the effects of dumping, causing material injury to the domestic industry in Singapore producing like goods;

(ii) the subject goods are, through the effects of dumping, threatening to cause material injury to the domestic industry in Singapore producing like goods; or

(iii) the subject goods are, through the effects of dumping, causing material retardation of the establishment of the domestic industry in Singapore.

(2) If the Minister makes a negative preliminary determination under subsection (1), he shall publish a notice stating the reasons therefor and may terminate the investigation if the Minister is satisfied that there is

insufficient evidence of either dumping or of injury to justify proceeding with the investigation.

(3) If the Minister makes an affirmative preliminary determination under subsection (1), he shall continue the investigation and publish a notice of —

(a) the affirmative preliminary determination stating the reasons for his determination under subsection (1) (a) and (b); and

(b) the provisional measures applicable.

## 22 Provisional measures

Provisional measures

22.

— (1) The Minister shall apply provisional measures with regard to the subject goods imported into Singapore on or after the publication of the notice of affirmative preliminary determination where the Minister determines that such measures are necessary to prevent the injury referred to in section 21 (1) (b) from occurring during the period of investigation.

(2) Provisional measures shall not be imposed sooner than 60 days from the date of initiation of the investigation.

(3) Provisional measures shall take the form of a provisional duty or a security equal to the amount of the estimated dumping margin determined under section 21 (1).

(4) Provisional measures imposed under this section shall not exceed such period as may be prescribed.

## 23 Final determination of dumping and injury

Final determination of dumping and injury

23.

— (1) The Minister shall, within such period as may be prescribed, make a final determination regarding —

(a) whether a dumping margin exists with regard to the subject goods, and the amount of such margin; and

(b) whether injury is found to exist in any one of the following ways:

(i) the subject goods are, through the effects of dumping, causing material injury to the domestic industry in Singapore producing like goods;

(ii) the subject goods are, through the effects of dumping, threatening to cause material injury to the domestic industry in Singapore producing like goods; or

(iii) the subject goods are, through the effects of dumping, causing material retardation of the establishment of the domestic industry in Singapore.

(2) Where the Minister makes a negative final determination under subsection (1), he shall —

(a) terminate the investigation;

(b) terminate any provisional measures applied under section 22 and refund any provisional duty paid and release any security required by such measures; and

(c) publish a notice of the negative final determination stating the reasons therefor.

(3) Where the Minister makes an affirmative final determination under subsection (1), he shall —

(a) publish a notice of the affirmative final determination stating the reasons therefor, the anti-dumping duties applicable and the subject goods on which the anti-dumping duties apply;

(b) impose anti-dumping duties in the amounts determined in the final determination in accordance with section 14 (2) on the subject goods imported into Singapore on or after the date of publication of the final determination; and

(c) impose anti-dumping duties in accordance with subsections (5) and (6) on imports into Singapore for which provisional measures were applied.

(4) Where an affirmative final determination has been made, the Minister may take into consideration public interest in determining whether to impose anti-dumping duties and the amount of such duties.

(5) The Minister shall impose anti-dumping duties on the subject goods against



which provisional measures were applied if the Minister —

- (a) makes a determination of material injury under subsection (1) (b) (i); or
  - (b) makes a determination of threat of material injury under subsection (1) (b) (ii) and finds that the import of the subject goods, in the absence of the provisional measures, would have led to a finding of material injury under subsection (1) (b) (i).
- (6) With respect to the imposition of any anti-dumping duty under subsection (5) —
- (a) where the anti-dumping duty is higher than the provisional duty or the amount guaranteed by the security required under the provisional measures, only the amount equal to the provisional duty or the security given shall be imposed; and
  - (b) where the anti-dumping duty is less than the provisional duty or the amount guaranteed by the security required under the provisional measures, the full amount of the anti-dumping duty shall be imposed and the excess amount of the provisional duty paid or security given shall be reimbursed or released.
- (7) Where no anti-dumping duties are imposed under subsection (5) on the subject goods against which the provisional measures were applied, the Minister shall refund the provisional duty paid and release the security required by the provisional measures.
- (8) Notwithstanding subsections (3) and (5), the Minister may impose anti-dumping duties on the subject goods imported into Singapore within a period of 90 days prior to the application of provisional measures, but in no case earlier than the date of the initiation of the investigation, if —
- (a) there is a history of dumping which caused injury, or the importer was or should have been aware that the exporter practises dumping and that such dumping would cause injury; and
  - (b) the injury is caused by massive dumped imports of the subject goods in a relatively short period of time which in the light of the timing and the volume of such imports and other circumstances (such as a rapid build-up of inventories of the subject goods) is likely to seriously undermine the remedial effect of the anti-dumping duty to be imposed.
- (9) When an anti-dumping duty is imposed on the subject goods, such anti-dumping duty shall be imposed in the appropriate amount as provided by regulations made under this Act.

## 24 Termination of investigation

### Termination of investigation

24.

— (1) Notwithstanding any other provisions of this Act but subject to subsection (2), an investigation may be terminated at any time if —

- (a) the petitioner withdraws the petition; or
- (b) the Minister determines that such termination is in the public interest.

(2) An investigation shall be terminated immediately if the Minister determines that the margin of dumping is de minimis or that the volume of imports of the subject goods, actual or potential, or the injury, is negligible.

(3) For the purpose of subsection (2) —

(a) the margin of dumping shall be considered to be de minimis if the margin is less than 2%, expressed as a percentage of the export price; and

(b) the volume of imports of the subject goods shall normally be regarded as negligible if the volume of imports of the subject goods from a particular country is found to account for less than 3% of imports of the like goods into Singapore, unless the subject goods from countries which individually account for less than 3% of imports of the like goods in Singapore collectively account for more than 7% of imports of the like goods into Singapore.

(4) If a termination under subsection (1) or (2) occurs prior to the preliminary determination, the Minister shall publish a notice of such termination stating the reasons therefor.

(5) If a termination under subsection (1) or (2) occurs after the preliminary determination, the Minister shall —

(a) terminate any provisional measures referred to in section 22 and refund the provisional duties paid or release the security required by such measures; and

(b) publish a notice of such termination stating the reasons therefor.

## 25 Suspension of investigation

### Suspension of investigation

25.

— (1) An investigation may be suspended if undertakings are accepted by the Minister.

(2) Before accepting the undertakings, the Minister shall determine that such undertakings —

(a) will eliminate the dumping margin or the injurious effects caused by the subject goods;

(b) can be monitored effectively; and

(c) are in the public interest.

(3) If the undertakings are accepted by the Minister, which undertakings shall be accepted only after an affirmative preliminary determination, the Minister shall —

(a) suspend the investigation;

(b) suspend any provisional measures applied under section 22 and refund the provisional duty paid and release the security required by such measures as the Minister may think appropriate; and

(c) publish a notice stating the reasons for the suspension of the investigation and the actions under paragraph (b).

(4) Notwithstanding the acceptance of the undertakings, the investigation shall be completed upon the written request of the exporters of the subject goods submitted by the interested foreign government or if the Minister so decides.

(5) Where the Minister completes the investigation under subsection (4) or for any other reason, and makes an affirmative final determination, the undertakings shall remain in effect subject to the provisions of this Act.

(6) Where the Minister completes the investigation under subsection (4) or for any other reason, and makes a negative determination, the undertakings shall lapse, except in circumstances referred to in subsection (7).

(7) Where the negative determination referred to in subsection (6) is due in large part to the existence of the undertakings, the undertakings may be maintained subject to the provisions of this Act.

(8) The Minister may take any action under subsection (9) or (10) at any time if he determines that —

(a) the undertakings accepted under subsection (1) no longer meet the requirements of subsection (2); or

(b) there is a material violation of the undertakings.

(9) Where an investigation has not been completed despite subsection (4), the Minister may resume the investigation and take expeditious action to —

(a) make a preliminary determination under section 21;

(b) apply provisional measures in conformity with section 22 if appropriate; and

(c) make a final determination under section 23 within 120 days after the publication of the preliminary determination.

(10) Where an investigation has been completed under subsection (5), the Minister may immediately make a final determination under section 23 and collect the anti-dumping duties applicable.

(11) The Minister may use the facts available with respect to any determination under subsection (9) or (10) where a material violation of the undertakings occurs under subsection (8) (b).

(12) Where the Minister resumes an investigation under subsection (8) (b), the Minister may impose anti-dumping duties in conformity with section 23 on the subject goods imported into Singapore within a period of 90 days prior to the provisional measures applied under subsection (9) (b).

(13) No retroactive assessment under subsection (12) shall be applied to the subject goods imported prior to the violation of the undertakings.

## 26 Review by Minister

Review by Minister

26.

—(1) Whenever any interested party provides information to the Minister, or the Minister otherwise obtains information, that —

- (a) the dumping margin has changed substantially;
- (b) a refund of an anti-dumping duty is appropriate;
- (c) the imposition of an anti-dumping duty is no longer necessary;
- (d) an undertaking is no longer necessary or should be modified;
- (e) an anti-dumping duty which is required to be terminated under subsection (7) should be maintained; or
- (f) an expedited review is required for exporters or producers who did not export the subject goods to Singapore during the period of investigation,

the Minister shall conduct a review if he determines that such review is in the public interest or is required under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(2) No review shall be undertaken under subsection (1) unless the period prescribed has lapsed.

(3) If the Minister decides to conduct a review under subsection (1), he shall —

- (a) publish a notice of the initiation of a review; and
- (b) conduct such review and allow interested parties an opportunity to provide comments.

(4) Any review conducted under this section shall be completed within such period as may be prescribed.

(5) On the completion of the review, the Minister shall publish a final determination in the review stating the reasons therefor.

(6) Except in the case of a review for a refund under subsection (1) (b) or an expedited review under subsection (1) (f), any determination made under subsection (5) shall apply to the subject goods imported on or after the date of publication of the final determination in the review.

(7) Anti-dumping duties shall not be collected on imports made after 5 years from the date of publication of the notice of the final determination and undertakings shall automatically lapse with respect to imports made after 5 years from the date of publication of the notice of suspension of investigation, unless the Minister determines on the basis of a review under this section that the termination of such duties or undertaking would be likely to lead to continuation or recurrence of dumping and injury.

## 27 Review by Tribunal

Review by Tribunal

27.

—(1) An interested party shall have the right of review by the Tribunal against any —

- (a) affirmative or negative final determination under section 23; or
- (b) final review determination under section 26 (5).

(2) An application for review shall be filed within 30 days of the date of the notice of affirmative or negative final determination under section 23 or of the date of the final review determination under section 26 (5).

(3) The Tribunal may, upon review, affirm the determination or remit the matter to the Minister for reconsideration.

(4) The Minister shall implement any decision of the Tribunal under subsection (3).

## PART IV ADMINISTRATION

PART IV  
ADMINISTRATION

### 28 Administrative matters

Administrative matters

28.

—(1) Subject to the provisions of this Act, any investigation or action to be

conducted or taken under this Act or any regulations made thereunder shall be conducted or taken by any person authorised in writing by the Minister.

(2) If any question arises as to whether any particular goods are or are not included in any notification given under this Act or any regulations made thereunder, the Minister shall determine the scope of the notification after giving interested parties an opportunity to comment on the scope of the notification.

## 29 Protection from personal liability

Protection from personal liability

29.

No suit or other legal proceedings shall lie against any person authorised under this Act for or on account of or, in respect of, anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any regulations made thereunder.

## 30 Establishment of Anti-Dumping Tribunal

Establishment of Anti-Dumping Tribunal

30.

—(1) There shall be established an Anti-Dumping Tribunal to perform the functions specified in sections 13 and 27.

(2) The Minister shall appoint the Chairman of the Tribunal and not more than 2 other persons as members of the Tribunal.

(3) The Chairman and members of the Tribunal shall hold office for such period not exceeding 3 years as may be determined by the Minister and shall be eligible for reappointment.

(4) The Minister shall determine the remuneration and other terms and conditions of the appointment of the Chairman and members of the Tribunal.

(5) No person shall be appointed or shall continue to hold office as a member of the Tribunal if he —

(a) is of unsound mind;

(b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or

(c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

(6) The Chairman or any member of the Tribunal may at any time resign from his office by giving notice in writing to the Minister.

(7) The Chairman and members of the Tribunal shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

(8) The Tribunal shall review the evidence on the record to ascertain whether there is substantial evidence on the record to support the decision of the Minister.

(9) In any review —

(a) the procedure to be followed is within the Tribunal' s discretion; and

(b) the Tribunal —

(i) is not bound to act in a formal manner; and

(ii) is not bound by the rules of evidence.

(10) The Tribunal shall have powers to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.

(11) The Minister may make such rules as may be necessary or expedient for the purpose of enabling the Tribunal to carry out its functions and, in particular, may make rules to provide for the constitution, officers and proceedings of the Tribunal.

(12) For the purposes of this section, “Minister” means the Minister charged with the responsibility for law.

## 31 Delegation

Delegation

31.



— (1) The Minister may, by writing under his hand, delegate to any person, either generally or otherwise, all or any of his powers and functions under this Act or any regulations made thereunder except his powers under sections 3, 9, 14, 23 and 46; and any reference in this Act or those regulations to the Minister shall, unless the context otherwise requires, include a reference to a delegate.

(2) A delegate of the Minister is, in the exercise of his powers and the performance of his functions under this Act or any regulations made thereunder, other than in his being satisfied or having an opinion as to any matter, subject to the directions of the Minister.

## 32 Application of Customs Act

Application of Customs Act

32.

— (1) This Act shall be construed as one with the Customs Act (Cap. 70) and, unless otherwise provided in this Act, for the purposes of the interpretation of this Act, section 3 of the Customs Act shall apply to this Act in the same manner as it applies for the purposes of the interpretation of the Customs Act.

(2) In the event of any inconsistency occurring between the provisions of the Customs Act and the provisions of this Act, the provisions of this Act shall prevail.

(3) Any countervailing or anti-dumping duty imposed under this Act shall be paid to the Director-General of Customs.

(4) The Customs Act shall, to the extent relevant and with such exceptions or modifications as may be prescribed, apply to any countervailing or anti-dumping duty as it applies to a customs duty or excise duty imposed under the provisions of the Customs Act.

## PART V GENERAL

PART V  
GENERAL

### 33 Currency conversion

## Currency conversion

33.

— (1) If, for the purposes of this Act, the comparison of the export prices of goods exported to Singapore and corresponding normal values of like goods requires a conversion of currencies, that conversion, subject to subsections (3) and (5), shall be made using the rate of exchange on the date of sale.

(2) The date of sale shall, in so far as is appropriate, be the date of contract, purchase order, order confirmation or invoice as determined by the Minister as that which establishes the material terms of the sale of the exported goods.

(3) If, in relation to goods exported to Singapore, a forward rate of exchange is used, the Minister shall, in any conversion of currencies under subsection (1), use that rate of exchange.

(4) If —

(a) the comparison referred to in subsection (1) requires the conversion of currencies; and

(b) the rate of exchange between those currencies has undergone a short-term fluctuation,

the Minister shall, for the purposes of that comparison, disregard that fluctuation.

(5) If —

(a) the comparison referred to in subsection (1) requires the conversion of currencies; and

(b) the Minister is satisfied that the rate of exchange between those currencies has undergone a sustained movement during the period of investigation,

the Minister shall allow exporters at least 60 days to adjust their export prices to reflect the sustained movement.

## 34 Notice of information and opportunities to present evidence

34.

— (1) All interested parties in a countervailing or anti-dumping duty investigation or review shall be given notice of the information required by the Minister and opportunities to present all evidence they consider relevant.

(2) The Minister shall, whenever practicable, provide timely opportunities for all interested parties to see information submitted that is not confidential and which is relevant to the presentation of their case.

(3) Throughout a countervailing or anti-dumping investigation or review, all interested parties shall have a full opportunity for the defence of their interests.

(4) The Minister shall, on request, provide timely opportunities for all interested parties to meet those parties with adverse interests, so that opposing views may be presented and rebuttal arguments offered.

(5) Provision of such opportunities shall take account of the need to preserve confidentiality and of the convenience to the parties.

(6) There shall be no obligation on any party to attend a meeting, and failure to do so shall not be prejudicial to that party's case.

(7) Interested parties shall also have the right, on justification, to present other information orally which shall be reproduced in writing.

(8) The Minister shall, before a final determination is made in an investigation or review, inform all interested parties of the essential facts under consideration which form the basis for the decision.

## **35 Submission of confidential information**

### Submission of confidential information

35.

— (1) Any information which is by its nature confidential, or any information which is provided on a confidential basis to the Minister, the Tribunal or any other person authorised by the Minister shall, for good cause shown, be treated as such by the Minister, the Tribunal and any person having access to such information.

(2) The confidential nature of a document shall not be used as a reason for refusing to provide it to the Minister, the Tribunal or any person authorised by the Minister.

(3) The Minister and the Tribunal shall be responsible for ensuring the confidentiality of such documents.

(4) Confidential information shall not be disclosed without specific written permission from the party submitting the confidential information.

(5) The Minister or the Tribunal shall require parties providing confidential information to furnish non-confidential summaries that are sufficient in detail to permit reasonable understanding of the substance of the confidential information.

(6) Where such parties indicate that such information is not susceptible of summary, a statement of reasons why summarisation is not possible shall be provided.

(7) The Minister or the Tribunal may disregard information presented if —

(a) the Minister or the Tribunal finds that a request for confidentiality under subsection (1) is not warranted and the supplier of the information nevertheless is unwilling to make the information public;

(b) the non-confidential summaries as required under subsection (5) are not in sufficient detail; or

(c) the reasons given for not providing non-confidential summaries under subsection (6) are inadequate and the supplier of the information nevertheless refuses to provide non-confidential summaries.

## 36 Directions by Minister

### Directions by Minister

36.

The Minister may give to the Director-General of Customs, any public officer or any officer of any statutory board such written directions in connection with the carrying out or giving effect to the powers and duties of the Minister under this Act as the Minister thinks fit, and the Director-General of Customs, public officer or officer shall comply with the directions so

given.

## 37 Facts available

Facts available

37.

Where any interested party refuses access to, or otherwise does not provide, necessary information within a reasonable period or significantly impedes an investigation or review, including refusal to allow verification of its information, preliminary and final determinations may be made on the basis of the facts available.

## 38 Other practices discovered during investigation or review

Other practices discovered during investigation or review

38.

— (1) If, in the course of an anti-dumping investigation or review, the Minister discovers practices which appear to be dumping but which were not included in the matters alleged in the petition, the Minister may, if there is sufficient time, investigate those practices.

(2) If, in the course of a countervailing duty investigation or review, the Minister discovers practices which appear to be countervailable subsidies but which were not included in the matters alleged in the petition, the Minister may, if there is sufficient time, investigate those practices.

## 39 Conduct of investigation where no international obligations apply

Conduct of investigation where no international obligations apply

39.

When no applicable international obligation on countervailing and anti-dumping duties exists between Singapore and any interested foreign government, the Minister may take such action as may be prescribed.

## 40 Transhipment

Transhipment

40.

Where goods are not imported into Singapore directly from the country of origin, but are exported to Singapore from an intermediate country, the provisions of this Act and any regulations made thereunder shall be fully applicable and the transaction, for the purposes of this Act and those regulations, shall be regarded as having taken place between the country of origin and Singapore.

## 41 Publication of notices

Publication of notices

41.

All notices required to be published under this Act shall be published in the *Gazette*, unless otherwise specified.

## 42 Double counting not permitted

Double counting not permitted

42.

No goods shall be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping and export subsidisation.

## 43 Customs clearance not to be hindered

Customs clearance not to be hindered

43.

Any investigation conducted under this Act shall not hinder procedures for customs clearance.

## 44 Public servants

Public servants

44.

Any person acting for and on behalf of or under the direction of the Minister under this Act or any regulations made thereunder shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).

## 45 Obligation of secrecy

Obligation of secrecy

45.

— (1) No person who has access to any statement, accounts, record, correspondence, document, information or any other material obtained pursuant to the provisions of this Act or any regulations made thereunder shall disclose such statement, accounts, record, correspondence, document, information or other material to any other person unless such disclosure is —

- (a) authorised by the Minister; or
- (b) made for the purposes of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

## 45A Regulations to give effect to treaties etc.

Regulations to give effect to treaties, etc.

45A.

The Minister may make regulations —

- (a) to modify the application of the provisions of this Act —
  - (i) to any goods exported or originating from any country; or
  - (ii) to any country or person or description of persons; and
- (b) to exempt any goods exported or originating from any country from all or

any of the provisions of this Act,

in order to give effect to any obligation binding on Singapore under any international agreement or arrangement.

## 46 Power to make regulations

Power to make regulations

46.

— (1) The Minister may make such regulations as may be necessary or expedient for giving full effect to or for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made —

(a) to prescribe the time periods for any action to be taken under this Act;

(b) to provide for extensions of time for any action to be taken and the circumstances when extensions may be granted;

(c) to provide for the form and content of notices required for the purposes of this Act and the procedures related to the giving of such notices;

(d) to provide for the procedures of investigations, reviews and appeals;

(e) to provide for any fee to be charged in respect of any matter required for the purposes of this Act;

(f) to provide for the forms of undertakings which may be accepted by the Minister and the procedures related thereto;

(g) to provide for the applicable currency to be used in any computation required for the purposes of this Act and the rate of exchange applicable for any conversion of currency required;

(h) to prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to the World Trade Organisation Agreement, the Agreement on Countervailing and Subsidies Measures, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Agriculture as amended or supplemented by any protocol or agreement to which Singapore is a party; and



(i) to provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

## 47 Transitional provision

Transitional provision

47.

The repealed Customs (Dumping and Subsidies) Act (Cap. 71, 1985 Ed.) and any subsidiary legislation made thereunder in force immediately before 1st November 1996 shall continue to apply to any representation, investigation, application or order made or thing done under that Act or subsidiary legislation as if this Act had not been enacted but shall not apply to the procedure for any review of existing measures initiated, pursuant to an application, after that date.

### LEGISLATION HISTORY

1. Act 33 of 1996 — Countervailing and Anti-Dumping Duties Act 1996

Date of First Reading	:	12.7.96 (Bill No. 24/96 published on 13.7.96)
Date of Second and Third Readings	:	1.10.96
Date of commencement	:	1.11.96