

**VIETNAM AND ANTI-DUMPING:  
REGULATIONS, APPLICATIONS  
AND RESPONSES**

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# VIETNAM AND ANTI-DUMPING: REGULATIONS, APPLICATIONS AND RESPONSES

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Anti-dumping has become increasingly popular in international trade practices as evident by the increase in the number of anti-dumping investigations in recent decades. A number of antidumping measures, especially antidumping duties, are considered effective means to protect domestic firms' commercial interests. Currently, over 75 countries have adopted some sort of anti-dumping laws; in some cases, such regulations may be misused to create trade barriers. Therefore, it is important for countries, especially developing countries, to not only formulate effective antidumping legislations, but also help industries in responding to anti-dumping cases filed against their exports.

Vietnam became the 150th member of the World Trade Organization (WTO) in January, 2007. Deeper economic integration with the rest of the world presented a great opportunity for Vietnam to access global markets. At the same time, however, the country is also confronted with various challenges including the issue of anti-dumping.

On one hand, as a WTO member, Vietnam is committed to opening up its market to growing imports and, consequently, to intensive competition from foreign producers. To protect domestic industries from surging imports, Vietnam has channeled efforts to establishing a legal framework on anti-dumping since 1997, ten years before its formal WTO accession. In 2004, Vietnam adopted the *Ordinance on Anti-dumping of Imports into Vietnam*<sup>1</sup>. A number of supplementary legal documents were also announced in the following years.<sup>2</sup>

On the other hand, Vietnamese exports are also facing increasing anti-dumping challenges in a number of foreign markets, limiting its export expansion efforts. There have been nearly 30 anti-dumping cases filed against Vietnamese exports so far. Many of these cases filed in recent years were by Vietnam's key

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<sup>1</sup> On April 29, 2004, Vietnamese National Assembly announced the adoption of the *Ordinance on Anti-dumping of Import into Vietnam* (No. 20/2004/PL-UBTVQH11).

<sup>2</sup> The *Decree No.90/2005/ND-CP* for implementing the *Ordinance on Anti-dumping of Imports into Vietnam* was announced by the government on July 11, 2005. The *Circular No.106/2005/TT-BTC* on the collection, remittance and refund of anti-dumping duty and anti-subsidy duty was announced by the Ministry of Finance on December 5, 2005. The *Decree No. 04/2006/ND-CP* for setting up the *Council for Handling of Anti-dumping, Anti-subsidy and Safeguard cases and defining its functions, tasks, powers, and organizational structure* was announced on January 9, 2006.

trading partners such as the United States, Canada, and the European Union (EU). The products that are often targeted include catfish, shrimp, and footwear. Since most Vietnamese exporters have very limited experience in responding to anti-dumping charges, these cases often resulted in high anti-dumping duties.

As a relatively new and small player in global trade, it is crucially important for Vietnam to examine its own experience and those of other economies in developing and applying anti-dumping legislations, and in responding to anti-dumping charges. In this paper, we focus on the Vietnamese experience, first on establishing a legal framework for anti-dumping in Vietnam; then on the anti-dumping challenges Vietnamese exporters face in export. In the last section, we provide some concluding remarks and offer several suggestions on how to enhance Vietnam's capability concerning anti-dumping issues. First, Vietnam's anti-dumping regulations need to be further supplemented and amended so that it is easier to apply and conforms to WTO rules. Second, Vietnamese exporters need to improve their knowledge and understanding of international trade rules to be better equipped in responding to possible anti-dumping filings. Third, Vietnam should use the experience of others as useful references in dealing with anti-dumping issues, especially WTO members with similar development level.

## **Part I. Anti-dumping in Vietnam: Regulations and Practices**

### **(A) Anti-dumping regulations before WTO accession**

Anti-dumping and anti-dumping regulations were already recognized as important in the late 1990s. In the *Trade Law* announced in 1997, anti-dumping was mentioned for the first time in a legal document. Article 8 of *Trade Law of 1997* specified dumping as an unfair competition. Anyone who carries out unfair competition acts may be subjected to some forms of penalties, including administrative fines and criminal liability. In addition, the *Law* stipulated compensations in cases where such acts had caused material injuries. However, since the *Trade Law of 1997* included only the options of administrative and criminal penalties with respect to legal liability, which was inconsistent with modern international trade laws, its effectiveness was rather limited.

In 1998, when *the Trade Law of 1997* was amended, anti-dumping duty was added. *The Amendment and Revision of the Law on Import and Export Duties* was passed by the National Assembly in May 1998. It allows the application of additional duty on imported goods, when it is determined that dumping occurred (Articles 2 and 9). However, the amended law still lacks proper procedure on anti-dumping investigation. Although the law stated that the custom authority was responsible for collecting anti-dumping duties, there was no sufficient legal foundation for implementing the law. As a result, there were few successful applications of the anti-dumping regulations.

On April 26, 2001, *the Ordinance of Price* was approved by the Standing Committee of the National Assembly. In the document, dumping action was defined as (i) selling goods and services at a price below normal price in Vietnam market; (ii)

damaging the legal interests of individuals and organizations in the business, and the State of Vietnam (Paragraph 3, Article 4). *The Ordinance* also specified the investigation procedure and anti-dumping measures to be imposed. However, since *the Ordinance* regulates dumping actions of only foreign businesses in Vietnam (Paragraph 2, Article 1), its effectiveness remains limited.

A comprehensive regulatory structure was finally established in 2004. *The Ordinance on Anti-dumping of Imports into Vietnam* was promulgated by the Standing Committee of the National Assembly in April<sup>3</sup>. This was the first legal document that included all the required elements for anti-dumping and anti-dumping duties. It stipulated anti-dumping measures, investigation procedures, and the application of such measures to imports considered dumping into Vietnam. Therefore, *the Ordinance* is significant in Vietnam's efforts to establish a level playing field for fair competitions in the domestic market. This will ultimately help Vietnam better integrate with the world economy. Additional anti-dumping guidelines have also been adopted in subsequent years.

As a result, Vietnam has established a relatively complete regulatory framework for anti-dumping and anti-dumping duty. It consists of the following legal documents:

- *The Ordinance on Anti-dumping of Imports into Vietnam (No.20/2004/PL-UBTVQH11)*. It was formulated by the Standing Committee of National Assembly on April 29, 2004.
- *The Decree No.90/2005/ND-CP* sets detailed regulations and guidance for implementing the *Ordinance on Anti-dumping of Imports into Vietnam*. It was announced on July 11, 2005.
- *The Circular No.106/2005/TT-BTC* lays out guidelines on the collection, remittance and refund of anti-dumping duty and anti-subsidy duty. It was announced by the Ministry of Finance on December 5, 2005.
- *The Decree No. 04/2006/ND-CP* sets up the Council for Handling of Anti-dumping, Anti-subsidy and Safeguard cases and defines its functions, responsibilities, judiciary authority and organizational structure. It was announced on January 9, 2006.

Jointly, these legal documents tackle the basic issues of anti-dumping and their key features are recapitulated below.

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<sup>3</sup> *The Ordinance on Anti-Dumping of Imports into Vietnam* (No.20/2004/PL-UBTVQH11 of 2004) was passed by the Standing Committee of the Eleventh National Assembly, the Socialist Republic of Vietnam, on April 29, 2004.

## **Determination of dumping for imports into Vietnam**

### ***Dumping:***

According to Vietnamese law, goods imported into Vietnam may be regarded as dumping if they are sold at a price below normal prices (Article 3, Chapter 1, *the Ordinance 2004*).

### ***The normal price:***

A normal price of an import into Vietnam is a comparable price of like goods<sup>4</sup> on sale in the domestic market of the exporting country under normal commercial conditions (Article 3, Chapter 1, *the Ordinance 2004*).

In cases where there are no like goods on sale in the domestic market of the exporting country (or there are like goods with a negligible volume, quantity or value<sup>5</sup>), the normal price shall be determined in either of the following two ways:

- (a) Prices of like goods of the exporting country, which are on sale in the market of a third country;
- (b) Reasonable costs of the goods plus other reasonable expenses and profits, determined at each stage from production to circulation on the market of exporting country or of a third country.

### ***Anti-dumping Investigation:***

Organizations or individuals can request for an anti-dumping investigation if they meet both the following two conditions:

- (a) The volume (quantity) or value of the goods produced by them accounts for at least 25% of the total amount produced by the domestic industry;
- (b) The volume (quantity) or value of goods produced by them and other domestic producers supporting them must be bigger than those of the domestic producers that oppose it.

## **Government institutions responsibility for anti-dumping rulings**

The Ministry of Industry and Trade (MOIT) shall be responsible for anti-dumping investigations and other related decisions.

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<sup>4</sup> Like goods means goods bearing all or many of the characteristics resembling goods which are subjected to anti-dumping investigation.

<sup>5</sup> Vietnam's regulations do not define "negligible volume, quantity or value". However, according to WTO regulation, sales of like product shall normally be considered a sufficient quantity for the determination of the normal value if such sales constitute 5% or more of the sales of the products under consideration to the importing member (Article 2, *WTO Anti-dumping Agreement*).

**Vietnam Competition Administration Department (VCAD)**<sup>6</sup> shall first investigate the anti-dumping cases and then propose to MOIT to issue decisions on applying provisional anti-dumping duties if necessary.

**The Council for Handling Anti-dumping cases** will review VCAD's conclusions and issue guidance and advices of anti-dumping measures to be imposed.

**MOIT** makes the final decision on the application of anti-dumping measures.

***Anti-dumping measures:***

Anti-dumping measures shall be applied when the following two conditions are met: (i) the dumping margin<sup>7</sup> exceeds 2% of the prices of the goods imported into Vietnam; (ii) the dumping action causes or threatens to cause material injury<sup>8</sup> to the domestic industry.

Vietnam's regulations include the following three anti-dumping measures.

The first is the ***provisional anti-dumping duties***<sup>9</sup>. 60 days after the issuance of investigation decisions, on the basis of preliminary investigation conclusions, MOIT may decide to impose provisional antidumping duties.

The second is the ***commitment measures***. After the preliminary conclusions, exporters may make the commitments with MOIT or domestic producers to either (i) adjust selling prices or (ii) restrict the volume (quantity) or value of the goods sold in Vietnam.

The third is the ***anti-dumping duties***. Anti-dumping duties may be imposed in addition to tariffs on imported goods into Vietnam which cause or threaten to cause material injury to a domestic industry.

If the commitments are not fulfilled, MOIT shall decide whether to impose anti-dumping duties, based on the final conclusions. The rates of anti-dumping duties must not exceed the dumping margins determined in the final conclusions. The implementation of the duty shall not exceed 5 years. However, it may be extended if a review shows that a termination of the anti-dumping duty would be likely to lead to a continuation of dumping and injury.

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<sup>6</sup> The *Decree No. 06/2006/ND-CP* (2006) defines the functions, responsibilities, judiciary authority, and organization structure of Vietnam Competition Administration Department, Ministry of Industry and Trade.

<sup>7</sup> Dumping margin is calculated as the difference between the normal price and the prices of the goods imported into Vietnam.

<sup>8</sup> Material injury to a domestic industry is reflected as a significant decline or a drop in growth in terms of capacity, price, sale, profit, production, employment, and investment of the industry.

<sup>9</sup> The term limit for the application of provisional measure must not exceed 120 from the issuing date of the decision.

## **(B) Anti-dumping Regulation post-WTO accession**

Following 12 years of negotiation, Vietnam became WTO's 150<sup>th</sup> member in January 2007. WTO membership helps the country to expand its trade relations. At the same time, Vietnam is committed to comply with WTO's trade rules, including anti-dumping regulations.

Anti-dumping regulations are quite new in Vietnam's legal system. At the time of Vietnam's WTO accession, its regulations on anti-dumping and anti-dumping duties were in effect and, therefore, the *Ordinance of 2004* remains the basic legal foundation for anti-dumping regulations.

During the negotiation period, Vietnam's legal documents were under constant review with reference to WTO rules, especially those on anti-dumping regulations. As a result, Vietnam's new anti-dumping legislation is in full compliance with WTO's *Anti-dumping Agreement (ADA)*<sup>10</sup>. Certain rules were further specified, based on WTO provisions, such as (i) the term limits for anti-dumping investigation process and the application for antidumping measures<sup>11</sup>; (ii) the government institutions responsibility for anti-dumping regulations<sup>12</sup>; and (iii) additional principles for anti-dumping measures<sup>13</sup>.

Vietnam is also committed to ensuring full conformity with relevant WTO provisions, including ADA. Vietnam acknowledged that it needs to establish a working legal and institutional framework to implement provisional anti-dumping measures. Vietnam is obligated to publicize its anti-dumping rulings via newspapers, radio and television broadcasts, and MOIT's website. MOIT will issue Official Bulletins on Anti-dumping where anti-dumping decisions are published.

Following its WTO accession, Vietnam was required to revise its antidumping regulations since a number of provisions are not as specified as required in ADA. These include (i) Provisions on how to determine normal values in anti-dumping investigation<sup>14</sup>; (ii) Provisions on how to determine<sup>15</sup> injury of domestic industries; and (iii) Provisions on Price Undertakings as an anti-dumping measure<sup>16</sup>.

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<sup>10</sup> *The Agreement on the Implementation of Article VI, the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards.*

<sup>11</sup> Article 10, 16 (Chapter 2), Article 20 (Chapter 3), *Ordinance No.20/2004/PL-UBTVQH11 on Anti-dumping of Imports into Vietnam.*

<sup>12</sup> Article 7 (Chapter 1), *Ordinance No.20/2004/PL-UBTVQH11 on Anti-dumping of Imports into Vietnam.* The Decree No. 04/2006/ND-CP sets up the Council for Handling of Anti-dumping. The Decree No. 06/2006/ND-CP sets up the Vietnam Competition Administration Department.

<sup>13</sup> It states that the application of anti-dumping measures must not cause harm to the national socioeconomic interests (Article 5, Chapter 1, *Ordinance No.20/2004/PL-UBTVQH11 on anti-dumping of imports into Vietnam.*)

<sup>14</sup> Article 3, Chapter 1, *Ordinance No.20/2004/PL-UBTVQH11.* Vietnam's regulations do not specify conditions and methods to determinate the normal value under certain circumstances, as specified in Article 2, the ADA of WTO.

Although Vietnam's anti-dumping regulations are not sufficiently specific, they do not necessarily violate WTO's provisions. However, it does make it difficult for the government to effectively implement the regulation and may lead to Vietnam's non-conformity with WTO's rules. Thus, it is necessary for Vietnam to improve the legal system on anti-dumping and anti-dumping measures.

### **(C) Application of anti-dumping regulations in Vietnam**

Vietnam used to apply non-tariff measures to protect its domestic industries, such as import quota and import permit. However, these measures have been gradually abandoned as Vietnam is becoming increasingly integrated with the world economy. Anti-dumping measures have since been considered more appropriate for Vietnam to ensure fair competition.

Although anti-dumping regulations were promulgated a decade ago, there have been few anti-dumping cases initiated in Vietnam thus far and there is no anti-dumping investigation on exports to Vietnam. However, this does not mean that dumping activity did not occur in Vietnam. Indeed, there are large quantities of cheap export to Vietnam since 1998, a sign of dumping albeit without any formal ruling. As Vietnam is more integrated with the world economy since its WTO accession, the problem seems to have worsened as we have witnessed growing amount of cheap imports of various goods, including clothing and steel products.

#### ***Textile and Clothing:***

Textile and Clothing (T&C) is one of the sectors that have received the most anti-dumping complaints in world trade. Developing economies with comparative advantages due to their relatively cheap labor have become main exporters of the sector. Although Vietnam exports T&C, it has been importing a much greater amount from developing Asian countries including China, India, Indonesia, and Thailand, since 2005. Such imports are expected to increase further following Vietnam's WTO access in 2007 and the current global financial crisis induced economic downturn. As industrial economies such as US and EU are going into serious economic recession triggering a decline in demand for imports, T&C exporters in developing countries have to find alternative markets for their products and Vietnam could become a target of such export shift.

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<sup>15</sup> Article 28, Chapter 3, *Decree No. 90/2005/ND-CP*. It sets detailed regulations and guidance for implementing *the Ordinance*. Vietnam's regulations do not provide sufficient details to ways of determining the injury caused by dumping, as specified in Article 3, the ADA of WTO. Vietnam's regulations connect import dumping in Vietnam with material injury, but do not require the consideration of all relevant evidences. According to WTO's regulations, the authorities shall examine all known factors other than import dumped which may cause injury to the domestic industry. Such factors include the volume and prices of imports not sold at dumping price, contraction in demand, changes in the patterns of consumption, competition between foreign and domestic producers, and the productivity of the domestic industry.

<sup>16</sup> Article 21, Chapter 3, *the Ordinance No.20/2004/PL-UBTVQH11 of 2004*. Vietnam's regulations do not provide the objective conditions for applying Price Undertakings, as required in Article 8, The ADA of WTO.

Imports of clothing from developing Asian countries have generally been sold in Vietnam at prices 30% to 50% lower than domestically made products. The domestic industry is working hard to increase its competitiveness, by cutting down production cost, laying-off surplus workers, and increasing productivity. However, it is not yet competitive relative to imports and growing losses have forced some small enterprises to close down. Numerous complaints of import-dumping have been filed by domestic enterprises.

Box 1 lists *Conditions for Initiating an Anti-dumping Investigation* as specified by Vietnam government.

### **Box 1: Conditions for applying an anti-dumping investigation**

The investigation shall be conducted when dossiers of request are filed by organization or individuals representing the domestic industries.

Representatives of a domestic industry are required to satisfy the following two conditions:

- The volume, quantity or value of goods accounts for at least 25% of the total volume, quantity or value of the domestic industry.
- The volume, quantity or value of goods produced by them and domestic supporters must be bigger than those of the domestic producers that oppose it.

Source: *Ordinance No.20/2004/PL-UBTVQH11* of April 29, 2004 on anti-dumping of imports into Vietnam

Both *Vietnam Textile Association* and *Association of Garment and Embroidered Knitting* qualify to be the representatives of the domestic textile industry.

Investigations of dumping, however, are liable to be terminated promptly if the authorities find that there are not clear evidences of dumping using either of the following criteria:

- Dumping margin is negligible (the dumping margin is no more than 2%).
- Volume, quantity or value of imports dumped into Vietnam is immaterial if (i) the volume, quantity or value of goods dumped from one country does not exceed 3% of the total volume, quantity or value of like goods imported into Vietnam; or (ii) the volume, quantity or value of goods dumped from some countries, which satisfy the condition set at above point, does not exceed 7% of the total volume, quantity or value of like goods imported into Vietnam.

Satisfying these conditions is a highly challenging task to Vietnam's domestic industry. It is very difficult for Vietnamese enterprises to collect enough trade statistics required for the investigations. For example, Vietnam is not able to collect

complete and reliable data on imports of clothing from Asian developing countries since a substantial portion of them may enter Vietnam through smuggling or border trade. Without reliable data, Vietnam is not able to initiate anti-dumping investigations. Vietnam also has difficulties evaluating material injuries caused by low-priced imports. Domestic enterprises lack experience and knowledge in dealing with dumping practices, with respect to how to initiate the investigation and to protect their business interests through legal means. Consequently, no formal anti-dumping investigation has been initiated even though there are strong signs of dumping in the imports of clothing.

### ***Steel products:***

The global over-capacity of steel production has resulted in declining prices and increasing exports from countries where domestic demand for steel has collapsed. This has led to an increase in anti-dumping complaints on steel imports. In Vietnam, there are also signs of dumping in steel imports.

Vietnam's market for steel imports has been fully opened since 2001 when *Import Permits for Steel* was abolished. Vietnam's steel industry is facing strong competition from low-priced steel imports from countries with highly competitive steel industries such as South Korea, Japan, countries of the Commonwealth of Independent States (CIS)<sup>17</sup>, and China.

There are stronger signs of import dumping from China in two categories of steel products: (i) rolled steel and (ii) steel embryo. For steel products in both categories, imports from China have accounted for more than 50% of the total imports into Vietnam in 2006<sup>18</sup>. In 2006, imports of steel embryo from China was sold to Vietnamese importers at US\$380-385/ton, which is about 5-8% lower than domestically made products. The sign of dumping is clearer when imported rolled steel (a processed product) was sold at the same price of US \$400 – US \$409 (CIF price) as that of steel embryo (an unprocessed product) in August, 2006. The tremendous amount of steel imported from China posed serious threat to Vietnam's domestic steel industry and may lead to the collapse of some domestic enterprises. There has been increasing number of complaints from *Vietnam Steel Association*.

However, the low-priced steel imports from China, as strong a sign as it is, are not equal to import dumping. Proper procedures have to be taken, including collecting reliable information to computing normal prices for anti-dumping investigation, so as to make a legal ruling. The *Vietnam Competition Administration Department (VCAD)* had announced guidelines for the domestic industry in the collection of evidences to initiate anti-dumping investigations. However, the domestic industry has not yet submitted sufficient information or statistical evidence suggesting import dumping of steel from China. One important reason is that it is very costly to initiate and to carry out anti-dumping investigation. So far, there has been no such filing by domestic producers.

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<sup>17</sup> The Commonwealth of Independent States Includes Russia, Ukraine, Kazakhstan, Belarus, Uzbekistan, Turkmenistan, Azerbaijan, Georgia, Armenia, Kyrgyzstan, Tajikistan, and Moldova.

<sup>18</sup> *Vietnam Association of Steel*.

### ***Other products:***

Vietnam has also seen growing cheap imports of other products from Asian developing countries such as China and Thailand. These include paper, cement, as well as many agricultural products. Consequently, domestic producers of these goods are facing increasing difficulties.

One obvious reason for the falling prices is economic integration. Cheap imports benefit the consumers who are now able to buy cheaper imports with larger variety. Domestic producers should only demand anti-dumping measure when there is unfair competition, evidenced by dumping and material injury. Otherwise, domestic industries will have to try to enhance their competitiveness and not resort to anti-dumping measures for protection.

WTO accession presented Vietnam with great potential and opportunities to expand and to intensify its trade relations with the world. At the same time, growing trade may also bring many challenges, including issues related to unfair trade practices and anti-dumping regulation. If Vietnam cannot overcome these challenges, the country may not be able to achieve its full growth potential in this increasingly integrated world.

## **Part II. Anti-dumping against Vietnam's exports**

### **Increasing anti-dumping cases against Vietnam's export**

Over the last decade, Vietnam has achieved remarkable achievements in export development. However, with growing export, Vietnam is also facing an increasing number of anti-dumping cases in various foreign markets, especially after its accession to WTO in 2007.

By May 2008, there have been 28 anti-dumping cases against Vietnamese export, including those initiated by EU (10 cases), US (3 cases), India (3 cases), Turkey (3 cases), Canada (2 cases), Peru (2 cases), South Korea (1 case), Argentina (1 case), Egypt (1 case), Poland (1 case), and Columbia (1 case). Among them, 23 cases have been concluded and 5 are under investigation. Among the 5 cases, one was initiated by the US on *uncovered inner-spring*; three by India on *CD-R, flat yarn of polyester*, and *fluorescent lamp*; and one by Turkey on *gas lighter*.

Often, export items under anti-dumping investigations are vital to Vietnam's export, such as *shrimp, fish, footwear*, and other industrial products. In many cases, anti-dumping cases against Vietnam are filed together with those against a number of other Asian countries such as China, Thailand, and India. Appendix Table 1 summarized the anti-dumping cases Vietnam has been subjected to since 1994.

Anti-dumping cases against Vietnam exports are expected to increase, following her WTO accession. In 2007, there were considerations for anti-dumping investigations and anti-dumping measures on Vietnam's export of 6 products and formal complains on three 3 products (*CD-R, fluorescent lamp, and gas lighter*) were eventually launched. In January 2008, an anti-dumping investigation request was submitted by the *American Association of Producers* to the *International Trade*

Center and the *Department of Commerce* in the US against imports of *uncovered inner-spring* from Vietnam. Vietnam exports of *flat yarn of polyester* were also under anti-dumping investigation in India.

Vietnam's exports to Europe have experienced difficulties since European Committee (EC) decided, in October 2008, to extend the application period of anti-dumping measure on *leather footwear* imported from Vietnam and China. Consequently, an anti-dumping duty of 10% will continue to be levied on such imports until the end of the investigation and a review and a final ruling are reached by EC's Directorate General Trade.

As shown in Appendix Table 1, a considerable number of anti-dumping investigations have resulted in anti-dumping duties against Vietnamese exports; while in some cases, no anti-dumping duties were levied due to the lack of evidence of material injury to domestic industries. The following cases were concluded without imposing anti-dumping duties, including rice export to Columbia, footwear export to EU, export of water-proof footwear and sole to Canada, and export of fabric footwear to Peru.

While anti-dumping duties may not lead to immediate bankruptcy of Vietnamese exporters, it has an adverse impact on their price competitiveness and profitability. Anti-dumping lawsuits also affect negatively other businesses associated with the exporters, including their suppliers and buyers. More broadly, anti-dumping lawsuits could potentially reduce the inflow of foreign investment into Vietnam, especially those intended to set up export-oriented factories.

A case study on EU's anti-dumping duty levied against footwear import from Vietnam from 2006 to 2008 found that the impact on Vietnam's footwear industry was large. A total of 500,000 workers in Vietnam were affected in various aspects (such as lower income and possibly job losses of 70,000 to 90,000)<sup>19</sup>. Vietnam's export of *leather footwear* to EU decreased considerably, from 106 million pairs in 2000 to 90 million pairs in 2006 and further to only 60 million pairs in 2007.

### **Vietnam's ineffective response to anti-dumping challenges**

Even before Vietnam joined WTO, the government was already working to enhance Vietnam's ability to respond to anti-dumping investigations, including improving its legislation, establishing functional organizations, and providing guidance for the exporters.

In 2004, the *Competition Administration Department* was established under MOIT to assist in managing competition matters, including anti-dumping, anti-subsidy, safeguard, and consumer protection. MOIT also established the *Competition Council* in 2006<sup>20</sup> to take charge of investigation process for unfair business practices.

However, efforts from the government alone are not sufficient to help Vietnam respond to an increasing number of anti-dumping cases. Exporters are the most import

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<sup>19</sup> <http://www.voanews.com>.

<sup>20</sup> Based on the *Decree No. 05/2006/ND-CP to Implement the Law on Competition*.

party in these cases as they are affected first and most directly. But how have Vietnamese enterprises coped with anti-dumping cases?

Vietnamese exporters first became aware of anti-dumping issues when anti-dumping complaints were filed against Vietnam's rice export to Columbia; they have since experienced and learnt from numerous anti-dumping cases from various countries.

In particular, Vietnamese enterprises learnt a great lesson from the anti-dumping lawsuit against Vietnam's catfish exports to the US in 2002. It shows that Vietnam enterprises can learn from such adversities if they respond promptly and actively. In that particular case, many catfish processing enterprises had subsequently diversified their products and expanded their network in domestic market. Since the lawsuit, the number of catfish processing enterprises in Vietnam had increased to 30 factories, and their capacities doubled. They quickly expanded to new export markets including China, Hong Kong SAR, Singapore, Canada, and especially EU. The total output doubled in one year and further increased seven-fold<sup>21</sup> over the next four years. Vietnamese catfish businesses extended their exports to 65 countries, compared with 17 countries before the lawsuit.<sup>22</sup>

However, only a small number of enterprises have experience in anti-dumping matters. The large majority of Vietnamese exporters continue to have difficulties with anti-dumping lawsuits, for various reasons.

Firstly, most enterprises lack knowledge and experiences in dealing with anti-dumping and anti-dumping duties. They have not recognized the importance of responding actively in such lawsuits to defend and to protect their business interests. During the investigations, domestic companies do not know how to convince the other parties that they are operating under market economy conditions.<sup>23</sup>

Secondly, the accounting method of Vietnam enterprises needs to be improved. In many Vietnamese enterprises, the accounting reports are not consistent with international standards. As a result, they are not able to provide sufficient and convincing data requested by foreign investigation agencies.

Thirdly, Vietnamese enterprises are constrained by financial resources to follow up with the lawsuits. According to a survey conducted by the *Vietnam Chamber of Commerce and Industry*, 72% of Vietnamese enterprises face financial difficulty pursuing their legal defense in anti-dumping lawsuits. A lack of human resource is another factor. The costs of fighting anti-dumping charges are often too high for the firms to commit themselves in the cases.

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<sup>21</sup> Their export revenue reached US\$736 million in 2006 and US\$709 million in the first nine months of 2007.

<sup>22</sup> <https://www.ven.vn/trade/coping-with-anti-dumping-lawsuits>.

<sup>23</sup> In 2005, the *Ministry of Finance* announced accounting standards in compliance with general international rules. However, many leather shoes makers did not meet these standards and have encountered difficulties in the recent anti-dumping lawsuit against Vietnam's export of leather shoes.

Vietnam's accession to the WTO in 2008 presented it with both great potential and challenges, including anti-dumping disputes, in Vietnam's export promotion. To assist enterprises to avoid potential trade disputes and to defend their business interest in legal battles, VCCI set up a *Trade Remedies Council* (TRC) in 2008.

Government agencies, together with VCCI and industrial associations, are working to provide trade related information to enterprises, especially with respect to anti-dumping regulations, through seminars, workshops, and conferences. These have helped the enterprises to acquire some basic knowledge of anti-dumping matters.

One major problem, however, is that Vietnam continues to be considered a non-market economy in her WTO accession agreement. Therefore, when Vietnamese producers cannot convincingly demonstrate that they are operating under market economy conditions (with respect to production and sale), the importing party can use the price and cost of the product in a third economy to determine whether dumping has occurred. This has been the single most important disadvantage for Vietnamese exporters in fighting against anti-dumping charges.

In the WTO agreement, Vietnam accepts the designation as a *non-market economy* (NME) for up to 12 years after accession, or until it is able to meet the criteria for a *market economy*. The interesting issue is in the definition of a non-market economy and in the way it affects Vietnam's response to anti-dumping charges.

### **Non-Market Economy status and its impact on anti-dumping cases**

The concept of *non-market economy* first appeared in anti-dumping legislation in the 1970s. Anti-dumping is determined based on a comparison of costs, prices and values of products. The idea is that, in a centrally planned economy, prices are set by the government and thus cannot be used to determine the reasonable value of products. Thus, measures of costs, prices and values in a *NME* would not be used in anti-dumping proceedings. The importing countries may apply a method that is not based on domestic prices or costs in a *NME* if the producers under investigation cannot clearly show that market economy conditions prevail in the industry.

Under the US trade law, a *NME* is any foreign country that the administering authority determines not to operate on market principles of cost or pricing structures; thus the sales of merchandise in such a country do not reflect the fair value of the merchandise.

The US is not the only country with such rules as many other developed and developing nations also classify certain countries as *NME* for the purpose of resolving trade disputes. A WTO member may classify a country as *NME*, either by following the classification of others or by its own unspecified rules. In general, however, there is often a set of criteria used to decide whether a country is a *ME*.

1. The currency of the foreign country is convertible into major currencies;

2. The output and price are determined by supply and demand, *without significant state interference*. The costs of major inputs reflect substantially the market values;
3. The salary is established through free negotiations between employees and employers;
4. Joint ventures or foreign investment are permitted in the country;
5. Firms have one clear set of basic accounting records which are independently audited in line with international accounting standards.

Polouetov<sup>24</sup> examines the countries that recognize the *NME* classification and provide a brief comparison of the criteria used to determine *NME* status in three economies, the USA, EU and Mexico (Appendix Table 2). In general, the criteria are quite similar. The US and EU are the two countries which carry out the most *NME* investigations for anti-dumping cases; the key difference is in their scope of investigations in determining *NME* status. The US investigations consider the economy as a whole while EU may grant market economy status to individual enterprises. As a result, corporate accounting practices do not constitute a factor for US investigations.

Currently, countries with *NME* status (by the US and EU) include Albania, Armenia, China, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, and Vietnam. *ME* status were granted to Kazakhstan, Russia and Ukraine by the US recently.

### **The impacts of NME status on Vietnam**

Classified as a *NME*, Vietnam has been facing considerable disadvantages. Its *NME* status was given for the first time when the US decided to apply anti-dumping duties on catfish imported from Vietnam in 2002. Since then, antidumping investigations by EU, Canada, and Korea against imports of *footwear, gas-lighters*, etc. from Vietnam have all used Vietnam's *NME* status to reach unfavorable rulings for Vietnam. Such rulings have inevitably hindered Vietnam's exports.

The problem is likely to get worse now that Vietnam is a WTO member, as Vietnam is encountering more anti-dumping challenges.

High anti-dumping duties are levied on Vietnam exports following the rulings. As a *NME*, domestic prices in Vietnam are not used in the anti-dumping investigations. Instead, the import countries use *comparable* prices in a third country, such as India and Mexico, to determine whether dumping occurred from Vietnam's export. It is not clear whether such prices are indeed *comparable* to Vietnam.

Anti-dumping duties resulted in huge losses to Vietnam's exporters and, in some cases, the closing down of businesses and the shrinking of industries. Business

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<sup>24</sup> Polouetov, A. 2002, *The Non-Market Economy Issue in International Trade: In the Context of WTO Accessions*, United Nations Conference on Trade and Development.

closures and industry contractions may further cause social problems such as rising unemployment, decreasing living standards, and increasing poverty.

Increasingly, the *NME* status seems unfounded and inconsistent with WTO's non-discriminatory principles. Unfavorable rulings against countries with *NME* status place them at a very disadvantageous position when they are subject to anti-dumping investigations. Vietnam's WTO accession commitments specify a *maximum* duration of 12 years for its *NME* status. Vietnam has the option to request for a re-classification as a *ME* before its 12-year term by providing sufficient evidences. There are opportunities for some sectors to apply for *ME* status even though Vietnam as a whole is still considered a *NME*.

### **Part III. Conclusion and Suggestions**

Antidumping is still a relatively new subject for Vietnam in two aspects. The first is how to implement antidumping regulations in Vietnam to ensure fair competition in domestic market; and the second is how to respond to antidumping cases in foreign markets. Vietnamese enterprises and government have much to learn in both. Although Vietnamese legislators have promulgated anti-dumping regulations, so far there has been no formal antidumping investigation against imports into Vietnam. In foreign markets, Vietnamese exports have been subjected to an increasing number of anti-dumping challenges.

This study finds that much can be done to improve Vietnam's capability in dealing with the antidumping issues.

Vietnamese enterprises, including importers and exporters, are the most important players in anti-dumping cases as they are affected most directly. There are a number of ways enterprises can improve their ability in dealing with anti-dumping issues.

First, enterprises need to improve their understanding and knowledge of laws and regulations on anti-dumping and anti-dumping measures, especially those of WTO. Domestic producers should familiarize themselves with Vietnamese regulations and know how to initiate anti-dumping complaints against dumping imports. Exporters, on the other hand, should be more knowledgeable about anti-dumping regulations of countries they send their products to.

Second, industry associations should be enhanced. Vietnam's experience has shown that industry associations can play an important role. They can not only connect enterprises, but also serve to link the industry with the government. For the domestic market, associations can represent the industries and initiate antidumping lawsuit against unfair imports. For exporters, industry associations can assist in providing information on anti-dumping regulations of foreign countries.

Each industry association should form a group of experts in charge of anti-dumping related issues. The associations can send out early warnings of anti-dumping matters. They can also provide consultation to their members in anti-dumping cases.

Third, Vietnam enterprises need to upgrade their technology, strengthen their competitiveness, and improve their product quality. They should also begin to adopt international standards on accounting and auditing. This is important when firms have to respond to dumping charges.

In addition to enterprises, government institutions, such as MOIT and MOF, have an important role to play in assisting enterprises in their anti-dumping lawsuits.

First, accelerate its reviewing, amending, supplementing, and drafting of legal documentations related to Vietnam's anti-dumping and anti-dumping duties. Two issues are particularly important: (i) the methods of determining normal prices and material injury; and (ii) the application of anti-dumping duties in Vietnam, such as the conditions and decision of applying anti-dumping duties, as well as the level of anti-dumping duties. Vietnam's anti-dumping regulations should be clear, easy to implement, and conform with WTO's regulations.

Second, improve human resources for implementing anti-dumping regulations and duties. A number of measures may be taken to achieve this goal.

- Arrange training courses for government officials on how to apply anti-dumping duties. Such courses may focus on the economics of anti-dumping, WTO's anti-dumping regulations in ADA, experience of other countries dealing with anti-dumping matters, and issues in the Doha Round negotiations related to anti-dumping.
- Initiate training plans for lawyers to specialize in international trade, so that they can participate in resolving anti-dumping related trade disputes. The application of anti-dumping duties must comply with the strict rules of the WTO. Without lawyers with good training, Vietnam may face more daunting challenges in resolving trade disputes in the future.
- Provide courses on anti-dumping laws in international trade in universities. This is important to improve human capital for businesses, associations, as well as for government agencies.

Third, support enterprises in their efforts to cope with anti-dumping issues. Guidelines and counselling for domestic producers, as well as for exporters, may be provided through relevant agencies such as the *Trade Remedy Council*, *Vietnam Competition Administration Department*, and the *Council for Handling Anti-dumping Cases*.

Fourth, accelerate reform toward a market economy and persuade trade partners to recognize Vietnam's *ME* status before 2018. At ASEAN Economic Ministers' Meeting in May, 2007, ASEAN and its member states, as well as China, have recognized Vietnam as a *ME*.<sup>25</sup> This is very significant for Vietnam, politically and economically. Vietnam is currently negotiating with EU to be recognized as a market economy. To achieve that, Vietnam needs to learn from Russia's experiences.

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<sup>25</sup> <http://english.vietnamnet.vn/biz/2007/05/691599>.

A number of other supporting measures should also be adopted to improve Vietnam's capability in coping with anti-dumping cases.

Firstly, Vietnam should actively apply the *Mechanism for Dispute Settlement* under WTO<sup>26</sup> to deal with antidumping cases. This experience has been very useful for many countries that have been applied successfully in the past. As a WTO member, Vietnam is entitled to apply WTO's mechanism for dispute settlement and it should first examine the rules carefully.

Secondly, Vietnam should build an early warning system for anti-dumping cases. This may give enterprises more time to prepare for the lawsuit and have a better chance of winning.

The *Vietnam Competition Administration Department* (under MOIT) needs to accelerate the process of setting up an early warning system for anti-dumping lawsuits against Vietnamese exports. The system will first collect information about market conditions, laws and regulations, and institution changes in Vietnam's key export markets. It could then provide forecasts on possible anti-dumping lawsuits against Vietnamese exports. It may also analyze and evaluate export market conditions to provide suggestions on how to avoid anti-dumping cases.

Last, it is essential for Vietnam to learn from the experiences of other countries in anti-dumping issues, in particular, those of Asian developing countries such as China and Thailand.

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<sup>26</sup>

The *Dispute Settlement Mechanism* and *Trade Policy Review Mechanism*.

**APPENDICES:**

**Table 1 Anti-dumping Cases against Vietnam Exports  
(as at May 2008)**

Year	Products	Initiation Countries	Time of Initiation (M/D/Y)	Procedures			
				Provisional Measures(Rate)	Definitive measures		
					Date	Rate	Period
2008	Flat Yarn of Polyester	India	05/06/08				
	Uncovered Innerspring	US	01/25/08				
2007	CD-R	India	09/12/07	Ritek: 3.04Rupee/unit Others: 3.23Rupee/unit			
	Fluorescent lamp	India	08/30/07				
	Gas lighter <sup>a</sup>	Turkey	05/13/07				
2006	Fabric Footwear	Peru	05/23/06				
	Driving belt	Turkey	05/13/06		03/31/07	4.55 US\$/kg	5 yrs
2005	Spokes	Argentina	12/21/05	81%	06/24/07	81%	5 yrs
	Fluorescent lamp	Egypt	10/31/05	0.36-0.43 USD/unit	08/22/06	0,32 USD/unit	5 yrs
	Leather Footwear	EU	07/07/05	14.2-16.8%	10/05/06	10%	2 yrs
2004	Surfboard	Peru	09/20/04			5.2 USD/unit	
	Fluorescent lamp <sup>b</sup>	EU	09/10/04			66.1 %	
	Stainless fastener	EU	08/24/04			7.7 %	
	Steel type <sup>c</sup>	EU	08/11/04				
	Bicycle	EU	04/29/04			15.8- 34.5 %	
	Tyre	Turkey	09/27/04			29- 49%	
2003	Metal ring <sup>b</sup>	EU	04/28/04			51.2 - 78.8 %	
	Shrimp <sup>d</sup>	US	12/31/03	12.11- 93.13%		4.13- 25.76%	
	Oxide zinc <sup>b</sup>	EU	2003			28%	

Year	Products	Initiation Countries	Procedures				
			Time of Initiation (M/D/Y)	Provisional Measures(Rate)	Definitive measures		
					Date	Rate	Period
2002	Catfish <sup>e</sup>	US	2002			36.84- 63.88%	
	Gas lighter <sup>c</sup>	Korea	2002				
	Gas lighter <sup>c</sup>	EU	2002				
	Water-proof Footwear & sole <sup>f</sup>	Canada	2002				
2001	Garlic	Canada	2001			1.48 CAD/kg	
2000	Gas lighter	Poland	2000			0.09 Euro/unit	
1998	Footwear <sup>f</sup>	EU	1998				
	Glutamate	EU	1998			16.8%	
1994	Rice <sup>f</sup>	Columbia	1994				

- a. Anti-circumvention investigation
- b. Goods transition from China through Vietnam into EU for anti-dumping duty evasion
- c. Petition withdrawal
- d. During Administrative Review (POR1)
- e. During POR2
- f. No evidence of injury to domestic industry

Source: *Vietnam Competition Administration Department*, Ministry of Industry & Trade.

**Table 2 A Comparison of the Criteria used to determine Country as a Market Economy**

	<b>US</b> (G/ADP/N/1/USA/1), 10.04.1995	<b>EU</b> (Regulation No. 905/98), 27.04.1998	<b>Mexico</b> (G/ADP/N/1/MEX/1/Suppl.1), 31.01.2001
1.	The extent to which the currency of the foreign country is convertible into the currency of other countries	Exchange rate conversions are carried out at market rate	The currency of the foreign country under investigation must be generally convertible in the international currency markets
2.	The extent of government ownership or control of the means of production	<i>Decisions of firms</i> (regarding prices, costs and inputs, output, sales, investment) <i>are made in</i> response to market signals reflecting supply and demand; and <i>without significant state interference</i> in this regard.	<i>Decisions</i> relating to prices, cost and inputs, production, sales and investment, in the sector of industry under investigation, <i>must be taken in response to market signals without any significant State interference</i>
3.	The extent of government control over the allocation of resources and over the price and output decisions of enterprises	Same as above	Same as above
4.	The extent to which wage rates in the foreign country is determined by free bargaining between labour and management	No similar provision	Salary in the said foreign country must be established through free negotiation between workers and employers
5.	The extent to which joint ventures or other investments by firms of other foreign countries is permitted in the foreign country	No similar provision	No similar provision
6.	No similar provision	Firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes	The industry under investigation must have only one set of accounting record which it uses for all purposes and which is audited according to generally accepted accounting criteria

7.	No similar provision	The production costs and financial situation of a firm are not subject to significant distortions carried over from the former non-market economy system (especially in relation to depreciation of assets, other payment via compensation of debts)	The production costs and financial situation of the sector or industry under investigation must not be distorted in relation to the depreciation of assets, bad debts, barter trade and debt compensation or other factors considered relevant
8.	No similar provision	The firms concerned are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of firms	No similar provision
9.	Such other factors as deemed appropriate by the ministering authority	No similar provision	No similar provision

Source: Alexander Polouekov, *Journal of World Trade* 36, 2002.

**Table 3 Top 10 Countries in Initiating Anti-dumping Cases**

(01/01/95 -- 30/06/08)

<b>Importing Countries</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>Jan – Jun 2008</b>	<b>Total</b>
<b>Total</b>	<b>157</b>	<b>225</b>	<b>243</b>	<b>257</b>	<b>356</b>	<b>292</b>	<b>366</b>	<b>312</b>	<b>232</b>	<b>214</b>	<b>200</b>	<b>202</b>	<b>164</b>	<b>85</b>	<b>3305</b>
<i>India</i>	6	21	13	28	64	41	79	81	46	21	28	34	47	11	<b>520</b>
<i>US</i>	14	22	15	36	47	47	75	35	37	26	12	8	28	12	<b>414</b>
<i>EU</i>	33	25	41	22	65	32	28	20	7	30	25	35	9	10	<b>382</b>
<i>Argentina</i>	27	22	14	8	23	43	27	14	1	12	12	11	8	10	<b>232</b>
<i>South Africa</i>	16	33	23	41	16	21	6	4	8	6	23	3	5	1	<b>206</b>
<i>Australia</i>	5	17	42	13	24	15	23	16	8	9	7	10	2	--	<b>191</b>
<i>Brazil</i>	5	18	11	18	16	11	17	8	4	8	6	12	13	--	<b>147</b>
<i>Canada</i>	11	5	14	8	18	21	25	5	15	11	1	7	1	1	<b>143</b>
<i>China, P.R</i>	0	0	0	0	0	6	14	30	22	27	24	11	5	2	<b>141</b>
<i>Turkey</i>	0	0	4	1	8	7	15	18	11	25	12	8	6	13	<b>128</b>

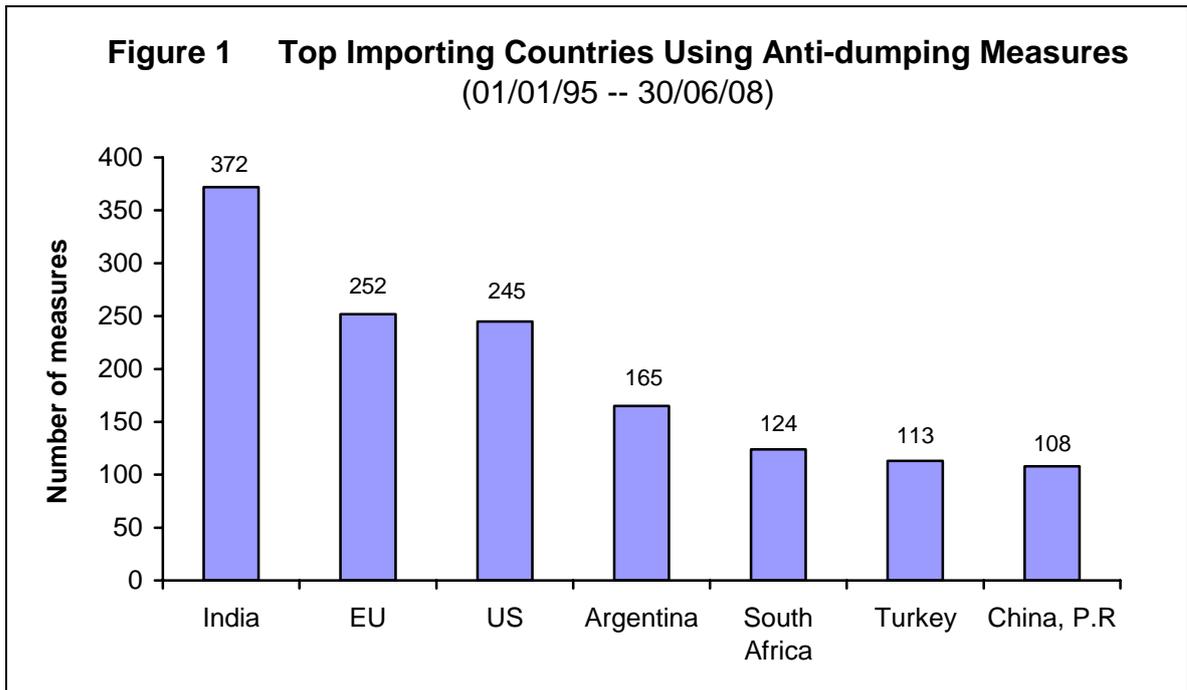
Source: [www.wto.org/english](http://www.wto.org/english)

**Table 4 Top 10 Target Countries in Anti-dumping Cases**

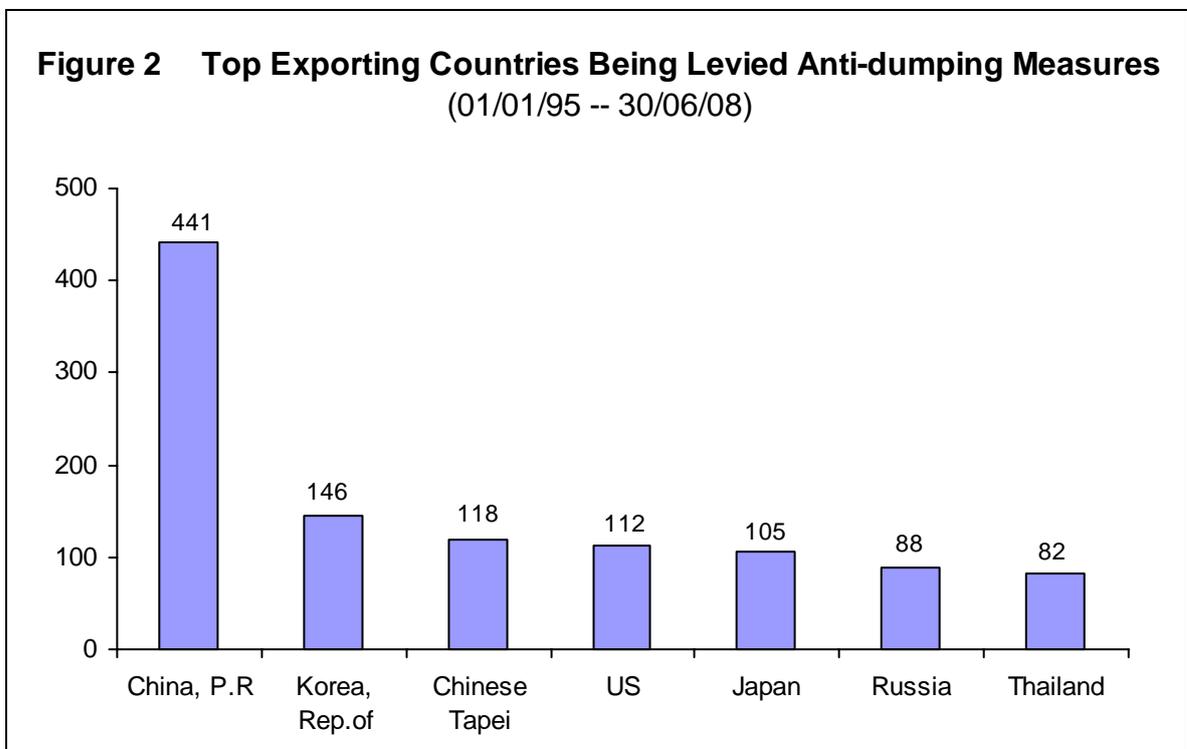
(01/01/95 -- 30/06/08)

Exporting Countries	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Jan – Jun 2008	Total
<b>Total</b>	<b>157</b>	<b>225</b>	<b>243</b>	<b>257</b>	<b>356</b>	<b>292</b>	<b>366</b>	<b>312</b>	<b>232</b>	<b>214</b>	<b>200</b>	<b>202</b>	<b>164</b>	<b>85</b>	<b>3305</b>
<i>China, P.R.</i>	20	43	33	28	42	44	54	51	52	49	55	71	61	37	<b>640</b>
<i>Korea, Rep. of</i>	14	11	15	24	34	22	23	23	17	24	12	11	13	4	<b>247</b>
<i>United States</i>	12	21	15	15	14	12	15	12	21	14	12	11	7	2	<b>183</b>
<i>Chinese Taipei</i>	4	9	16	11	22	15	19	16	13	21	13	13	6	4	<b>182</b>
<i>Japan</i>	5	6	12	13	22	9	14	13	16	9	7	11	5	0	<b>142</b>
<i>Indonesia</i>	7	7	9	5	20	13	18	12	8	8	14	9	5	5	<b>140</b>
<i>Thailand</i>	8	9	5	2	19	12	16	12	7	9	13	8	9	7	<b>136</b>
<i>India</i>	3	11	8	12	13	10	12	16	14	8	14	6	4	2	<b>133</b>
<i>Russia</i>	2	7	7	12	17	12	9	18	2	8	3	4	6	0	<b>107</b>
<i>Brazil</i>	8	10	5	6	13	9	13	4	3	10	4	7	2	2	<b>96</b>

Source: [www.wto.org/english](http://www.wto.org/english)



Source: *WTO Secretariat*, October 2008.



Source: *WTO Secretariat*, October 2008.

**Table 5 Top 10 Sectors with the Most Anti-dumping Cases**

(01/01/95 -- 30/06/08)

<b>Sector</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>Jan – Jun 2008</b>	<b>Total</b>
<b>Total</b>	<b>157</b>	<b>225</b>	<b>243</b>	<b>257</b>	<b>356</b>	<b>292</b>	<b>366</b>	<b>312</b>	<b>232</b>	<b>214</b>	<b>200</b>	<b>202</b>	<b>164</b>	<b>85</b>	<b>3305</b>
Base Metals and Articles of Base Metal	43	39	63	105	110	108	138	96	52	36	37	33	24	21	<b>905</b>
Products of the Chemical or Allied Industries	31	38	21	24	75	62	66	94	69	49	37	37	53	10	<b>666</b>
Plastics and Articles Thereof; Rubber and Articles Thereof	20	25	36	33	39	21	55	42	25	44	37	27	16	7	<b>427</b>
Textiles and Textile Articles	1	23	8	28	34	17	26	6	14	21	27	16	11	20	<b>252</b>
Machinery & Mechanical Appliances; Electrical	24	34	34	10	30	30	23	9	14	14	18	29	29	7	<b>305</b>
Pulp Of Wood or of Other Fibrous Cellulosic Material; Paper	3	14	34	4	18	4	7	7	20	8	6	17	19	2	<b>163</b>
Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials	3	11	11	12	8	6	6	11	11	8	10	11	2	0	<b>110</b>
Mineral Products	1	4	3	4	9	9	16	8	9	1	0	2	4	0	<b>70</b>
Vegetable Products	0	5	2	4	1	7	8	3	1	6	4	5	1	2	<b>49</b>

Source: *WTO Secretariat*, October 2008.

**Table 6 Use of Anti-dumping Measures by WTO Members**  
(1995 – 2006)

Country	New Anti-dumping Investigations		New Anti-dumping Measures Imposed	
	1995-2001	2002-2006	1995-2001	2002-2006
<b>Developed Countries</b>				
Australia	139	34	41	30
Canada	102	35	67	17
EU	246	96	161	70
US	256	82	165	74
<i>Share in total</i>	<i>39%</i>	<i>29%</i>	<i>40%</i>	<i>22%</i>
<b>Emerging Economies</b>				
Argentina	165	40	95	57
Brazil	96	30	51	15
India	252	124	152	179
Mexico	49	33	51	31
South Africa	156	40	93	27
Turkey	35	56	22	85
<i>Share in total</i>	<i>40%</i>	<i>0.39%</i>	<i>43%</i>	<i>46%</i>
<b>China</b>	20	83	0	92
<i>Share in total</i>	<i>1%</i>	<i>10%</i>	<i>0%</i>	<i>11%</i>
<b>Other WTO members</b>	377	186	187	179
<i>Share in total</i>	<i>20%</i>	<i>22%</i>	<i>17%</i>	<i>21%</i>
<b>Total</b>	<b>1893</b>	<b>839</b>	<b>1085</b>	<b>856</b>

Source: Working Paper 13349, National Bureau of Economic Research, August 2007.

**Table 7 Vietnam's Top Partners in Merchandise Trade**

Country	Vietnam's Export (million US \$)			Vietnam's Import (million US \$)		
	2005	2006	2007	2005	2006	2007
<b>Total</b>	<b>32447.1</b>	<b>39826.2</b>	<b>48561.4</b>	<b>36761.1</b>	<b>44891.1</b>	<b>62682.2</b>
Australia	2722.8	3744.7	3556.9	498.5	1099.7	1059.4
China	3228.1	3242.8	3356.7	5899.7	7391.3	12502.0
Japan	4340.3	5240.1	6069.8	4074.1	4702.1	6177.7
Republic of Korea	663.6	842.9	1252.7	3594.1	3908.4	5334.0
Singapore	1917.0	1811.7	2202.0	4482.3	6273.9	7608.6
Taiwan	935.0	968.7	1139.4	4304.2	4824.9	6916.6
US	5924.0	7845.1	10089.1	862.9	987.0	1699.7

Sources: Vietnam General Statistics Office.

**Table 8 Vietnam's Import and Export by Products**  
(Jan - Sept 2008)

Export			Import		
Products	Turnover (bil. USD)	Share (%)	Products	Turnover (bil. USD)	Share (%)
<b>Total</b>	<b>48.674</b>	<b>100</b>	<b>Total</b>	<b>64.265</b>	<b>100</b>
Crude Oil	8.768	18	Machinery	10.492	16.3
Garment	6.842	14	Gasoline	9.498	14.8
Footwear	3.433	7	Steel	5.755	9.0
Fishery Products	3.350	6.9	Cloth	3.334	5.2
Rice	2.446	5	PC Electronics	2.661	4.1
Wood products	2.044	4.2	Plastics	2.335	3.6
PC Electronics	1.924	4	Cars	2.081	3.2
Coffee	1.610	3.3	Chemicals	1.423	2.2
Natural Rubber	1.220	2.5	Fertilizer	1.286	2.0
Anthracite	1.152	2.4	Paper	0.517	0.8
Others	15.885	32.7	Others	24.883	38.7

Source: Vietnam General Statistics Office.