

Article 33: Freedom of Transit

In this Article "traffic in transit" is defined as traffic in which goods, and also vessels and other means of transport, pass across the territory of a Member as part of a complete journey beginning and terminating beyond the frontier of the Member across whose territory the traffic passes. The Article does not apply to aircraft in transit, but does apply to air transit of goods.

There shall be freedom of transit for such traffic through each Member country, and no distinction may be made which is based, for example, on the flag of vessels or on the ownership of goods, of vessels, or of other means of transport. Goods which have been in transit through a Member country must be afforded no less favourable treatment than if they had been transported from their place of origin to their destination without going through such other Member country, but an existing requirement of direct consignment, which is a requisite condition of eligibility for entry at preferential rates of duty or which is related to the method of valuation for duty purposes, may be maintained.

Article 34: Anti-dumping and Countervailing Duties

Conditions are stipulated in which anti-dumping and countervailing duties may be used, and limits are set to their severity. Such duties must not be charged unless material injury is caused or threatened to an established domestic industry, or unless it would appear that dumping or overseas subsidization would materially retard the establishment of a domestic industry. Co-operation in the imposition of anti-dumping measures is also provided for when, although no injury is being occasioned to a domestic industry, another Member is resorting to dumping measures which injure the trade of a third country. This provision might be employed, for example, to safeguard the interests of a Member enjoying a preference which might be prejudiced as a result of dumping. Provision is also made recognizing that the importation of products which were exported under stabilization schemes of the type in operation in New Zealand in connection with dairy-produce would not be regarded as resulting in material injury, and, therefore, would not give grounds for imposing dumping duty.

Article 35: Valuation for Customs Purposes

In order that the administration of Customs valuation legislation shall be free from abuses which have existed in the past in certain countries this Article provides safeguards to ensure that the value for Customs purposes of imported merchandise should be based on the actual value of the imported merchandise on which duty is assessed or of like merchandise, and should not be based on the value of merchandise of national origin or on arbitrary or fictitious values.