**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.
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|  | **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**
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|  | **LUNCH**  |  |
|  | **Calculation of the dumping margin** * + Explanation of core principles outlined in the Anti-Dumping Agreement
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|  | **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
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| **Day 2**  |  |  |
|  | **Exercise on understanding AD system**  |  |
|  | **COFFEE BREAK** |  |
|  | **Subsidy disciplines and recourse in the WTOvia 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)
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| **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*
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|  | **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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