<<倾销>>

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内容概要

《倾销:反倾销法抑或竞争法(英文)》从历史渊源出发，跟随反倾销制度的发展，探究其长久以来“不证自明”之前提的真实性——“倾销有害”，在明确其与竞争法的相关性后，结合传统的和新的“重度使用反倾销者”两方面实践，以比较的方法全面探讨将“倾销”置于竞争法而非反倾销法之下的优势，同时梳理及剖析反对该取代的主要理由。
最终得出：以世界贸易组织《反倾销协议》为基准的各国反倾销规则应最终为日益发展并相互融合的各国竞争规则以及有关掠夺性价格歧视的国际统一竞争协议所取代。
为逐步达到该目标，更多的可行性方案应自双边和区域展开。

作者简介

毕莹，浙江大学光华法学院讲师。
2003年获清华大学法学学士学位，2006年获清华大学国际法学硕士学位，2009年获日本九州大学国际法学博士学位。
主要从事国际经济法的研究，在The Journal of World Investment&Trade.日本《法政研究》等国内外公开发行的学术刊物上发表论文数篇；主持国家社科基金课题1项：“中曰韩自贸区竞争与反倾销规则协调研究。”

书籍目录

章节摘录

版权页：插图：The debate of antidumping versus competition is a relatively new but very significant issue. Based on all of the above analysises and examinations from both traditional and new heavy users of antidum-ping, this book argues for putting the issue of dumping under compe-tition rules instead of antidumping rules. The domestic antidumping rules and the WTO Antidumping Agreement should be finally substitu-ted by the harmonized domestic competition rules and their basic standard, i. e. the international competition agreement on predatory price discrimination, all around the world in future.The original and supposed goal of antidumping rules should be the same as that of competition rules. In economic theories, efficiency approach favored by most econmists, suggests that dumping is one kind of transnational price discrimination, and only predatory dum-ping is generally recognized as harmful. As to antidumping law, a jour-ney back to its birth time as well as the following evolvement indicate that, originally antidumping was actually part of antitrust law, to deal with the import price discrimination, and it is only for dealing with these foreign conducts more efficiently that antidumping rules were changed and gradually distinctive from antitrust rules. However, nei-ther the change of special rules nor that of legal areas can be the evi-dence to question the original and supposed justification of antidum-ping.

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