



**LAO PEOPLE'S DEMOCRATIC REPUBLIC**  
**PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

National Assembly

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## **Law on Anti-Dumping and Countervailing Measures**

### **Part I General Provisions**

#### **Article 1 Objectives**

This law determines principles, regulations and measures on the management, monitoring and inspection on anti-dumping and countervailing activities in order to protect the domestic industry from unfair trade, with the aim to ensure improvement of domestic industry and strengthening and maintaining its growth, and competitiveness with imported products thereby contributing to national socio-economic development.

#### **Article 2 Anti-Dumping and Countervailing Measures**

**Dumping** means exporting products to Lao PDR for commercial purposes where the export price is less than the normal value of like products selling in the domestic market of exporting country.

**Subsidy** means a financial contribution or any support by a government or any public body of an exporting country to any enterprise for commercial purposes.

**Anti-dumping and countervailing measures** are the application of tariff measures for a certain period of time in order to counter unfair competition from dumping and subsidies which have caused harm to domestic industry.

#### **Article 3 Definitions**

The terms as used in this law have the following meanings:

1. **Domestic industry** refers to all Lao or foreign individuals or entities in Lao PDR who produce like industrial and agricultural products similar to imported products, which their collective output constitutes a significant proportion of the total domestic output of these products;
2. **Like products** refer to products that are identical or similar characteristics to the products that are manufactured in Lao PDR;
3. **Investigated products** refer to allegedly dumped or subsidized products;
4. **Exporting country** refers to a country exporting the allegedly dumped or subsidized products to Lao PDR;
5. **Exporter** refers to a foreign exporter exporting products to Lao PDR;
6. **Interested party** refers to a producer, exporter, or importer, and the governments of exporting countries of dumped or subsidized products, or to groups, associations, or organizations that, through representation, protect the interests of the domestic industry;

7. **Third party** refers to a person or entity involved in the import or export of the investigated products;

8. **Material harm** refers to harm caused from the serious effect of import of dumped or subsidized products to domestic industry;

9. **A threat of material harm** refers to a serious and imminent harm that is likely to occur within domestic industry;

10. **Material hindrance of establishment of domestic industry** refers to serious effect on domestic enterprises in establishment or operating business in Lao PDR;

11. **Weighted average** refers to the price calculated from the total product price multiplied by product volume and divided by a sum of the product volume;

12. **Tariff measures** refer to placing a security by cash deposit in accordance with calculated tax rates or increasing in tariff rates on dumped or subsidized products;

13. **Supporter** refers to domestic producers of like products that expresses support for undertaking an investigation of consequence from dumping and subsidization of exporting country;

14. **Opposer** refers to domestic producers of like products that express opposition to undertaking an investigation of consequence from dumping and subsidization of exporting country;

15. **Neutral** refers to domestic producers of like products that does not express either support for or opposition to the undertaking of an investigation of consequence from dumping and subsidization of exporting country;

16. **Market share** refers to portion of sales volume of a product compared to total sales of the same product within the market;

17. **Productivity** refers to the efficiency production of domestic industry.

#### **Article 4 State Policy on Anti-Dumping and Countervailing Activities**

The state encourages and promotes anti-dumping and countervailing activities by developing policies and measures to counter unfair competition from import of dumped or subsidized products aiming to create a favorable environment and conditions for domestic industry to maintain growth.

The state provides budget, personnel, vehicles, and equipment to responsible agencies for the efficient and effective implementation of anti-dumping and countervailing activities.

#### **Article 5 Principles on Anti-Dumping and Countervailing Measures**

Anti-dumping and countervailing measures shall comply with the following principles:

1. Ensure compliance with policy and laws;
2. Ensure transparency, objective, and fairness;
3. Comply with treaties and international agreements to which Lao PDR is a party.

#### **Article 6 Scope of Application**

This law is applicable to domestic and foreign individuals, legal entities, and organizations that produce domestically, and to importers who import dumped or subsidized products.

#### **Article 7 International Cooperation**

The state promotes foreign, regional, and international cooperation related to the protection of domestic industry that are harmed from the import of dumped or subsidized products by exchanging information, techniques, and technologies; training personnel and upgrading technical capacity to perform activities efficiently; and abiding by international agreements and treaties to which Lao PDR is the party.

## **Part II Dumping and Subsidy**

### **Chapter 1 Dumping**

#### **Article 8 Dumping**

Dumping is carried out by determining the export price of a particular product exporting to Lao PDR less than its normal value in the domestic market of the exporting country.

#### **Article 9 Export Price**

The export price shall be the price actually paid or payable for the investigated product from the exporting country at which is resold in Lao PDR.

Where there is no export price, or where the export price is unreliable due to an association or compensatory arrangement between the exporter and the importer or a third party, the export price may be calculated on the basis of the price at which the imported products are first resold in an independent buyer.

If the imported product is not resold to an independent buyer or not resold in the conditions as imported, the export price shall be determined on a reasonable basis.

#### **Article 10 Normal Value**

Normal value is the price of like products selling for consumption in the exporting country on the basis of the price paid or payable in the ordinary course of trade and it is comparable price with the export price to Lao PDR.

In cases where there are no sales of like products in the exporting country or where the sales of such products are not comparable, the normal value shall be determined based on the following prices:

1. The export price of like product in a third country if there are reasonable grounds to believe that such price reflects the price in the exporting country's market; or
2. The calculation is made from production cost of origin country plus administrative expenses, sale and other expenses including profits.

In case where the prices stipulated in paragraph 1 and clause 1 of paragraph 2 of this Article are lower than production cost plus administrative expenses, sale and other expenses, they shall not subject to determination as normal value.

The determination of normal values shall be specified in a separate regulation.

#### **Article 11 Determination of Dumping Margin**

Determination of dumping margin is a calculation of variance of normal value and the export price made at the same level of trade and sales made at as nearly as possible the same time, which has the methods of comparison as follows:

1. Weighted average normal value and weighted average export price;
2. Normal value and export price of each commercial transaction;
3. In case the export price is different between buyers, region, period of export, the comparison shall be made between a weighted average price and the export price of each commercial transaction.

In case the normal value and export price being compared are not the price of sale made at the same level of trade and of the sales made at as nearly as possible the same time, the adjustment of components affecting comparison shall be made.

When there are price comparisons related to currency exchange, the exchange rates from a particular commercial bank on the date of sale shall be applied. If there is an agreed exchange rate in advance, the agreed exchange rate should be used.

The formula of calculation for determining the margin of dumping and comparison of normal value and export price shall be determined in a specific regulation.

## **Chapter 2 Subsidy**

### **Article 12 Subsidy**

Subsidy shall include:

1. Financial contribution;
2. Income or price support.

### **Article 13 Financial Contribution**

Financial contribution by the government or public body of the exporting country shall include:

1. A direct transfer of funds to an enterprise in the forms of grants, loans, and equity infusion or an indirect transfer of funds in the form of loan guarantees;
2. Forgoing or reduction of obligations as stipulated in laws for enterprise and industry;
3. Provision of goods or services to contribute to production process other than general infrastructure or purchase of products from an enterprise;
4. Making payments to a funding mechanism, or entrusting or directing a private body to carry out one or more of the type of functions stipulated in clause 1, 2 and 3 of this Article.

### **Article 14 Income or Price Support**

Income or price support is a direct increase in exports of any product which operates directly or indirectly or to reduce imports of any product.

### **Article 15 Specificity**

The government of Lao PDR shall apply countervailing measures to subsidize as stipulated under Article 13 and 14 of this law if it is deemed to be specific to certain industry, group of industries, enterprise or group of enterprises in the following cases:

1. Subsidy explicitly provided whether in law or practice;
2. Subsidy provided for designated specific geographical region;
3. Subsidy upon export performance;
4. Subsidy upon the use of domestic goods over imports.

In addition to subsidization as stipulated in items 1, 2, 3 and 4 of this Article, other factors may be considered such as number of enterprises, group of enterprises, industry or group of industries which have received a subsidy, amounts of subsidy, period and types of subsidy.

### **Article 16 Calculation of Amount of Subsidization**

Calculation of amount of subsidization is the calculation of benefits conferred to the recipient by determining either an amount of subsidy or a rate of subsidy per unit of the subsidized product exporting to Lao PDR, as a basis for application of measures.

Calculation of benefits conferred from subsidy shall comply with the following principles:

1. In the form of grant shall be calculated from amount of the grant which an enterprise, group of enterprises, industry or group of industries received;

2. In the form of loan shall be calculated from variance of the interest rate of loan which an enterprise, group of enterprises, industry or group of industries should repay to a bank and the interest rate of loan shall be paid the government;

3. In the form of equity infusion shall be calculated from the amount of actual capital that an enterprise received from selling the shares to the government;

4. In the form of loan guarantee shall be calculated from variance of interest rate of a bank loan without guarantee and interest rate of loan guaranteed by the government;

5. In the form of provision of goods or services for less than adequate remuneration shall be calculated from variance of normal value of products or services in the market and the price that an enterprise paid to the government;

6. In the form of purchase of goods for more than adequate remuneration shall be calculated from variance of the price the government paid and the normal value of such product in the market.

7. In the form of forgoing or reduction of obligations as stipulated in laws and regulations for enterprises shall be calculated from variance of the amount of money to be paid the government and the amount of money paid the enterprise, group of enterprises, industry or group of industries.

The amount of subsidy granted in forms other than those seven (7) forms as stipulated above shall be calculated in a fair and reasonable way.

### **Chapter 3**

#### **Determination of Harm to Domestic Industry**

##### **Article 17 Harm to Domestic Industry**

Harm to domestic industry is loss of commercial benefits from the importation of dumped or subsidized products causing damage to domestic industry as one of the following forms:

1. Material harm;

2. A treat of material harm;

3. Material hinderance of the establishment or development of domestic industry.

Injury to domestic industry shall have a causal link with dumping or subsidy of exporting country as stipulated in Article 21 of this law and where harm involves imports of a product from more than one country, harm may be cumulatively assessed as stipulated in Article 22 of this law.

##### **Article 18 Determination of Material Harm**

Determination of material harm to domestic industry from dumping or subsidy shall be considered from evidence as follows:

1. The volume of dumped or subsidized products imported increases by comparing to production or consumption in Lao PDR;

2. Effects of dumped or subsidized products to like products in Lao PDR which has caused price undercutting, decreased prices or prevented price increases;

3. Effects of dumped or subsidized products to domestic industry shall consider the following factors:

Actual or potential decline in sales, profits, output, market shares, productivity, return on investment or utilization capacity;

Factors affecting domestic prices;

Actual and potential of negative effects on cash flow, inventories, employment, wage, growth rate of business, ability to raise capital or investments.

The methodology of determination of material harm shall specified in a specific regulation.

### **Article 19 Determination of Threat of Material Harm**

Determination of threat of material harm to domestic industry from dumping or subsidy shall be considered on facts where there is change in circumstances and clearly foreseen that dumping or subsidy is likely to occur and cause a harm inevitably which shall be considered on the following factors:

1. Import of dumped or subsidized products has increased in significant proportion indicating the likelihood of substantially increased importation;

2. Capabilities of selling exported products shall significantly increase in the near future and indicate that there is likelihood of export of dumped or subsidized products to Lao PDR;

3. The price of dumped or subsidized products caused decrease or increase on prices of domestic product and increase of likelihood of imported goods;

4. The number of inventories of dumped or subsidized products under investigation.

For subsidy, nature of the subsidy and the trade effects likely to arise therefrom shall be also considered.

### **Article 20 Determination of Material Hinderance of the Establishment or Development of Domestic Industry**

Determination of material hinderance of the establishment or development of domestic industry shall be considered on facts that indicate the possibility of delayed establishment or development of domestic industry which shall considered from the following factors:

1. An establishment and development plan of domestic industry;

2. Production capacity and outputs;

3. Amount and value of domestic sales;

4. Market shares, incomes and profits;

5. Export and import of the investigated products;

6. Inventory;

7. Employment and wages;

8. Other factors where necessary.

### **Article 21 Determination of Causal Link between Dumping or Subsidy and Harm to Domestic Industry**

Determination of causal link between dumping or subsidy and harm to domestic industry shall be considered on relevant evidence of dumping or subsidy as stipulated in Articles 18, 19 and 20 of this law.

Other factors causing harm to domestic industry shall also be considered as well such as: amount and prices of products imported which do not sell at prices of dumped and subsidized products; change of demand or change of consumption pattern; restraint of trade and competition between domestic and foreign industries; technological development; and policy on production for exporting and production capacity but shall not be deemed as associated factors with dumping or subsidy.

### **Article 22 Cumulative assessment**

Cumulative assessment is an assessment of harm where dumped or subsidized imports from more than one country enter into Lao PDR simultaneously.

Investigation committee shall conduct cumulative assessment if the dumped or subsidized imports from each exporting country satisfy the following requirements:

1. The margin of dumping is less than two (2) percent of export prices;

2. The volume of import of dumped products are less than three (3) percent of like products import to the country or the volume of import of dumped products from each

country collectively by not more than seven (7) percent of the number of like products imported in total;

3. The amount of subsidization is less than one (1) percent of the product value originating from developing countries or no more than two (2) percent of product value originating from developing countries which are members of the WTO;

4. The volume of import of subsidized like products originating from developing countries which are members of the WTO are less than four (4) percent of import of like products or the volume of import of subsidized products from foreign countries collectively by not more than nine (9) percent of the amount of import of like products in total;

5. Conditions of competition between the dumped or subsidized products and like domestic products in Lao PDR.

### **Part III**

## **Investigation and Investigating Authorities**

### **Chapter 1**

## **Investigation**

#### **Article 23 Investigation on Harm from Dumping or Subsidy**

Investigation on harm from dumping or subsidy refers to finding information to certify the harm caused by dumping or subsidy.

Investigation on harm from dumping or subsidy shall be only carried out when there is cause as stipulated in Article 24 of this law.

The Ministry of Industry and Commerce shall conduct investigation on harm from dumping or subsidy through cooperation with ministries and other relevant organizations before proposing to the government to consider the application of measures as stipulated in Article 38 of this law.

#### **Article 24 Causes of Investigation**

Causes of investigation on harm from dumping or subsidy are as follows:

1. A discovery of information or evidence of harm to a domestic industry by the investigating authorities;
2. An application by a domestic industry or its representative.

#### **Article 25 Discovery of Information and Evidence by Investigating Authorities**

When the investigating authorities discover information and evidence that indicate causal link between dumping or subsidy and harm of domestic industry, they shall report to the Minister of Industry and Commerce for consideration of issuing a decision on an investigation.

#### **Article 26 Application by Domestic Industry or Its Representative**

A domestic industry or its representative may file an application to the Ministry of Industry and Commerce to conduct an investigation on harm of domestic industry as defined in Articles 18, 19 and 20 of this law.

The application shall contain the following information:

1. General information of domestic industry or its representative with a list of all domestic industry of like products who express support;
2. Description of like products domestically produced and the investigated products;
3. Producers, exporters and importers of the investigated products;
4. Normal value, export price and margin of dumping;

5. Forms, duration and amount of subsidization;
6. Risk assessment of domestic industry;
7. Causal link between dumping or subsidy and harm to domestic industry.

Where the producers of like product are themselves the importers of dumped and subsidized products, or related to the importers or exporters of dumped and subsidized products, such producers shall not be deemed as domestic industry.

#### **Article 27 Consideration of Application**

After receiving the application, the investigating authorities shall complete their consideration of the information and evidence within forty-five (45) days from the date of receiving the application. If the consideration is not completed within the specified time period, they shall propose that the Minister of Industry and Commerce consider an extension, but not more than thirty (30) days.

In consideration of application, the investigating authorities shall verify and confirm that production volume of a party who supports the investigation and a party who does not support thereof represent fifty (50) percent of domestic production volume of like products and oppose collectively. However, the party who supports the investigation shall have the production volume more than twenty-five (25) percent of the total production volume of like products of applicant, supporter, opposer and neutral collectively.

After consideration, research and analysis, the investigating authorities shall comply as follows:

1. In case the investigating authorities find no evidence to indicate causal link between dumping or subsidy and harm to domestic industry, they shall report to the Minister of Industry and Commerce and notify the applicant regarding the analysis results;
2. In case the investigating authorities find evidence from review of the application indicating that causal link between dumping or subsidy and harm to domestic industry, they shall report to the Minister of Industry and Commerce for consideration of issuing a decision on the investigation. In case of a subsidy, they shall notify the government of exporters in order to consult after receipt of the application.

#### **Article 28 Investigative Procedures**

An investigation shall be conducted as the following procedures:

1. Issuance of a decision on investigation;
2. Actual investigation;
3. Summary report on investigation results.

#### **Article 29 Issuance of Decision on Investigation**

After receiving the report from the investigating authorities, the Minister of Industry and Commerce shall consider issuing the decision on investigation, including appointment of an investigating committee on dumping or subsidy harm.

A decision on investigation shall contain the following information:

1. The name of exporting country and description of investigated products;
2. The date of initiation of the investigation;
3. A summary of factual evidence with respect to dumping and subsidy of exporting country;
4. The time-limits allowed for interested parties to present their views;
5. The address of investigating authorities.

The investigating committee on dumping and subsidy harm shall consist of the investigating authorities, government officials of the industry and commerce sector, and other relevant sectorial representatives.

### **Article 30 Actual Investigation**

After the Minister has issued a decision on investigation, the investigating authority shall carry out the investigation according to the following procedures:

1. Notify the exporting country, the applicant, the World Trade Organization (WTO), and interested parties;
2. Disseminate the decision on investigation through media channels to the public;
3. Send questionnaires to domestic industry and producer or exporter of the investigated producer requesting information;
4. Analyze information received from the questionnaires or request additional information where necessary;
5. Notify interested parties of the preliminary determination in order for them to present their views;
6. Collect and analyze additional information in exporting country to certify the accuracy and truth of harm from dumping or subsidy;
7. Notify interested parties of essential factual evidence under consideration which form the basis for final determination in order for them to present their views;

In case where there are exporters, producers, importers or types of investigated products, the investigating committee shall use a random sampling method to determine the exporters, producers or types of products according to appropriate statistic information.

### **Article 31 Summary Report on Investigation Results**

After completing an investigation, the investigating committee shall summarize and report the results of the investigation, including evidence gathered, to the Minister of Industry and Commerce, who shall propose to the government to consider whether or not to apply anti-dumping or countervailing measures.

### **Article 32 Duration of Investigation**

The investigation shall be completed within twenty (12) months from the date of issuance of the decision. If the investigation is not completed within the determined time, the investigating committee can propose that the Minister of Industry and Commerce consider an extension, but not by more than six (6) months.

### **Article 33 Cancellation of Investigation**

The Minister of Industry and Commerce may issue the decision on cancellation of investigation in the following cases:

1. The applicant withdraws its application;
2. There is no evidence to proof causal link of dumping or subsidy and harm to domestic industry;
3. The investigation findings are not consistent with conditions defined in Article 22 of this law;
4. Other reasons as determined by the Government;

Following the issuance of a decision on cancellation of investigation, the Ministry of Industry and Commerce shall notify the WTO and interested parties as well as disseminate it to the public.

### **Article 34 Treatment of Confidential Information**

The investigating authorities and committee shall treat confidential information or data that which the provider has asked to be kept confidential and shall not disclose such information to the public without the permission of the provider.

The investigating authorities and committee may request the submitter to summarize the data so that it can be disclosed to the public. If the submitter cannot summarize the information, he shall provide the reasons.

If the investigating authorities and committee find that a request for confidential treatment is unreasonable and that the provider has not agreed to disclose the information or a summary of it to the public without reason, the investigating authorities and committee may not use the information as a basis for consideration, unless there is proof obtained from another source that certifies that such information is accurate.

#### **Article 35 Investigation Expenses**

Investigation expenses regarding injury from dumping or subsidy shall be paid from the government's budget.

## **Chapter 2 Investigation Authorities**

#### **Article 36 Investigation Authorities**

The investigating authorities are civil servants. They are appointed by the Minister of Industry and Commerce to carry out the investigations regarding harm from dumping or subsidy as defined under this law.

#### **Article 37 Rights and Duties of Investigating Authorities**

The investigating authorities have the following rights and duties:

1. Consider applications made by domestic industry or its representative and report to the Minister of Industry and Commerce for consideration of issuing a decision on investigation;
2. Investigate or request information from the applicant, the exporter, the importer and domestic industry regarding harm from dumping or subsidy;
3. Collect and analyze data regarding harm from dumping or subsidy;
4. Research the reasonable determination of normal values and export prices and propose to investigating committee;
5. Summarize and report on harm from dumping or subsidy to the Minister of Industry and Commerce for consideration;
6. Research and propose cancellation or extension of application anti-dumping or countervailing measures; and
7. Exercise rights and implement other duties as defined under this law.

## **Part IV Anti-Dumping and Countervailing Measures Chapter 1 Type of Anti-Dumping and Countervailing Measures**

#### **Article 38 Type of Anti-Dumping and Countervailing Measures**

Anti-dumping and countervailing measures consist of the two following types:

1. Provisional Measures;
2. General Measures.

#### **Article 39 Provisional Measures**

Provisional measures apply to the importer of dumped or subsidized products under investigation by requesting it to provide security by cash deposit.

#### **Article 40 General Measures**

General measures apply to the importer of dumped or subsidized products after the completion of an investigation that finds harm to domestic industry, as defined in

Articles 18, 19 and 20 of this law, by increase in tariff rates.

## **Chapter 2**

### **Application of Provisional Measures**

#### **Article 41 Application of Provisional Measures**

Provisional measures shall be applied after two (2) months from the date of Minister of Industry and Commerce has issued the decision on investigation on harm from dumping or subsidy.

If the results of preliminary investigation confirm that dumping or subsidy has caused harm to domestic industry and found that it is necessary to apply the provisional measures in order to prevent harm during the investigation, then the investigating committee shall report to the harm of Industry and Commerce immediately in order to propose to the government to consider the application of provisional measures.

After the government agrees to apply the provisional measures, the Ministry of Industry and Commerce shall notify the WTO and interested parties. The Ministry of Finance shall implement such measures.

The amount of cash deposit must be equal or lower than margin of dumping or amount of subsidy of exporters as estimated in preliminary determination.

Prior the application of provisional measures, exporters agree to eliminate dumping or subsidy and shall comply with the provisions of Articles 44, 45 and 46 of this law.

#### **Article 42 Duration for the Application of Provisional Measures**

Duration for the application of provisional Measures for dumping as follows:

If the amount of cash deposit is equal to the margin of dumping, the application of provisional measures against dumping shall not exceed four (4) months from the date of issuance of the decision to apply such measures. In case where there is a request by exporters representing a significant percentage of the trade involved, the investigating committee will report to the Minister of Industry and Commerce to propose the government in considering the extension of not more than two (2) months, or all together not more than six (6) months.

If the amount of cash deposit is lower than margin of dumping which would be sufficient to remove harm occurred, the investigating committee may impose provisional measures not more than six (6) months from the date of issuing a decision on application of measures. If there is a request by exporters representing a significant percentage of the trade involved, the investigating committee will report to the Minister of Industry and Commerce to propose the government to consider the extension not more than three (3) months, or all together nine (9) months.

The application of provisional measures against subsidy shall not exceed four (4) months from the date of issuance of the decision to apply such measures.

#### **Article 43 Cancellation of the Application of Provisional Measures**

The government shall consider cancellation of the application of provisional measures according to proposal of the Ministry of Industry and Commerce if an investigation finds that dumping or subsidy has not caused harm to domestic industry.

After the government agreed to cancel the provisional measures, the Ministry of Industry and Commerce shall notify the WTO and interested parties. The Ministry of Finance shall return the cash deposit to the importer according to laws.

## **Article 44 Elimination of Dumping or Subsidy**

Elimination of dumping or subsidy is the development of the agreement between the Ministry of Industry and Commerce and exporters, after the preliminary determination of harm but no provisional measures have yet applied, which exporters agree to eliminate dumping or subsidy to suspend investigation without the application of measures.

Elimination of dumping or subsidy shall comply as follows:

1. The Ministry of Industry and Commerce may reach the agreement with exporters in which exporters agree to increase the prices of dumped products or cease exporting at dumped prices.

2. The Ministry of Industry and Commerce may reach the agreement with exporters in which exporters agree to increase the prices of subsidized products or the government of the exporting country agrees to eliminate or limit a subsidy or take other relevant measures to remedy the effects of subsidy.

Elimination of dumping or subsidy aims to solely compensate the harm from dumping or subsidy to the domestic industry and price increases thereof shall not be higher than margin of dumping or amount of subsidy.

## **Article 45 Agreement on Elimination of Dumping or Subsidy**

Ministry of Industry and Commerce or exporters may propose to develop the agreement on elimination of dumping and subsidy.

Ministry of Industry and Commerce may reject the development of such agreement offered by exporters for reason of difficulty in the implementation and shall provide to the reasons therefore to the exporters. Where exporters reject or do not accept a proposal regarding the development of the agreement, Ministry of Industry and Commerce shall in no way prejudice the exporters' interests and the consideration of the case.

## **Article 46 Implementation of Agreement on Elimination of Dumping or Subsidy**

Exporters whom develop an agreement with the Ministry of Industry and Commerce shall provide periodically information relevant to the fulfilment of such agreement and to permit verification of pertinent data. In case of violation of the agreement, the investigating committee may use the best information available and report to Minister of Industry and Commerce to propose to the government to consider the application of provisional measures and continue the investigation.

After the development of the agreement, the investigating committee may complete the investigation if the exporters request or if the agreement is violated or if the Committee so decides due to other considerations. Upon the completion of the investigation, the investigation committee determines if:

1. A negative final determination with respect to dumping or subsidy and subsequent harm is made, the investigating authority shall report to the Minister of Industry and Commerce in considering the cancellation of agreement on elimination of dumping and subsidy; shall automatically lapse, except in cases where such a determination is due in large part to an undertaking. In such cases, the Committee may require that an undertaking be maintained for a reasonable period;

2. An affirmative final determination with respect to dumping or subsidy and subsequent harm is made, the agreement on elimination of dumping and subsidy shall continue;

3. An affirmative final determination is made with respect to dumping and subsequent injury is made in case of a violation of the agreement, the investigation committee may levy definitive duty retrospectively on products entered for consumption for a period not more than three (3) months before the imposition of provisional measures in accordance with the rate determined in final investigation.

## **Chapter 3**

### **Application of General Measures**

#### **Article 47 Application of General Measures**

After completion of an investigation in which the conclusion certifies that the dumping or subsidy is existing and has caused harm to domestic industry, the investigating committee shall report to the Minister of Industry and Commerce, who may propose to the government to consider application of general measures.

After receiving a letter from the Ministry of Industry and Commerce, the government shall propose to the National Assembly (NA), who may consider whether to increase tariff as stipulated in the final decision or not. The government shall consider issuing a decision on application of general measures within fifteen (15) days and assign the Ministry of Finance to implement.

The Ministry of Industry and Commerce is responsible for notifying the WTO and interested parties of an application of general measures as soon as possible.

A tariff rate enforced in general measures is only imposed to remove harm and shall be equal to or lower than margin of dumping or amount of subsidy of exporters, unless otherwise comply with the agreement on elimination of dumping and subsidy as stipulated in Article 44 of this law.

#### **Article 48 Duration of the Application of General Measures**

The duration of the application of general measures shall not exceed five (5) years from the date of the government issued the decision on application of measures but may be extended after undertaking the review as stipulated in paragraph 2 of Article 49 of this law where it deems that domestic industry continues to suffer harm from dumping and subsidy.

#### **Article 49 Review of the Application of General Measures**

Review of the application of general measures shall be only conducted when the investigating committee deems it necessary to do so or upon a request made by interested parties and shall be concluded within one (1) year from the date of initiation of the review.

The review shall be conducted one (1) year before the expiry of the application of general measures upon receipt of request made by interested parties when it deems that if the application of general measure is terminated, dumping or subsidy would be likely to continue to cause harm to domestic industry.

The review should be carried out within one (1) year after the application of general measures in order to consider cancellation or adjustment of duty based on request made by interested parties when there is enough evidence on harm of dumping or subsidy.

Investigating committee shall promptly carry out the review for exporters who did not export product to Lao PDR during the period of investigation provided that these exporters or producers can show that they are not related to any of the exporters who are subject to application of general measures. No duties shall be levied on imports from such exporters while the review is being carried out. After the investigating committee, according to the review result, determines there is dumping or subsidy in respect of such exporters and they are not related to any of the exporters who are subject to application of general measures, the investigating committee can levy the duties retrospectively to the date of the initiation of the review.

## **Article 50 Refund**

The exporters of investigated products may request a refund, where it can be demonstrated that the margin of dumping or amount of subsidy has been eliminated or reduced to a level which is below the level of duty in effect. The importer shall file a request to the investigating committee within six (6) months from the date of payment of that duty payment. The refund shall be considered no later than twenty (12) months and may be extended but may not exceed six (6) months from the date of receipt of application.

The refund shall normally be made within three (3) months after the date on which the refund was authorized. In case the refund cannot be made within three (3) months, the investigating committee shall provide reasons for the delay.

## **Article 51 Retrospective Application of Duties**

The investigating committee can propose to levy duties retrospectively for a period of not more than three (3) months prior to the date of application of provisional measures if:

1. There is a history of dumping which caused harm or that the importer was, or should have been, aware that the exporter practices dumping and that such dumping would cause harm;

2. The injury is caused by a significant amount of dumped imports of a product in a relatively short period of time from the investigation date to the date of provisional measures applied and other relevant factors such as a rapid build-up of inventories of the imported product.

In case of subsidy, the investigating committee shall only consider the harm caused by the volume of dumped product in a relatively short period of time.

The retrospective application of duties shall not be imposed on imported products prior to the date of initiation of the investigation.

## **Article 52 The Request in the Event of Dissatisfaction**

In case the interested parties are dissatisfied with the decision on application of general measures as stipulated in Article 47, the review of general measures as stipulated in Article 49, and refund as stipulated in Article 50 of this law may file request to the court for consideration.

## **Part V Prohibitions**

### **Article 53 General Prohibitions**

Individuals, legal entities or organizations are prohibited from:

1. Providing assistance or protecting violators of the law and regulations on dumping and subsidy;
2. Acting as an intermediary to give or accept bribes for their own interest or those of their associates, relatives, organization, or any persons;
3. Obstructing the performance of investigating authorities and committee;
4. Concealing or destroying information, evidence on anti-dumping and countervailing activities;
5. Undertaking other acts that violate the law.

### **Article 54 Prohibitions for Domestic Industry**

Domestic industry is prohibited from:

1. Defaming importer of like products, forging, distorting, or providing false information to the investigating authorities and committee;
2. Bribing officials and relevant people involved in anti-dumping and countervailing activities;
3. Undertaking other acts that violate the law.

### **Article 55 Prohibitions for Importers and Exporters**

Importers and exporter are prohibited from:

1. Forging, distorting, or providing false information to the investigating authorities and committee;
2. Bribing officials and relevant people involved in anti-dumping and countervailing activities;
3. Undertaking other acts that violate the law.

### **Article 56 Prohibitions for Investigating Authorities and Committee and Relevant Officials**

The investigating authorities and committee and relevant officials are prohibited from:

1. Abusing their power, duties, or positions for their own interests or those of their associates, relatives, organization, or any persons;
2. Accepting bribes from domestic industry or importers;
3. Disclosing confidential information and documents;
4. Delaying the consideration of documents without any reasonable cause or withholding the documents of domestic industry, importers and exporters;
5. Conspiring with domestic industry, importers and exporters in destroying or hiding evidence;
6. Neglecting of duties upon discovery of harm to domestic industry;
7. Undertaking other acts that violate the law.

## **Part VI**

### **Administration and Inspection**

#### **Chapter 1**

### **Administration of Anti-dumping and Countervailing Activities**

#### **Article 57 Administration Authorities of Anti-dumping and Countervailing Activities**

The government centrally and uniformly administers anti-dumping and countervailing activities throughout the country by designating the Ministry of Industry and Commerce to take responsibility directly and lead in collaboration with the Ministry of Finance, other sectors, and relevant local administrations.

Administration Authorities of Anti-dumping and countervailing activities consist of:

1. Ministry of Industry and Commerce;
2. Provincial and Vientiane Capital Division of Industry and Commerce;
3. District, Municipal and City Offices of Industry and Commerce.

#### **Article 58 Rights and Duties of the Ministry of Industry and Commerce**

In the administration of anti-dumping and countervailing activities, the Ministry of Industry and Commerce shall have rights and duties in accordance with its responsibilities as follows:

1. Research and develop a policy, strategic plans, and laws in order to make proposals to the government for consideration;
2. Execute policy, strategic plans, laws, and regulations relating to anti-dumping and countervailing activities into plans, programs, detailed projects and implementation;
3. Advocate and disseminate policy, strategic plans, laws, and regulations with regard to anti-dumping and countervailing activities;
4. Research and propose the government to consider agreeance to or cancel the application of anti-dumping and countervailing measures;

5. Issue decisions, orders, and instructions on anti-dumping and countervailing activities;
6. Monitor and inspect implementation of law and regulations on injury from dumping and subsidy;
7. Enhance, train and appoint the investigating authorities and committee including upgrade technical officers on anti-dumping and countervailing activities;
8. Consult and coordinate with line ministries, equivalent authorities, and other sectors and relevant local authorities;
9. Coordinate, cooperate and exchange lesson learnt with international bodies on anti-dumping and countervailing activities;
10. Regularly summarize and report activities regarding dumping and subsidy to the government;
11. Perform other rights and duties as defined under the law.

**Article 59 Rights and Duties of the Provincial and Vientiane Capital Departments of Industry and Commerce**

In the administration of anti-dumping and countervailing activities, Provincial and Vientiane Capital Departments of Industry and Commerce shall have the following rights and duties in accordance with their responsibilities:

1. Execute and implement policy, strategic plans, laws, regulations, and plans with regard to anti-dumping and countervailing activities;
2. Advocate and disseminate to society policy, strategic plans, laws, and regulations with regard to anti-dumping and countervailing activities;
3. Facilitate and cooperate with the investigating authorities and committee in implementing anti-dumping and countervailing activities;
4. Receive recommendations and notice on anti-dumping and countervailing activities from relevant sectors, and report to the Ministry of Industry and Commerce for consideration;
5. Monitor implementation of the laws and legislations relating to injury from dumping and subsidy;
6. Regularly summarize and report activities regarding dumping and subsidy to the Ministry of Industry and Commerce and provincial authorities;
7. Perform other rights and duties as defined under the law.

**Article 60 Rights and Duties of District, Municipal and City Offices of Industry and Commerce**

In the administration of anti-dumping and countervailing activities, District, Municipal and City Offices of Industry and Commerce shall have rights and duties in accordance with their responsibilities as follows:

1. Implement plans, decisions, orders, and instructions of the high authorities regarding anti-dumping and countervailing activities;
2. Disseminate and implement laws and regulations with regard to anti-dumping and countervailing activities;
3. Facilitate and cooperate with the investigating authorities and committee regarding harm from dumping and subsidy;
4. Monitor and inspect implementation of laws and legislations relating to injury from dumping and subsidy;
5. Regularly summarize and report activities regarding dumping and subsidy to Provincial Departments of Industry and Commerce and district authorities; and
6. Perform other rights and duties as defined under the law.

#### **Article 61 Rights and Duties of Ministry of Finance**

In the administration of anti-dumping and countervailing activities, the Ministry of Finance shall have the following rights and duties:

1. Keep or return the guarantee from the application of provisional measures;
2. Withhold or return the imported products tax from the application of provisional measures;
3. Coordinate with the Ministry of Industry and Commerce in researching tariff rates on imported products to protect dumping and subsidy;
4. Issue decisions, orders, and instructions on keeping or returning the guarantee from the application of provisional measures and leverage tariff imposed from the application of general measures;
5. Regularly summarize and report activities regarding anti-dumping and countervailing within its scope of rights and responsibilities to the government;
6. Perform other rights and duties as defined under the law.

#### **Article 62 Rights and Duties of Other Sectors and Relevant Local Administrations**

Other sectors and relevant local administrations shall have rights and duties to cooperate, provide information, and coordinate with the industry and commerce sector in implementing anti-dumping and countervailing activities according to their roles and scope of responsibilities.

### **Chapter 2**

#### **Inspection of Anti-Dumping and Countervailing Activities**

#### **Article 63 Inspection of Anti-Dumping and Countervailing Activities**

Inspection of anti-dumping and countervailing authorities consist of:

1. Internal inspection authorities, which are the same as anti-dumping and countervailing administration authorities as defined in Article 51 of this law;
2. External inspection authorities including the National Assembly, Provincial People Assemblies, Government Inspection Authority, Government Inspection Agencies, State Audit Organization, Lao Front for National Construction, mass organizations and the media are inspectors of the implementation of anti-dumping and countervailing activities according to their own roles, rights, and duties.

#### **Article 64 Contents of Anti-Dumping and Countervailing Activities Inspections**

Anti-dumping and countervailing activities inspections consist of the following:

1. Implementation of policy, strategic plans, laws, and regulations relating to anti-dumping and countervailing activities;
2. Organization and activities of anti-dumping and countervailing administration authorities; and
3. Responsibilities, behaviors, and working methods of the staff, investigating authorities, and committee.

#### **Article 65 Forms of Anti-Dumping and Countervailing Activities Inspection**

The forms of anti-dumping and countervailing activities inspection are as follows:

1. Regular inspection refers to an inspection that is carried out in accordance with laws or plans, and in a certain period of time;
2. Inspection with prior notice refers to an ad hoc inspection, deemed as necessary, carried out by informing the inspected person at least twenty-four (24) hours in advance;
3. Sudden inspections refer to an urgent inspection without informing the inspected person in advance.

## **Part VII**

### **Awards and Sanctions**

#### **Article 66 Award Policies**

Individuals, legal entities, or organizations with remarkable accomplishments in implementing this law shall be awarded merits or other recognitions according to regulations.

#### **Article 67 Measures against Violators**

Individuals, legal entities, or organizations that violate this law shall be subject to education, warning, disciplinary action, fines, civil compensation, or criminal punishment as the case may be.

## **Part VIII**

### **Final Provisions**

#### **Article 68 Implementation**

The Government of the Lao PDR shall implement this law.

#### **Article 69 Effectiveness**

This law shall be effective after the President of the Lao PDR issues the Promulgating Decree and fifteen days after its publication in the official gazette.

Regulations and provisions that contradict this law are hereby repealed.

President of National Assembly

[Signature & Seal]

Pany Yathortu