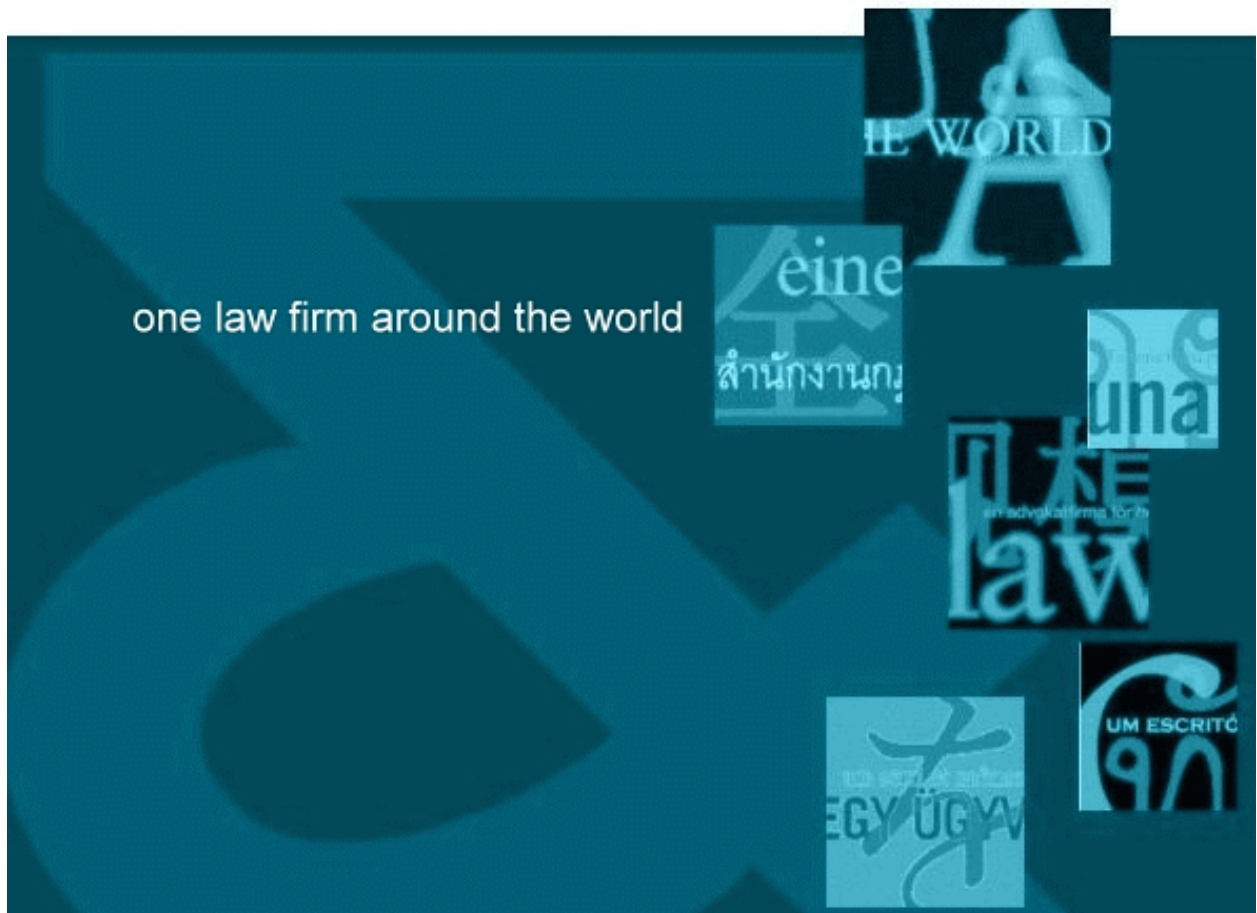


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美国伟凯律师事务所国际贸易部简介

**Antidumping,  
Countervailing Duty and  
Safeguard  
Proceedings**

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### 1. 伟凯律师事务所国际贸易业务简介

#### ANTIDUMPING, COUNTERVAILING DUTY & SAFEGUARD PROCEEDINGS

关于反倾销，反补贴税及保障措施程序

White & Case, one of the world's leading international law firms, assists many global corporations and financial institutions in their business activities in major financial and commercial centers and in the developing market economies. Established on Wall Street in New York in 1901, the firm today has more than 2000 lawyers working in an integrated network of 38 offices in 25 countries.

伟凯律师事务所（以下简称“伟凯”）是世界上主要的国际性律师事务所之一。伟凯协助很多全球性企业及金融机构针对该企业及该机构在主要的金融，商业中心和发展中的市场经济开发其商业活动。伟凯在 1901 年成立于美国纽约的华尔街，致日，本所已拥有超过 2000 名律师分布在 25 个国家的 38 个分所里工作，形成一个完整的网络体系。

White & Case's international trade practice, centered in Washington, D.C., Brussels, Geneva, Mexico City, Tokyo, Singapore and Shanghai, represents sovereign and private sector clients throughout the world. The firm's global network of 60 lawyers and trade professionals experienced in trade issues provides legal counsel and representation on a wide array of international trade issues, trade policy, trade dispute resolution, trade remedy procedures and technical analyses of developments in international economic areas. Several White & Case international trade lawyers and professionals have administered the trade laws of their respective countries as senior government officials.

伟凯的国际贸易部门，主要人员集中于美国华盛顿特区，比利时布鲁塞尔，日内瓦，墨西哥城，东京，新加坡和上海。本部门所代理的客户（包含政府及私人公司）遍及世界各地。本部门全球拥有 60 名国际贸易律师及其他在国际贸易争端上富有经验的专业人士形成的操作网络，提供以下范围广阔的法律意见及代理：国际贸易争议，贸易政策，贸易争端解决，贸易补救程序及国际经济领域的发展技术分析。伟凯在许多国家所聘用的国际贸易律师及专业人士均曾经是当地政府的资深官员，负责执行各自国家的贸易法律。

The firm advises clients on customs, export control, antidumping, countervailing duty and other issues of trade regulation around the world. These clients include foreign governments, manufacturers, exporters, importers and end users. We have provided extensive counsel to sovereign and private sector clients during multilateral, regional and bilateral negotiations and also assisted in drafting trade laws for the governments of Malaysia, Singapore, Thailand, the People's Republic of China, Indonesia, Oman, Colombia and Turkey.

本所对客户提供的全球性服务包括在海关事项，出口控制，反倾销，反补贴税及其他贸易法规的议题的建议。本所的客户包含外国的政府，制造商，出口商，进口商及最终用户。本所曾经对客户（包含政府及私人公司）于多边，双边及地区性的贸易谈判中提供广泛的法律意见。本所也曾经帮助马来西亚，新加坡，泰国，中华人民共和国，印尼，阿曼，哥伦比亚及土耳其等国政府起草贸易法规。

White & Case lawyers practice before relevant bodies in the United States (*i.e.*, the Department of Commerce, Department of Treasury, Department of State, the U.S. Trade Representative, the U.S. Customs Service, the U.S. International Trade Commission and appeals to U.S. courts), **Europe Union Commission** (EU Commission), Mexico (SECOFI), Indonesia (KADI), Thailand (Ministry of Commerce), South Africa (Board on Tariffs and

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Trade), Korea (Korean Trade Commission), Guatemala (Ministry of Finance), Argentina (Ministry of Finance), Canada (Canadian Customs and Revenue Agency) and the Commission of the European Union. The firm also practices in international dispute resolution fora (ICSID, ICC, AAA), including dispute settlement panels convened under the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA). 伟凯的律师在各地对相关的政府机构执行法律业务，如对美国的商务部（Department of Commerce），财务部（Department of Treasury），国务院（Department of State），美国贸易代表处（the U.S. Trade Representative），美国海关（the U.S. Customs Service），美国国际贸易委员会及上诉法庭（the U.S. International Trade Commission and appeals to U.S. courts）；**欧盟委员会**；墨西哥的 SECOFI；印尼的 KADI；泰国的商业部（Ministry of Commerce）；南非的关税暨贸易部（Board on Tariffs and Trade）；韩国的贸易委员会（Korean Trade Commission），瓜地马拉的财政部（Ministry of Finance），阿根廷的财政部（Ministry of Finance），加拿大的海关暨税收部（Canadian Customs and Revenue Agency），欧盟委员会等。本所的律师亦在各个国际争端解决裁判法庭，如 ICSID, ICC, AAA, 进行辩护及代理业务，其中包含世界贸易组织（World Trade Organization (WTO)）及北美自由贸易协定（NAFTA）下的争端解决小组。

*Litigation and Administrative Proceedings:* White & Case has extensive experience representing sovereigns and private sector companies in antidumping and countervailing duty proceedings. Our lawyers appear before a number of governments including Mexico, the European Union (EU) and the United States. The industries and products involved in our cases include a wide variety of basic and high technology manufactured products, minerals and agricultural goods -- from uranium to steel, bicycles, textiles, mushrooms, semiconductors and flowers. In some cases, we established new governing points of law for these proceedings.

诉讼及行政程序：伟凯在代理政府及私人企业于反倾销及反补贴税的案件上拥有极为丰富的经验。本所律师曾经代理许多的政府，包括墨西哥，欧盟及美国政府。涉及的产业及产品包罗万象，涵盖基础及高端制造产品，矿产及农产品，从铀，钢铁，自行车，纺织品，蘑菇，半导体及花。在某些案件中，我们甚至在法律程序中建立了新的法律指导原则。

We represent government and private sector clients in proceedings under other types of trade relief laws. Under section 301, a proceeding unique to the United States, we have assisted sovereign governments through negotiations and legal defenses regarding products such as machine tools, pencil slats, specialty steel, wood products and bananas. The firm is also experienced in other forms of the section 301 law, including "special" 301 involving intellectual property issues, "super" 301 and "telecommunications" 301.

我们亦在其他类型的贸易救济法律代理客户（包括政府及私人企业）。例如美国特有的 301 法案，我们曾经协助一些政府透过谈判和法律防御技巧，在机械设备，铅笔，钢铁，木材制品等产品取得满意结果。我所也在其他 301 法案件上有丰富经验，如关于知识产权的“特别”301 法案“，”超级“301 法案，”通信“301 法案等。

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White & Case lawyers have substantial expertise in section 201 (known as "escape clause") actions and their EU equivalent ("Safeguard" measures) and have provided advice and counsel in a large number of proceedings with regard to section 337 actions, which typically apply to imports of goods in violation of U.S.-registered intellectual property rights. Lawyers in the international trade practice group work closely with our intellectual property practice group to maximize our clients' opportunities regarding these actions.

伟凯的律师在 201 法案诉讼（所谓的“逃避条款”）及相关的欧盟“保障措施”，337 法案诉讼中有极丰富的经验。我所国际贸易业务的律师们与知识产权的律师们密切合作，在这些诉讼中，替客户争取了最大的利益。

*Advisory Services:* The firm provides a full range of customs law advice, ranging from assisting with classification, valuation and rule-of-origin issues before the customs services of various countries in North America, South America, Europe and Asia in defending clients in criminal and civil customs fraud proceedings. We work regularly with clients to develop strategies for minimizing the customs duties they must pay. In addition, we advise clients on prohibited imports under the Endangered Species Act and CITES Convention and counsel on the application of U.S. and EU textile agreements.

咨询服务:

本所在海关法规方面的全方位的咨询服务，范围包括协助产品分类，估价及原产地规则等问题；涵盖的地区包括北美洲，南美洲，欧盟和亚洲，代理客户在海关诉讼上刑事/民事的辩护。国际贸易律师和专业人员经常与客户讨论如何合法的去降低须负担的海关税。另外，我们也在濒临绝种物种保护法，CITES Convention 及美国，欧盟纺织品协议的适用上提供客户法律意见。

*Treaties and Legislation:* White & Case monitors legislative proposals and advises clients on the effect of legislation under multilateral agreements, bilateral agreements and U.S. law. We provide legal advice concerning activities affected by embargoes (such as U.S. export controls), including technology and end-use controls licensing, as well as enforcement issues. We also counsel on U.S. economic sanctions or blocking regulations involving such countries as Iraq, Iran, Libya and Cuba and assist clients in pursuing claims against them. White & Case has an extensive practice with respect to annual reviews under the Generalized System of Preferences, including the defense of beneficiary developing country status and individual product petitions.

条约及立法:

本所时时刻刻注意立法草案及提供客户该多边协定，双边协定和美国法律等一旦通过的法律意见。

To illustrate the scope of our experience in antidumping and countervailing cases, we list specific proceedings in which White & Case attorneys have represented clients.

## 2. 伟凯律师事务所中国国际贸易部简介

伟凯律师事务所有二十多位律师和专业人员从事与中国有关的国际贸易案例。在美国首都华盛顿及欧盟总部布鲁塞尔的国际贸易律师事务所中，我们拥有的中国贸易专家最多。伟凯的其他贸易案例专业技术人员分布世界各地，在亚洲，包括东南亚地区的北京，上海，香港，东京及新加坡等分所。具体联系方式请见所附资料。

伟凯律师事务所中国国际贸易部在欧盟的反倾销案调查中为中国客户取得了一系列满意结果。所代理的案件请见附件。

### 3. 选择反倾销律师事务所须知

由于各厂商（生产商，出口商及进口商）及各类产品的原材料所涉及的法律问题面广，如公司组织结构及原材料的替代国价格等，反倾销案件的调查过程通常会非常复杂。所以建议中国厂商在选择事务所代理案件时务必考虑到事务所本身的人力配备，经验和业绩。以下几点提供给 贵公司在评估律师事务所时予以考虑：

#### 1) 地理位置

伟凯律师事务所在美国首都华盛顿，欧盟总部布鲁塞尔，上海，北京，香港，东京及新加坡分所都有从事反倾销案件的律师和专业人员。这有助于我们搜集有关当局信息为客户提供及时，高效优质的服务，为办案的成功提供了基础。

#### 2) 语言

伟凯律师事务所拥有多种语言人才。许多律师和专业人员中英文流利。在国内可以中文和国内工厂，企业沟通合作。

#### 3) 会计和金融知识

伟凯律师事务所的律师和专业人员熟悉中国的财会金融体制和规定。这种优势使在具体办案中避免错误，降低成本并提高了办案效率。

#### 4) 国际贸易法律规范知识及实践经验

在美国首都华盛顿和欧盟总部布鲁塞尔的国际贸易律师事务所中，伟凯的国际贸易部规模最大。由于在反倾销案件的调查过程中，美国商务部应用方式变化多样，涉及多家公司的问卷回答及其复杂。我们相信伟凯律师事务所是有能力和经验处理复杂案件的少数律师事务所之一。拥有二十多位致力于中国业务为客户提供全面服务的资源保障。

#### 5) 倾销税率计算的统计知识和经验

伟凯律师事务所有专业统计人员协助律师和客户进行数据处理，分析和答卷。由于专业统计人员在所内，我们可以经常交流信息，搜集及更新替代国价格的数据，针对欧盟反倾销案件，在争取市场经济待遇的技巧方面，在降低税率技术方面比其他没有所内专业统计人员的律师事务所更具优势。

#### 6) 整体优势和经验

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伟凯律师事务所律师从上百个国际贸易案例代理中取得了广泛的经验，一流的技术。在建立良好公共关系同时，对美国政府机构和欧盟反倾销委员会，政策规定及决策人员了如指掌。

### 7) 非市场经济案件经验

伟凯律师事务所国际贸易部的二十多位律师和专业人员专长于与中国国际贸易有关的案例业务。同时，我们在亚洲和东南亚地区就非市场经济及市场经济具体规定及要求，有着广泛的案件处理经验。

总的来说，伟凯律师事务所具备代理在美国和欧盟的任何反倾销案件能力和经验。

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### 伟凯律师事务所中国国际贸易部联系资料

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