



Analysis on Anti-dumping Measures of Agriculture and Agricultural Products Deep Processing Industry after China's Entry into WTO

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ABSTRACT

Since China joined the WTO in 2001, ties with foreign trade have strengthened, and the volume of foreign trade in agricultural products has also increased day by day. In the past 20 years, China has deeply integrated into the international trading system and has played an important role in global trade. With economic globalization, the volume of global trade has increased sharply, and trade exchanges have been frequent. International trade has become one of the main ways of communication between countries in the new era. In this context, the dumping of agricultural products targeting the Chinese market is increasing. This article analyzes the case of China's announcement of the implementation of anti-dumping measures against the Australian wine industry, and explores the countermeasures of China's agriculture and agricultural product deep processing manufacturing industries in the face of dumping. Therefore, suggestions are made to Chinese companies to improve production technology, establish well-known brands, and strengthen anti-dumping capabilities. Suggestions for the WTO to enhance the transparency of dispute resolution, improve laws and regulations, and enhance fairness through native language litigation.

Keywords: *Anti-dumping; WTO; Agriculture; Agricultural products manufacturing; Case analysis*

1. INTRODUCTION

China has always insisted on lowering market access conditions in accordance with WTO requirements, which has resulted in the influx of foreign commodities into my country. Among them, there will inevitably be some low-priced dumping products.

As a large agricultural country, dumping of agricultural products from China is one of the main contents of dumping against China. This has largely hindered the normal development of international trade activities in China's agriculture and agricultural product deep processing industries. In order to improve the self-protection ability of agricultural product producers in international trade, it is crucial to propose agricultural anti-dumping measures. As early as 2002, Chen Fei briefly analysed the importance of improving anti-dumping capabilities after China's entry into the WTO. However, due to the age and limitations of the times, the analysis at that time did not suggest long-term effective measures. In 2003, Zhao Feng analysed the reasons for the dumping of foreign companies on China and put forward some suggestions for measures. However, due to

its unclear target, it is difficult to find suitable agricultural countermeasures. On the basis of early research, research on Chinese agricultural anti-dumping has gradually increased in recent years. In 2020, Zeng Fanyang explored the anti-dumping system of agricultural products from the perspective of legal issues. Similarly, Wang Hengsi also conducted a study on the legal system relief in agricultural foreign trade activities in 2021. They all proposed to improve corresponding laws and regulations from a legal perspective. At the same time, Peng Liuyuan proposed to accelerate the construction of an anti-dumping accounting system from an accounting perspective in 2021, hoping to train professional anti-dumping accounting talents.

With regard to the dumping of agricultural products in China, the current number of studies is still relatively small. And there is a lack of specific case analysis. Based on this, this article starts from the case, deeply analyses the specific measures of China's agricultural anti-dumping, in order to make recommendations to Chinese agricultural product manufacturers and the WTO.

2. THE ANTI-DUMPING COURSE OF CHINA'S ENTRY INTO WTO IN THE TWENTY YEARS

2021 coincides with the 20th anniversary of China's accession to the World Trade Organization. On December 16, the event "Facing the Future and Building an Open World Economy" hosted by the China Council for the Promotion of International Trade was held in Beijing. Joining the WTO is an important milestone in the process of China's reform, opening up and modernization drive.^[1] China has been a beneficiary and a contributor to the WTO for 20 years. After joining the WTO, China has continuously improved the socialist market economic system and fully fulfilled its WTO commitments. China abides by WTO rules and continues to open up the market, which has stimulated the vitality of the market and society. In addition, China's overall tariff level in the field of trade in goods has dropped from 15.3% to 7.4%, and nearly 120 sectors have been opened in the service sector, all of which exceeded the level of commitments made when it joined the WTO. From 2001 to 2020, China's economic aggregate rose from sixth to second in the world, trade in goods rose from sixth to first in the world, and trade in services rose from eleventh to second in the world. The level of utilization of foreign capital has steadily ranked first among developing countries, and the amount of foreign direct investment has risen from the 26th place in the world to the first place. By 2020, China's total trade volume has reached US\$4.6463 billion, with an average annual growth rate of 12.68%. Foreign direct investment reached US\$132.94 billion. The global GDP accounted for 17.4%, and the per capita GDP reached RMB 72,000.

However, as China's position in the international trade arena becomes more and more important, the trade remedy investigation situation we face is becoming more and more complicated and severe. As we all know, anti-dumping, anti-subsidy and safeguard measures investigations have been the three main methods of trade remedy investigations under the WTO framework. They have provided various WTO members including China with powerful means to deal with unfair and unreasonable trade practices, and have played a significant role in helping domestic industries avoid trade shocks or recover from difficulties. Statistics from the Ministry of Commerce of China show that there have been numerous trade remedy cases initiated by the world against China since China's accession to the WTO. Among them, 1,314 anti-dumping cases, accounting for nearly 30% of global anti-dumping cases; 196 anti-subsidy cases, more than one-third of global anti-subsidy cases.^[2] It is worth noting that before 2001, other countries and regions had never initiated countervailing investigations against China.

3. DUMPING TO CHINA HAS BECOME INCREASINGLY SERIOUS IN RECENT YEARS

As Stefano (2021) concluded, China has emerged as a preferred target for trade barriers, and this is another trend that is more pronounced in recent years.^[3] In recent years, due to the continuous reduction of my country's tariff level and the reduction of non-trade barriers, foreign commodities have entered in large numbers. Many of these commodities were imported through dumping. Take the colour film roll market as an example. The domestic wholesale prices of Kodak colour film rolls and colour photo papers in the United States are US\$2.7 per roll and US\$68.5 per tube, respectively, which is approximately RMB 22.3 and RMB 567. The customs declaration price upon arrival at my country's port is RMB 7.5, which is equivalent to 34% and 51% of the domestic price. Japan's Fuji colour film rolls and colour photo papers are sold at 300 yen and 11,400 yen per roll in the country, respectively, which is approximately RMB 19 and RMB 709. The customs declaration prices at our ports are RMB 7.5 and RMB 247, which are only 39% and 35% of the domestic price.^[4] In the field of newsprint, this from all over the world have entered the Chinese market in large quantities at extremely low prices. According to statistics, the international market price of newsprint in 1995 was about US\$637 per ton, and it was about US\$649 per ton when exported to my country. The price per ton in 1996 was about US\$658, and the export to my country was about US\$460 per ton. In 1997, the price per ton was about US\$550, and the export to my country was US\$390 per ton. The sales price of foreign newsprint in the Chinese market is about RMB 1,000-1,500 per ton lower than its sales price in the place of origin.^[5]

In the era of economic globalization, trade frictions between countries continue, and trade wars one after another. Agricultural products are of very important strategic significance for a country's economic development and social stability, and therefore have become sensitive products on the international market. Trade conflicts triggered by agricultural products occur from time to time.^[6] Agricultural product trade is an important manifestation of the freedom of international trade and an important content in the field of agricultural economic development. Countries usually trade agricultural products based on their own comparative advantages. At present, China's agricultural production is characterized by scale of operation, more individual farmers, non-standardized product quality, and insufficient standardization of green packaging. Most domestic agricultural products are mainly directly sold in primary products, forming a complete industrial chain and selling finished products is still not widespread. Many countries use a series of excuses to conduct anti-dumping investigations on agricultural products exported

from my country to the country and impose various forms of trade barriers. However, the increasing frequency of these problems and the increasing amount involved have seriously affected my country's agricultural trade and export activities. In recent years, China's agricultural exports have encountered more and more anti-dumping. From 1980 to 2006, there were a wide variety of anti-dumping commodities involved in the food, planting, and breeding industries, with a value of more than US\$300 million.

Since China's accession to the WTO, it has implemented in-depth tariff cuts and reduced support for distorted trade. The average tariff on agricultural products in China is only 15.2%, while the global average for the same period is 62%.^[7] The degree of opening up of China's agricultural product market ranks among the top in the world. From 2011 to 2013, the total amount of OECD member countries' support for their own agriculture reached eight thousandths of the total global GDP. Regions and countries where agriculture is supported by more high-level subsidies have significant price advantages in the process of exporting agricultural products to China, and it is more feasible and easier to adopt a dumping strategy.

4. RELATED ANALYSIS ON CHINA'S ANNOUNCEMENT OF ANTI-DUMPING MEASURES AGAINST THE AUSTRALIAN WINE INDUSTRY

Based on the above background, we choose "Australian wine dumping to China" happened recently as a case for relevant analysis, in order to form the final promotion recommendation.

4.1 Case Background

In recent years, with the rapid development of China's economy, the income of the people has increased, the quality of life has continued to rise, and the domestic wine market has also continued to grow and develop. According to the latest data, as of 2021, China has become the fifth largest wine consumer in the world. However, the sales of domestic wines in the Chinese market are not satisfactory, and the grape growing industry in the upstream of the industry has also been affected and impacted. From about 32% in 2015 to as high as about 60% in 2020, the market share of imported wine in China is rising, which has further led to a substantial squeeze in the living space of Chinese domestic wine. Australian wines have long occupied the main wine market in my country for a long time due to preferential prices, excellent quality, and a long history. According to relevant data from the Ministry of Commerce and China Customs, until 2020, China's wine imports from Australia rank second in the import market and first in import volume. The total quantity is as high

as 85,732,300 liters, and the import value is as high as US\$672 million.

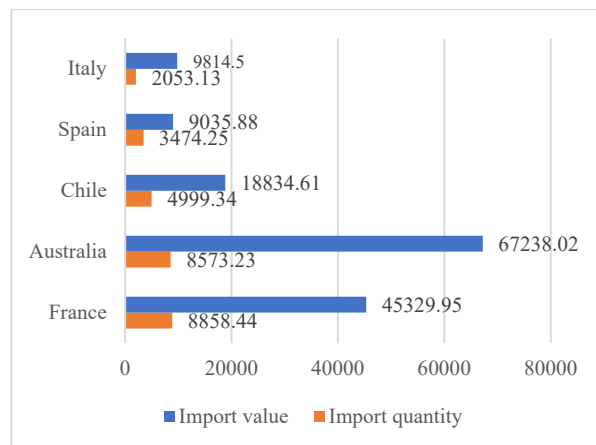


Figure 1 China's top 5 wine import markets in 2020 (unit: ten thousand liters, ten thousand yuan)

4.2 Case Statement

On August 18, 2020, China announced an anti-dumping investigation against Australian wine. On the evening of November 27 that year, the Ministry of Commerce of China issued an announcement on this preliminary ruling and implemented temporary anti-dumping measures. After a long investigation, the Ministry of Commerce of China finally issued an announcement on March 26, 2021, showing that it finally determined that imported wines originating in Australia have dumped on China. Since March 28, China will formally impose anti-dumping duties on Australian wine, with a tax rate ranging from 116.2% to 218.4%.^[8-9]

In October of 2021, Australia once again filed an application for review within the WTO framework on China's levy of anti-dumping duties. He Weiwen, a senior researcher at the Chongyang Institute of Finance of Renmin University of China, said in an interview with the Global Times reporter on the 27th that the WTO investigation of the China-Australia wine dispute would theoretically take two to three years, but it also depends on the specific circumstances.

4.3 Related Analysis

According to the agreement on the implementation of Article 6 of the 1994 General Agreement on Tariffs and Trade, if a product is exported from one country to another in the normal course of trade, the export price of the product will be lower than that of the same product consumed in its own country. According to the definition of O'Donoghue(2015), comparable prices, that is, a commercial channel that enters another country at a value lower than its normal value, the product will be considered dumped.^[10]

From the perspective of the WTO, according to the

law, there are three rules for determining dumping. One is that the product is sold at a price lower than the normal price or fair price. In this case of Australian wine imports, between 2015 and 2019, Australia’s wine exports to China increased from 56,700 kiloliters to 120,890 kiloliters, a substantial increase of 113%, but the price fell by 13.36% during the same period, which also shows that the price of Australian wine is much lower than the normal price of similar products. According to the data disclosed by the Ministry of Commerce, the dumping margin is expected to be as high as 202.70%.

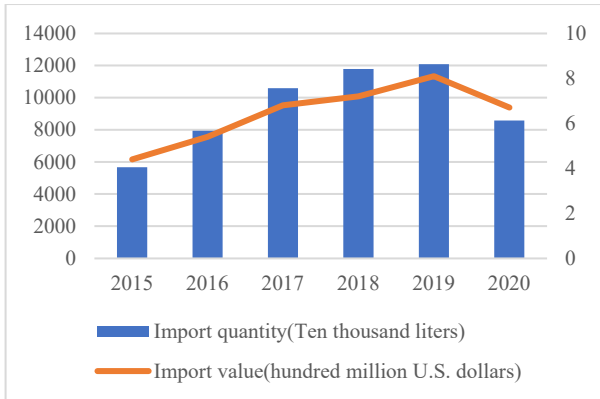


Figure 2 2015-2020 China imported wine quantity and value from Australia

The second provision is to cause substantial harm or substantial threat to the products of the importing country. Until 2020, imported wines in China's wine industry accounted for 60% of the market share, of which Australian imported wines accounted for more than 27.5% of the importing market, and the amount accounted for more than 40%. It can be said that the wine imported from Australia occupies a large part of the Chinese market and its position is very important. Dumping in this situation has hit the domestic wine market hard. The expansion of the market share of imported wine will inevitably lead to a decrease in the market share of domestic wine. Coupled with the impact of the epidemic, the living environment of China's wine industry in 2020 will be even more difficult, with annual sales revenue falling by nearly 30%, and profits plummeting by nearly 75%. It can be seen that Australia’s dumping has caused huge economic losses to Chinese wine companies and threatened the development prospects of Chinese wine companies.

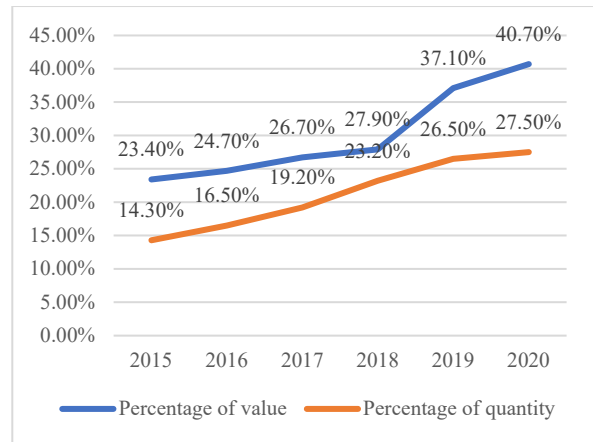


Figure 3 The value and quantity of wine China imported from Australia accounted for the proportion of total imports from 2015 to 2020

The third is to ensure that losses are caused by low-price dumping, which means there is a causal relationship between the two. Internationally, the major wine producing countries list it as agricultural products and enjoy agricultural subsidies and preferential tax policies. For example, the value-added tax on Chilean wine is 19%, but the consumption tax on domestic sales is only 1.5%. Australia imposes a 10% goods and service tax on wine, but exports of wine do not have to pay. In contrast, Chinese wine companies need to pay 10% consumption tax and 13% value-added tax. This directly leads to an absolute competitive advantage in the price of wine imported from Australia to my country in the same quality. As a rational economic man, consumers are naturally willing to buy products with more favourable prices when there is little difference in quality and no specific consumer preferences. At the same time, due to Australia's long history of wine production and marketing, some Chinese consumers have their own preferences when buying wine, which makes it more difficult to sell domestic wines. This also proves that the dumping of Australian wines has caused difficulties in the development of Chinese wine companies to a certain extent.

Therefore, China's anti-dumping measures formally adopted in March of 2021, that is, the practice of levying anti-dumping duties conforms to the provisions of Article 6 of the "GATT 1994" and also conforms to the principles of the WTO.

5. SUGGESTIONS FOR CHINESE COMPANIES

5.1 Suggestions for the development of China's wine industry

To reduce the existence of similar dumping, the most fundamental way is to develop domestic industries, upgrade industrial technology and technological level,

and build domestic brands that are comparable to international ones. Taking the wine industry as an example, China needs to build a more complete wine industry chain, develop wines with local cultural heritage and taste, and build local brands.

The upstream of the wine industry chain is ordinary planting, the middle reaches of the wine manufacturing, and the downstream is the consumption channel, and finally reaches the end consumer. In recent years, the wine industry chain has extended with "wine + industry", "wine + tourism", "wine + technology" and so on. Our country is the world's second largest vineyard planted area. According to forecasts, China's vineyard planted area have reached 735.5 thousand hectares in 2021. As can be seen from Figure 4, China's grape production has shown a continuous upward trend in the past six years, and the annual growth rate has remained above 3.5%. Grape production is forecast to reach 15.242 million tonnes in 2021. But the problem is how to make good use of this huge output, how to improve the quality of planting while increasing the output. This has directly led to the continuous decline in wine production, although my country's grape production has increased year by year. In the past five years, wine production has declined successively. In 2016, wine production was 1.137 million kiloliters and fell to 413,000 kiloliters in 2020. In particular, production in 2018 fell by 37.1% compared to 2017. If technology does not advance, high-quality wines will never be produced, and it is futile to produce more grapes. The downstream market needs more innovation. For example, using the "wine + tourism" model to build wine estates to attract customers, or some innovative marketing models. Of course, it is more important to analyse the market preferences of end consumers, so as to carry out targeted production. The data shows that the main reason consumers drink wine is for health needs, not because of trend-driven or showing lifestyle. 51% of consumers drink wine because of social needs, while only 26% are affected by trends. This is the characteristic of consumer preference in China's local market, and it is also the most important element of the localization of the wine industry.

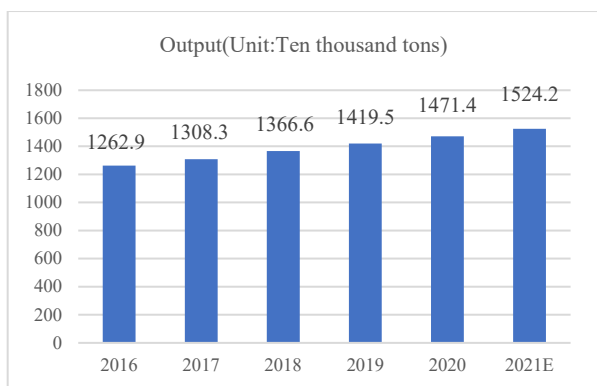


Figure 4 Statistics and forecast of China's grape production from 2016 to 2021

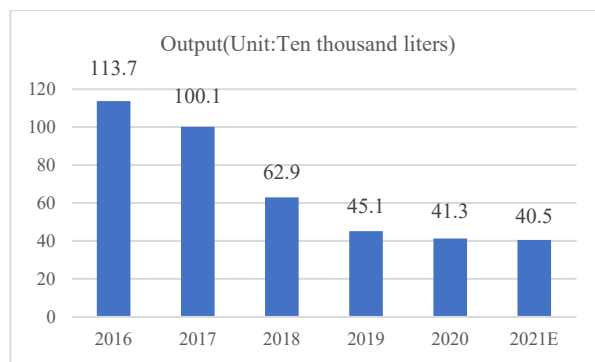


Figure 5 2016-2021 China wine production statistics and forecast

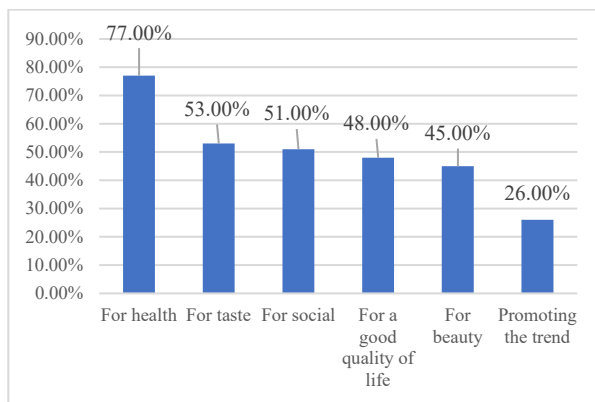


Figure 6 Reason for Chinese consumers drink wine

5.2 Recommendations for China's agricultural product processing industry

5.2.1 Improve the quality of agricultural products and build a Chinese agricultural product brand

Relying on low prices is indeed the main means for agricultural products to compete in international export trade. However, care should be taken to avoid vicious low-price auctions and maintain a good export order. Agricultural producers must learn to use more non-price competition methods, that is, to compete in product quality, colour, variety, packaging, advertising, and market services. Only in this way can they strive to occupy the market with the dual advantages of high quality and low price. Excellent quality is the source of competitiveness for product exports. Agricultural producers should work hard on the refined processing of agricultural products and change China's export strategy in due course. It's crucial to take the market as the centre and build well-known brands and leading enterprises. And guiding the extension and optimization of the industrial chain, cultivating pillar industries, expanding the market with well-known brands, and improve the brand's operating capabilities. Ultimately improve the brand's operational capabilities.

5.2.2 Improve agricultural planting and production technology

Most of the products dumped in China by foreign companies, especially large multinational agricultural producers, are new varieties. New varieties, coupled with low prices, will have a greater competitive advantage over similar agricultural products of domestic enterprises. Developed countries in Europe and the United States generally implement agricultural mechanized production. In particular, the United States has the highest degree of mechanization in the world and is the most typical modern large-scale agriculture in the world. The mechanized large-scale production and planting mode will bring scale benefits to the production of agricultural products. To a certain extent, the marginal cost is reduced. This requires domestic enterprises to accelerate the pace of technological progress through the introduction of technology. And constantly transform the existing machinery and equipment to adjust the product structure. Finally, the product will be upgraded. As my country's labour cost is lower than that of developed countries, when domestic products have the advantage of "homogeneous but low price", they will inevitably become the first choice of most domestic consumers. It is also very important for Chinese companies to improve their technological level. These measures can greatly reduce the occurrence of dumping against China. Because when China's production technology is upgraded, there has been a substantial difference in quality between domestic products and imported products. They can no longer be regarded as similar commodities. Even if foreign companies once again use low-price dumping to sell products to my country, it will not affect the consumption choices of consumers who pursue quality.

5.2.3 Create industry associations and anti-dumping early warning mechanism

Analysing all the dumping cases that have occurred since China's entry into the WTO, especially in the agricultural production sector, it can be seen that Chinese companies often find it difficult to respond to dumping in a timely manner. Dumping affects not just a single company, but the entire industry. Chinese agricultural companies generally lack anti-dumping awareness and have misunderstandings. Anti-dumping should not only rely on the country and the government, but also rely on the efforts of the enterprise itself.^[11] Anti-dumping litigation has a long-time span, high cost, and low success rate. At the same time, most companies believe that even if they succeed in responding to the lawsuit, the profits generated are not entirely owned by themselves, but by the entire industry. Strong spillovers will inevitably lead to free-riding behaviour. Therefore, companies usually would rather give up the export of related products than take the initiative to implement anti-dumping measures.

Eventually, Chinese companies gradually lost the international market, causing serious damage to the country and the industry. Therefore, it is particularly important to establish industry associations to build a sound industry management and rights protection mechanism. Industry associations can not only standardize the development of China's agriculture, but also keep abreast of the latest news on foreign product imports. They can warn of possible dumping in advance. Not only improving the speed of China's agricultural development, but also saving costs. More importantly, industry associations can file anti-dumping investigation suits in the name of all companies in the entire industry, avoiding free-riding behaviours by individual companies and reducing losses caused by non-action. For areas where industry associations exist, it is necessary to adjust the positioning of industry associations and reform the functions of industry associations. So that they can specifically undertake the responsibility of directing and organizing domestic enterprises in the future, accusing or strategically withdrawing the lawsuit with reasonable grounds, and providing human, financial, and technical support as much as possible.

6. RECOMMENDATIONS TO WTO

Since December 10, 2019, the WTO Appellate Body has been forced to shut down. As a result, the dispute settlement mechanism, one of the three pillars of the WTO, was paralyzed. From 1995 to 2020, the WTO has accepted nearly 600 disputes. According to statistics, it can be found that the main prosecutors are developed countries in Europe and the United States, while developing countries account for a large part of the respondent. Only 20 years after China joined the WTO, it has ranked third among the main responders. Regarding the content of WTO dispute cases, apart from the "General Agreement on Tariffs and Trade" disputes with the most content, "dumping and anti-dumping" is also one of the most important disputes in international trade. This shows that China's "dumping and anti-dumping" issue occupies an important position in the WTO dispute settlement system. How to properly resolve the dumping issue against China is also one of the challenges of the current WTO dispute settlement mechanism. For the WTO, the most important thing is to reform the overall operating mechanism and improve the dispute settlement mechanism.^[12]

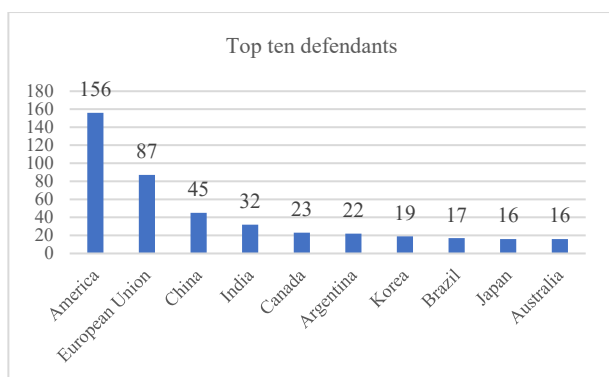


Figure 7 Statistics of main defendants in WTO dispute cases

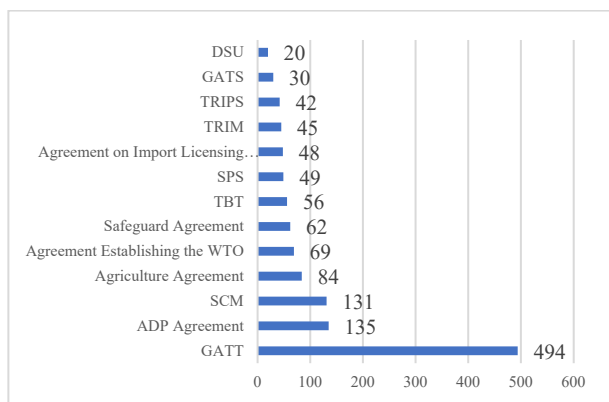


Figure 8 Statistics on the content of WTO dispute cases

First, focus on enhancing the transparency of dispute settlement. For example, the establishment of a monitoring mechanism and the establishment of rules and restrictions while increasing transparency.

Second, make "mother tongue litigation" the focus of reform.^[13] Reduce the risk of misunderstanding caused by language and the risk of losing a lawsuit due to low language proficiency. Facilitate litigation in small-speaking countries, thereby enhancing the fairness of participating in WTO litigation.

Third, improve the legal system and improve relevant laws and regulations. The future development direction of the international rule of law determines the future development direction of WTO dispute settlement. WTO dispute settlement requires more detailed legal regulations.

The current WTO dispute settlement mechanism is facing difficulties and challenges, which also provides an opportunity for China to play a greater role. China should also actively participate in WTO dispute settlement and help improve the mechanism. China should actively express its views, unite members of all parties, advance the preparation of proposals, and play a better role in the process of promoting the rule of law in the WTO.

7. CONCLUSION

With the deepening of globalization and the rise of trade protectionism, international trade disputes have become a universal global problem. The issue of "dumping and anti-dumping" occupies an important position in this. Although the proportion of agricultural products in global anti-dumping is relatively small compared to other types, this issue should not be underestimated. In recent years, due to the continuous reduction of my country's tariff level and the reduction of non-trade barriers, foreign commodities have entered in large numbers, and many agricultural products have entered in the form of dumping. In the context of economic globalization, both dumping and practice of trade protection in the name of anti-dumping violate trade liberalism and are not conducive to the stability and development of the global economy.

It can be seen from the case of Australia's wine dumping on China that China's current anti-dumping measures are not perfect. Agriculture is China's basic pillar industry. To reduce dumping, the most important thing is to improve the protection of the Chinese market by improving technology, building brands, and establishing anti-dumping early warning mechanisms, etc.

As a developing country, China suffers from dumping and anti-dumping investigations. China should be fully familiar with and make use of WTO trade rules, and continuously improve the system through legislation and related regulations. Only in this way can it be more conducive to avoiding legal risks in trade transactions and safeguarding the interests of Chinese enterprises.

The WTO should also improve its own dispute settlement mechanism and make judgments on the basis of fairness and justice to protect the interests of the injured country to the greatest extent.

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