

PARTICULAR MARKET SITUATION: A NEWLY ARISING PROBLEM OR A NEW STAGE IN THE ANTI-DUMPING INVESTIGATION?

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ABSTRACT

The central argument of this paper concerns three main issues: the possibility of the Particular Market Situation (hereinafter “PMS”) provision to replace the NME Assumption, the recent development of the PMS provision by the WTO Members and its application in the current anti-dumping cases, and the ambiguity of PMS application in anti-dumping cases. PMS is not a new term in the Anti-Dumping Agreement but the lack of clarification of the existence of a PMS in the Anti-Dumping Agreement including its application raises a controversy among the WTO Members. Therefore, this article tries to provide an appropriate approach in harmony with the Anti-Dumping Agreement based on past practices and WTO jurisprudence.

KEYWORDS: *anti-dumping, particular market situation, trade remedies, World Trade Organization*

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