

subsidisation of goods exported to The Gambia, and to report its findings to the Minister.

(2) The Minister shall, in regulations, prescribe the procedure to be followed by the advisory committee in conducting investigations under Subsection (1), and may impose such provisional measures as may be necessary to protect any industry in The Gambia that may be threatened by such dumping or subsidisation:

Provided that such provisional measures shall not be imposed before the expiry of sixty days after the commencement of investigation under this Section.

171. (1) Where upon the findings of the committee appointed under Section 170, the Minister is satisfied-

- (a) that goods of any description are being or have been imported into The Gambia in circumstances in which they are, under this Act, to be regarded as having been dumped; or
- (b) that some government or a public body outside The Gambia has been giving a subsidy in respect of goods of any description imported into The Gambia, the Minister may, where the exporter offers to increase the price of the respective goods to the extent of the dumping margin or the amount of the subsidy, accept such offer, or may, by order in the Gazette-
 - (i) in the case of goods regarded as having been dumped, impose an anti-dumping duty, or
 - (ii) in the case of goods in respect of which a subsidy has been or is being given, impose a countervailing duty.

(2) The anti-dumping duty or countervailing duty imposed under Subsection (1) shall be chargeable in addition to any other duty for the time being chargeable on the respective goods:

Imposition of anti-dumping duty and countervailing duty

Provided that-

- (a) the rate of such duty shall not exceed the dumping margin or the amount of the subsidy found to exist; and
- (b) no duty shall be imposed under this Section where the Minister is not satisfied that the effect of the dumping or of the subsidy is such as to cause or threaten material injury to an established industry in The Gambia or is such as to retard materially the establishment of an industry in The Gambia.

(3) An order under Subsection (1) shall specify either the country from which the goods originated or from which the goods were imported into The Gambia and may include such provisions with respect to the description of the goods chargeable with duty as may appear to the Minister to be required for the purposes of this Act and, in particular, provisions limiting the description of the goods by reference to the particular persons or organizations by whom the goods were produced or who were concerned with the production of the goods in some specified manner.

172. (1) For the purposes of Section 171, imported goods shall be regarded as having been dumped-

- (a) if the export price of the goods exported to The Gambia is less than the comparable price, in the ordinary course of trade, for the product when destined for consumption in the exporting country;
- (b) if the importation of the goods causes injury to or retardation of a Gambian industry.

(2) References in Section 171 to a subsidy are references to the giving of a financial contribution on the production or export of goods by the government or a public body within the exporting country in such a manner as to cause injury to the Gambian industry, including-

- (a) a direct transfer of funds such as a grant, a loan

Dumping and subsidy defined