**THE ECONOMIC COMMUNITY OF WEST AFRICAN STATE (ECOWAS) ON ANTI-DUMPING AND COUNTERVAILING MEASURES**

**CHAPTER 2**

**TRADE DEFENCE INSTRUMENT**

**ARTICLE 20**

**ANTI-DUMPING AND COUNTERVAILING DUTIES**

1. None of the provisions of this Agreement shall prevent the European Union or the States of the West Africa Party from individually or collectively taking anti-dumping or countervailing measures under the relevant WTO Agreements, in particular the Agreement on Implementation of Article VI of the GATT 1994 and the Agreement on Subsidies and Countervailing Measures which figure in Annex 1A to the Agreement establishing the WTO.

2. For the purposes of applying this Article, origin shall be determined according to the non-preferential rules of origin of the Parties on the basis of the Agreement on Rules of Origin which figure in Annex 1A to the Agreement establishing the WTO (hereinafter, the “WTO Agreement on Rules of Origin”).

3. The special situation of the States of the West African region as developing countries shall be taken into account when the application of anti-dumping or countervailing measures is considered. Before imposing definitive anti-dumping or countervailing measures, the Parties shall consider the possibility of constructive solutions, such as those provided for in the relevant WTO Agreements. The investigating authorities, may, in particular, carry out appropriate consultations for this purpose.

4. The anti-dumping duties or countervailing measures shall remain in force only for the time and extent necessary to offset dumping or harmful subsidies.

5. No product originating from one Party, when imported into the territory of the other Party, shall be subject both to anti-dumping and countervailing duties in order to rectify the same situation resulting from dumping or export subsidies. The Parties guarantee that anti-dumping or countervailing measures cannot be applied simultaneously to the same product at both national level, on the one hand, and regional or sub-regional level, on the other.

6. The Parties agree to each set up a single legal review body, including an appeal level. The judgments of this single body must enter into effect on the territory of all the States in which the disputed measure is applicable.

7. The provisions of this Article shall be applicable to all investigations initiated after this Agreement enters into force.

8. The provisions of this Article shall not be subject to the dispute settlement provisions of this Agreement.