

## Introductory Training Workshop on WTO Trade Remedies

March 20, 21, 22, 2017 at Mercantile Athletic Club (MAC)  
18<sup>th</sup> Floor, World Trade Center 1, Jl. Jendral Sudirman Kav 29-31, Jakarta

### Day 1 – Monday, 20 March 2017

**8:30-9:00 Registration**

**9:00-10:00 Opening Remarks**

- Opening remarks by Canadian Embassy and/or Ministry of Trade officials
- Introduction of the TPSA Presenters and Guest Speaker
- Course Objectives and Expectations
- Administrative and Logistical Matters
- A Small Quiz (test-in)

**10:00-10:15 Coffee & Tea Break**

**10:15-11:45 Session 1 - Introduction to Trade Remedies / Defense**

*Presenter: Alexandre Larouche-Maltais, Senior Trade and Investment Expert, CBoC*

- Definitions and historical developments of different trade remedies
- Economic rationales: Why are companies dumping? Why are governments subsidizing?
- Canadian experience in trade remedies
- Four WTO pillars and Exceptions (Trade Remedies)
- Trade defense against “Fair” (Safeguards) vs “Unfair” Competition (Dumping and Subsidies)

**11:45-12:30 Group Exercise on “Distinguishing different trade remedies”**

*Presenter: Alexandre Larouche-Maltais, Senior Trade and Investment Expert, CBoC*

Read situation briefs provided by TPSA Team and, in teams (5-6 persons per team), identify and distinguish situations in which anti-dumping, safeguards, countervailing measures could be adopted. Share your conclusions with other groups in the plenary session.

**12:30-13:30 Lunch Break**

**13:30-15:15 Session 2 - Dumping & Anti-Dumping Measures**

*Presenter: Wenguo Cai, Director, International Programs, CBoC*

- What is dumping and why dumping?
- Substantial elements of dumping and antidumping
- Determination of dumping (normal value, export price and dumping margins)
- Determination of injury (material injury and threat to material injury)
- Causal link between dumping and injury
- Procedural aspects of antidumping investigations (Complainant’s process and Respondent’s process) **Q&A**

**15:15-15:30 Coffee break**

**15:30-17:00 Session 3 - Dumping & Anti-Dumping measures: Case Studies**

*Presenters: Peter Clark, President of Grey, Clark, Shih and Associates, Limited*

*Wenguo Cai, Director, International Programs, CBoC*

- AD cases at the WTO: [Canada — Welded Pipe](#) (2017); [US — Hot-Rolled Steel](#) (2001)

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### Day 2 – Tuesday, 21 March 2017

#### 9:00-10:15 Session 4 - Subsidies and Countervailing measures

**Presenter:** Peter Clark, President of Grey, Clark, Shih and Associates, Limited

- Objectives & structure of the SCM Agreement
- Multilateral disciplines on the use of subsidies
- Substantial and procedural conditions for applying countervailing measures
- Actionable vs non-actionable subsidies. **Q&A**

#### 10:15-10:30 Coffee & Tea Break

#### 10:30-12:30 Session 5 - Subsidies and Countervailing measures: Case studies

**Presenters:** Peter Clark, President of Gray, Clark, Shih and Associates, Limited  
Wenguo Cai, Director, International Programs, CBoC

- General Survey of SCM jurisprudence at the WTO, and Canada and **Q&A**

#### 12:30-13:30 Lunch Break

#### 13:30-14:45 Session 6 - Canadian Anti-Dumping Legislation and Practices

**Presenter:** Peter Clark, President of Grey, Clark, Shih and Associates, Limited

- Overview of Canada's anti-dumping and countervailing investigative processes
- Special Import Measures Act (SIMA): history, application of SIMA, and expected changes
- Roles of the Canada Border Services Agency (CBSA) and the Canadian International Trade Tribunal (CITT)
- Selected cases/investigations under SIMA: [Certain Gypsum Board from the United States of America](#) (2016); [Public Interest Investigation into certain Prepared Baby Food](#) (1998);
- Lessons learnt from the Canadian experience. **Q&A**

#### 14:45-15:00 Coffee break

#### 15:00-16:30 Session 7 - Canadian Anti-Dumping Legislation and Practices continued...

**Presenters:** Peter Clark, President of Grey, Clark, Shih and Associates, Limited

- Public Interest Inquiry Guidelines in Canada
  - Commencement phase: Filing of a Request, Decision on “Properly Documented” Request, Tribunal’s notice, Submissions, Final decision to commence a PII.
  - Investigation phase: Notice, Factors to consider, Questionnaires, Investigation report, Submissions & Hearings, Tribunal's opinion on whether a reduction of anti-dumping and/or countervailing duties is in the public interest.

**Q&A**

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### Day 3 – Wednesday, 22 March 2017

#### 9:00-10:15 Session 8.1 - Surge of imports & Safeguard Measures

**Presenter:** *Alexandre Larouche-Maltais, Senior Trade and Investment Expert, CBoC*

- Objectives & structure of the Agreement on Safeguards:
- Rationale for the use of safeguard measures against “fair trade”
- Substantial and procedural conditions for applying safeguard measures
- Question of “unforeseen developments”
- MFN Principle and safeguards
- Safeguard jurisprudence at the WTO

**Q&A**

#### 10:15-10:30 Coffee break

#### 10:30-12:30 Session 8.2 - Case Studies - Surge of imports & Safeguard Measures

**Presenters:** *Alexandre Larouche-Maltais, Senior Trade and Investment Expert, CBoC*

*Peter Clark, President of Grey, Clark, Shih and Associates, Limited*

- Safeguard cases: [US — Steel Safeguards \(China\)](#) in AB Report in 2003 and impact on steel trade;

#### 12:30-13:30 Lunch break

#### 13:30-14:30 Session 9 - Roundtable Discussion on Trade Defense / Remedies Implications for Indonesia

**Moderator:** *Wenguo Cai, Director, International Programs, CBoC*

*All Resource Persons should participate in the discussion.*

- What has been learned about the WTO and trade remedies?
- What are the benefits and challenges related to the use of trade defense mechanism at the WTO?
- Do WTO trade remedies rules as drafted favour USA, EU and industrialized countries?
- Discussion of problems encountered in meeting WTO AD and SCM rules in trade remedies investigations
- Additional questions to be addressed

#### 14:30-15:30 Closing session

- A Small Quiz (Test-out)
- Course Evaluation by the Participants
- Concluding remarks