

PRELIMINARY OPINION – PRELIMINARY ANTI-DUMPING TARIFF/ COLLATERAL FORM

Preliminary measures may be introduced if the investigation authority determines that dumped import caused injury, or threatened to cause it, on a local industry.

No less than 60 calendar days from the beginning of an investigation;

Such tariff is introduced for no more than 4 months. This period can be extended from 6 to 9 months.

PRICE UNDERTAKING BY THE EXPORTER

It is possible for the exporter to make a voluntary commitment in writing to revise the established price of the object of investigation or to or to terminate the export of the object of investigation into the customs territory of Georgia at the dumping price.

CONCLUSION – SPECIAL ANTI-DUMPING TARIFF

The tariff is introduced for a period of not more than 5 years. Based on the repeated investigation, the period may be extended for not more than 5 years.

THE FINAL DECISION

Within 30 calendar days after the investigation authority submits its opinion, the Government of Georgia shall decide whether to introduce, revise or eliminate such a measure.

CLASSIFIED INFORMATION

The law envisages the principles for the protection of the classified information. Nevertheless, the investigating authority is entitled to request an unclassified version of such information.

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GEORGIAN NATIONAL COMPETITION AGENCY

THE MAIN PRINCIPLES OF THE LAW OF GEORGIA “ON THE INTRODUCTION OF ANTI-DUMPING MEASURES IN TRADE”



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“ON THE INTRODUCTION OF ANTI-DUMPING MEASURES IN TRADE”

THE MAIN PRINCIPLES OF THE LAW OF GEORGIA

THE PURPOSE OF THE LAW

The Law of Georgia “on the Introduction of Anti-Dumping Measures in Trade” aims to protect the local industry from the damage threatened or caused by the dumped imports.

In line with the national legislation and the rules and regulations of the World Trade Organisation, the Law defines the principles for the introduction of anti-dumping measures on the basis of an investigation, which determines that:

- There is an occurrence of dumping on the customs territory of Georgia;
- The domestic industry producing the like product is suffering injury or a threat of injury; and
- There is a causal link between the dumping and the injury.

The National Competition Agency of Georgia constitutes an authorized body for the investigation of the case related to anti-dumping measures.

The Law aims to ensure the fair and competitive level-playing field for foreign and local firms, maintain jobs and encourage investments.

WHAT IS DUMPING?

An imported product becomes subject of investigation if the export price of a given product is below the normal value of a similar product in the market of the exporting country in the ordinary course of trade.

RECEIVING AND REVIEWING A LOCAL INDUSTRY APPLICATION

The basis for launching an investigation by the investigating authority is a written application made by or on behalf of the local industry.

An application is considered to be made by or on behalf of the local industry if it is supported by those local industry whose collective output constitutes more than 50 percent of the total production of the like product produced by that portion of the domestic industry expressing either support for or opposition to the application.

At the same time, the local industry expressly supporting the application account for 25 percent or more of total production of the like product produced by the total local industry.

PROCEDURE AND STAGES OF RECEIVING THE APPLICATION:

The local industry shall file an application with the investigating authority. The application template is available on the webpage: www.competition.ge

Within 3 working days from the receipt of the application, the investigating authority verifies the formal compliance of the application, and in case of the deficiencies, notifies the applicant thereon and sets a time period for rectification.

The investigating authority makes a decision on launching an investigation within 45 calendar days from the date of submission of the application. This period may be extended by a maximum of 15 calendar days for the purposes of receiving additional information from the applicant.

LAUNCHING INVESTIGATION

The investigating authority publishes the decision on launching an investigation on its webpage and notifies in writing the competent authority of the exporting country and other interested persons.

INTERESTED PERSONS:

- An exporter, an importer and a foreign manufacturer of the object of investigation;
- A trade union or a business union with the majority of members being manufacturers, exporters, or importers of an object of investigation The Government of the country exporting the object of investigation;
- The Government of the country exporting the object of investigation;
- A local manufacturer of a like product;
- A Consumers' Association;
- A manufacturer, who uses the object of investigation in the production process.

Interested persons have the right to apply in writing to the investigating authority regarding the participation in the investigation within 30 calendar days after the investigation is launched.

CONDUCTING INVESTIGATION

Generally, evidences should be in accordance with certain periods, which, in the case of dumping normally covers a period of no less than six months prior to launching an investigation. For injury investigations this is normally at least three years.

The period of investigation lasts no more than 12 months. However, it may be extended for not more than 6 months;

To complete the investigation, the Georgian National Competition Agency submits its opinion to the Government of Georgia, after which the investigation is considered completed.