

**CAP. 126.**

**CYPRUS**

**ANTI-DUMPING AND COUNTERVAILING  
DUTIES**

**CHAPTER 126 OF THE LAWS**

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1959

## CHAPTER 126.

## ANTI-DUMPING AND COUNTERVAILING DUTIES.

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## A LAW TO PROVIDE FOR THE IMPOSITION OF ANTI-DUMPING AND COUNTERVAILING DUTIES OF CUSTOMS.

45 of 55.

[30th September, 1955.]

Short title.

1. This Law may be cited as the Anti-dumping and Countervailing Duties Law.

Interpretation.

2. In this Law, unless the context otherwise requires—

“ anti-dumping duty ” means any duty imposed under section 3 in the circumstances referred to in subsection (1) (a) thereof ;

“ countervailing duty ” means any duty imposed under section 3 in the circumstances referred to in subsection (1) (b) thereof ;

“ export price ” means—

(a) in respect of goods which have been or are being introduced into the Colony, the price which, in the opinion of the Governor in Council, represents the price at which the goods have been or are being sold by the exporter to the importer exclusive of all charges thereon after their shipment from the place whence exported into the Colony :

Provided that in case of goods which have been or are being introduced into the Colony on consignment account or

otherwise than by way of sale by an exporter to an importer, the export price thereof shall be determined by the Governor in Council ;

- (b) in respect of goods which are about to be introduced into the Colony, the amount which, as a result of the enquiry referred to in subsection (1) of section 3, would constitute the export price as above defined if the goods had been or were being introduced into the Colony ;

“ fair market price ” in respect of goods imported or about to be imported into the Colony means the price which, in the opinion of the Governor in Council, represents—

- (a) the market price, at the time of exportation or threatened exportation to the Colony of the like goods when offered for sale, for consumption in the exporting country, in like quantities in the ordinary course of trade, plus the extra cost of packing and packages for export and carriage to the port of shipment to the Colony but less any drawback or remission of duty granted by the Government of the exporting country on exportation ; or

- (b) if such market price cannot be readily ascertained then whichever is the higher of—

(i) the highest price for the like goods when destined for export or when exported from such exporting country to any place other than the Colony in the ordinary course of trade ; or

(ii) the estimated cost of production of the goods in the place where they are produced with the addition of a reasonable sum estimated to be the cost of selling the goods and profit thereon, and also plus the extra cost of packing and packages for export and carriage to the port of shipment to the Colony but less any drawback or remission of duty granted by the Government of the exporting country on exportation :

Provided that, in estimating the fair market price of any goods for the purposes of this Law, the Governor in Council shall make due allowance for differences in conditions of sale and in taxation in the exporting country as compared with the Colony and for any other differences affecting price comparability or otherwise as he may determine to be relevant.

Imposition  
of anti-  
dumping or  
counter-  
vailing  
duty.

3. (1) Whenever the Governor in Council, after such enquiry as he may deem necessary, is satisfied that goods of a class or description manufactured or produced in the Colony are being or are about to be introduced into the commerce of the Colony from any place outside the Colony—

(a) at an export price which is less than the fair market price thereof ; or

(b) in respect of the manufacture, production, exportation or carriage to the Colony of which goods a bounty or subsidy has been or will be granted, directly or indirectly, in the place where those goods were manufactured or produced or from which they are or are about to be exported, including any subsidy for the carriage thereof,

and is further satisfied that an industry in the Colony is being or is likely to be prejudiced (or is prevented from being established or that the establishment of that industry is being materially retarded) by reason of the importation or threatened importation into the Colony of such goods, and that it would be in the public interest to compensate for such situation, he may, by Order in Council to be published in the *Gazette*, impose an anti-dumping duty or a countervailing duty in respect of such goods on importation into the Colony from the country or countries named in the Order :

Provided that it would be in the public interest to compensate for such situation where the industry concerned is encouraged and controlled by any special Law in force for the time being.

(2) Any duty imposed under subsection (1) of this section shall be payable and collected as if it were a duty imposed under the Customs Tariff Law, or under any Law amending or substituted for the same,

and shall, after collection, be credited to the General Revenue of the Colony.

4. No goods shall be liable to both anti-dumping duty and countervailing duty to compensate for the same situation. Limitation on imposition of duties.

5. No anti-dumping duty shall be imposed under section 3 in excess of the amount of the difference between the export price mentioned in paragraph (a) of subsection (1) of section 3 and the fair market price of the goods. Limit of amount of anti-dumping duty.

6. No countervailing duty shall be imposed under section 3 in excess of an amount equal to the bounty or subsidy mentioned in paragraph (b) of subsection (1) of section 3 estimated by the Governor in Council to be or to have been granted in respect of the goods. Limit of amount of counter-vailing duty.

7. Any duty imposed under this Law shall be payable in addition to any other Customs or import duties, and may be levied, collected and paid on goods not otherwise liable to Customs or import duties. Duties imposed under this Law payable in addition to other duties.

8. A drawback of any duty proved to have been paid under this Law may be granted in any case where drawback of Customs duty is permissible under the provisions of any Customs Laws in force for the time being or of any drawback Regulations made thereunder. Drawback.

9. The Governor in Council may, upon an application made by the person liable for payment of any duty under this Law, waive, remit or refund in whole or in part, any such duty. Power to waive, etc.

10. (1) Any person who is of the opinion that an industry in the Colony in which he is engaged is being or is likely to be exposed to unfair competition of the kind indicated in section 3 may, either on his own initiative or at the instance of any person concerned, petition the Governor in Council praying that an enquiry be held under the provisions of that section. Petitions from persons engaged in industry.

(2) The petitioner shall produce evidence to the satisfaction of the Governor in Council that—

(a) the industry in respect of which the petition is made is a sufficiently important branch of the economy of the Colony :

Provided that no such evidence shall be required in the case of an industry encouraged and controlled by any special Law in force for the time being ;

- (b) the existence of that industry appears to be really prejudiced ; and
- (c) the industry is equipped, organised and administered in accordance with modern, technical and economic methods ; and
- (d) the goods produced by the industry are offered for sale without any undue or unfair discrimination between the purchasers having regard to trade customs and usages.

(3) Where the petitioner produces evidence to the satisfaction of the Governor in Council as required by subsection (2) of this section, the Governor in Council may hold an enquiry under section 3 hereof.

**Regulations.**

**11.** The Governor in Council may make such Regulations as are deemed necessary for carrying out the provisions of this Law.

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