



Customs Duties (Dumping and Subsidies) Act 1969

1969 CHAPTER 16

Principal provisions as to anti-dumping duties

4 Ascertainment of fair market price in country of origin (basic rules)

- (1) For the purposes of this Act relating to dumping the fair market price of goods in the country of origin, if the goods were wholly produced in that country, shall be determined as follows.
- (2) Subject to subsections (3) and (4) below, the fair market price shall be taken to be the price at which goods of the description in question (that is to say, any identical or comparable goods) are being sold in the ordinary course of trade in the country for consumption or use there, but subject to any necessary adjustments, whether for differences in conditions and terms of sale, for differences in taxation or otherwise, which may be required to ensure comparability.
- (3) Subject to subsection (4) below, if it appears to the Board of Trade that goods of that description are not being sold in the country, or not in such circumstances that the fair market price can be determined in accordance with subsection (2) above, the fair market price shall be determined by the Board either—
 - (a) by reference to any price obtained for goods of that description when exported from that country, with adjustments made to ensure comparability; or
 - (b) if the Board think fit, by reference to the cost or estimated cost of production of the goods the dumping of which is in question, with such additions in respect of administrative, selling or other costs and profit as may appear to the Board of Trade to be proper.

The price by reference to which a determination is made under paragraph (a) above may be the highest admissible price, but should be a representative price.

- (4) If it appears to the Board of Trade that the system of trading in the country is such, as a result of government monopoly and control, that the fair market price there cannot appropriately be determined in accordance either with subsection (2) or with

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subsection (3) above, then there shall be taken as representing the fair market price such price as the Board may determine by reference to any price obtained for goods of that description when exported to the United Kingdom from another country, with adjustments made to ensure comparability.

- (5) References in this section to adjustments required or made to ensure comparability are references to adjustments required or made to ensure that the comparison between the fair market price and the export price is effectively a comparison between the prices on two similar sales.
- (6) No account shall be taken under this section of any application of restrictions or charges on the exportation of materials from any country so as to favour producers in that country who use those materials in goods produced by them.