**UNDERSTANDING AND APPLICATION OF WTO TRADE REMEDIES DISCIPLINES**

**FOCUS ON THE RELEVANT WTO AGREEMENTS (ANTI-DUMPING/ SAFEGUARDS/ AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES / AGREEMENT ON FISHERIES SUBSIDIES/AGREEMENT ON AGRICULTURE – DOMESTIC SUPPORT) TAKING INTO ACCOUNT DEVELOPMENTS ARISING FROM WTO DISPUTE CASES AND PROPOSALS TABLED UNDER THE WTO REFORM AGENDA**

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| **Day 1** |  |  |
|  | **Opening of the workshop: presentation and definition of objectives** |  |
|  | **COFFEE BREAK** |  |
|  | **Presentation of the WTO trade remedy toolbox**   * + Core principles of the WTO   + The legal panorama: the Anti-Dumping, Subsides and Countervailing Measures and Safeguards Agreements   + Conditions for application of trade remedies: a brief explanation of core concepts   + Understanding differences and similarities among them, and with other measures e.g. under Agreement on Agriculture and new Fisheries Subsidies Agreement   + Share about the WTO’s trade remedies data portal launched in November 2022   **Trends in the application of trade remedy measures**   * + Structure of investigating authorities and trade remedy laws in WTO Members   + Statistics by type of trade remedy measure, by reporting Members, affected exporters, targeted merchandise.   + Understanding differences between safeguards, Countervailing Duties (CVD), and Anti-Dumping (AD) procedural issues, including sunset review, mid-term review, new shipper review, and anti-circumvention investigations   + Understanding relationship between AD, CVD and safeguards – can there be simultaneous AD and CVD investigations, issue of cross cumulation, etc. |  |
|  | **Anti-dumping (AD) Measures**  ***Objective:***   * **Understanding the agreement with focus on the initiation and conduct of AD investigations****.** * **Understanding the WTO ADA and its application and raising awareness of ongoing work at the WTO AD Committee** |  |
|  | **LUNCH** |  |
|  | **Calculation of the dumping margin**   * + Explanation of core principles outlined in the Anti-Dumping Agreement |  |
|  | **COFFEE BREAK** |  |
|  | **Understanding AD Investigation processes**:  **The Anti-Dumping investigation:**   * + Initiation of the investigation     - The role of the private sector and the application     - The role of the investigating authority, transparency, and due process   + Collection of information   + Questionnaire analysis and calculation steps:     - Organization of the firm and its accounts.     - Products and production processes.     - Characteristics of home market and export transactions.     - Cost and price analysis: profitability and sufficiency tests.     - Calculation of the dumping margin and the relevant adjustments.   **Rules applying to the determination of injury and causal link:**   * Explanation of core principles outlined in the Anti-Dumping Agreement and relevant dispute settlement proceedings: * Definition of the domestic industry * Mandatory injury factors and their role * Price effects analysis * The non-attribution requirement   (Factual discussion of WTO dispute settlement findings on issues of  interest will be interwoven throughout the presentations)  **Anticircumvention**   * Current application.   **The WTO Committee on Anti-Dumping Practices**   * Importance of transparency and modality of notifications * The Committee’s ongoing work in facilitating compliance with established rules   **Application of WTO Dispute Settlement Procedures to the Anti-Dumping Agreement**   * Relevant dispute settlement proceedings |  |
| **Day 2** |  |  |
|  | **Exercise on understanding AD system** |  |
|  | **COFFEE BREAK** |  |
|  | **Subsidy disciplines and recourse in the WTO via Agreement on Subsidies and Countervailing Measures (ASCM) (including CVD action), Agreement on Agriculture, and Agreement on Fisheries Subsidies** |  |
|  | **Overview of the ASCM and its disciplines**   * Subsidies and trade: the role of subsidies disciplines in the WTO system * Multilateral subsidies disciplines v. countervailing measures: Two tracks for relief * Coverage of the ASCM * Definition of a subsidy * Specificity   **Prohibited subsidies**   * Export subsidies * Local content subsidies * De jurev. *de facto* conditionality * Special and Differential Treatment   **Actionable Subsidies**   * Actionability and adverse effects * Types of adverse effects * Serious prejudice * Nullification and Impairment * Special and Differential Treatment   **Non-Actionable Subsides (Article 8)**  **The WTO Subsidies Committee and Subsidies Notifications**   * Importance of transparency and modality of notifications * The Committee’s ongoing work in facilitating compliance with established rules   **Application of WTO Dispute Settlement Procedures to the ASCM**   * Consultation mechanism for prohibited or actionable subsidies * Relevant jurisprudence   **Special Economic Zones**  **Other issues**   * Rationale behind need for notification and examination across the relevant agreements * Factual presentation of the reforms proposals in the area of subsidies. * AOA - Understanding the differences between CVD and Article 5 of AOA * Information on the WTO-IMF-OECD Joint Subsidy Platform launched in May 2023   (Factual discussion of WTO dispute settlement results on issues of interest interwoven throughout the presentations) |  |
|  | **Lunch** |  |
|  | **Overview of the Agreement on Fisheries Subsidies (FSA)**   * Main disciplines * Progress toward entry into force * Key implementation issues in relation to the FSA * Second wave of negotiations * Update on the WTO Technical Workshop on Fisheries Subsidies for Asia (23 – 25 May 2023 in Kuala Lumpur, Malaysia) |  |
| **Day 3** |  |  |
|  | **Countervailing Investigation under the ASCM**  **The countervailing duty investigation**   * Initiation of the investigation – consultations with the subsidizing state. * Collection of information – questionnaires to determine the existence and quantity of a subsidy.   **CVD Calculations**   * Analysis of hypothetical scenarios.   **The WTO Subsidies Committee and Subsidies Notifications**   * Importance of transparency and modality of notifications * The Committee's ongoing work in facilitating compliance with established rules   **Application of WTO Dispute Settlement Procedures to the ASCM**   * Relevant jurisprudence   **Comparison of CVD/AD procedures**  (Factual discussion of WTO dispute settlement results on issues of interest interwoven throughout the presentations) |  |
|  | **Exercise on Understanding of CVD System** |  |
|  | **Coffee break** |  |
|  | **Safeguard Measures** |  |
|  | **Safeguards – WTO Safeguards Agreement (Global Safeguards) and Bilateral Safeguard Mechanisms in FTAs**  **Objectives** are *to understand:*   1. *Global Safeguard investigation initiation requirements* 2. *difference between global and bilateral safeguard provisions* |  |
|  | **Understanding the WTO Safeguards Agreement**   * Objective of the Agreement * What does it intend to protect? * What are unforeseen developments? * How to measure increased imports and causality to serious injury? * Increased imports and serious injury * Procedural requirements of the Safeguards Agreement * Requirement to conduct investigation and give public notice. * Requirement to notify, consult and compensate. * Safeguard measures and legislation.   **The WTO Committee on Safeguards**   * Importance of transparency and modality of notifications * The Committee's ongoing work in facilitating compliance with established rules.   **Application of WTO Dispute Settlement Procedures to the Safeguards Agreement**   * Relevant dispute settlement proceedings   (Factual discussion of WTO dispute settlement results on issues of interest interwoven throughout the presentations)  **Exercise on Understanding the Safeguard Mechanism** |  |
|  | **Lunch** |  |
|  | **Presentation on discussions at the Informal meeting on WTO Reform on Industrial Policy and Subsidies (this will take place on 25-26 Sep)**   * Depending on the structure of the retreat, the WTO Secretariat could share about the different views articulated on the issue * Proposed way forward by the General Council Chair * Implications for MC13 |  |

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