

## International Trade, Corey Norton, Chair

### **From Brett Williams (Australia):**

#### **Antidumping Practice**

Some practitioners are interested in the outcome of the EU's appeal (filed 20 May 2016) to the WTO Appellate Body of the panel report in *European Union – Anti-Dumping Measures on Biodiesel from Argentina* (WT/DS473/R). The report indicated the presence of a distortion in a market is not a sufficient justification under the WTO Antidumping Agreement for antidumping authorities to depart from using the accounting records of an exporter to calculate the cost of production. The outcome of the case may warrant the Australian Antidumping Commission to reconsider its practice under Regulation 43 of the *Customs (International Obligations) Regulation 2015* (SLI32/2015) or even warrant the government changing Regulation 43. In several cases, the Australian Antidumping Commission has used Regulation 43 to use external reference prices instead of the exporter's own accounting records to calculate cost of inputs in the exporter's cost of production.