

Antidumping Measures and the Public Interest: The Position of Consumer Interests in the Enforcement of the EC Antidumping Regulation

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In recent years, amidst the ongoing global depression, the significance of antidumping measures as a policy tool to protect domestic industries from imports allegedly dumped is increasing. However, antidumping measures are as damaging to the interests of user industries and general consumers (collectively referred to as consumers in this Article) concerning fair competitive conditions in the relevant markets as dumping itself is to those of domestic industries. Indeed, many representatives of governments as well as commentators have warned against the possibility of antidumping measures being abused by governments in order to establish or maintain monopolies of a few domestic industries. Relevant provisions of the GATT/WTO law stipulate how procedures leading to definitive measures should be conducted, but they have little to do with the interests of consumers.

In this Article, the system in the EC for the enforcement of its Antidumping Regulation is explicated, with particular reference to the weight attached to the interests of consumers therein. It is concluded that there has been a tendency on the part of community institutions to respect the interests of community industries allegedly damaged by dumped imports more than those of consumers, but judicial review against their decisions has increasingly become more rigorous. The EC courts have recognized widely both the procedural rights of consumers during the investigation and the standing before them to sue community institutions. Moreover, discretion afforded to community institutions concerning the public interest requirement has been narrowly construed by the courts.