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**Committee on Anti-Dumping Practices**  
**Ad Hoc Group on Implementation**

**DRAFT RECOMMENDATION CONCERNING  
THE PERIOD OF DATA COLLECTION FOR A DUMPING INVESTIGATION**

Revision

The Committee notes that although the Agreement on Implementation of Article VI of the GATT 1994 refers to the period of data collection for dumping investigations when it refers to the "period of investigation", it does not establish any specific period of investigation,<sup>1</sup> nor does it establish guidelines for determining an appropriate period of investigation, for the examination of either dumping or injury.

The Committee considers that guidelines for determining what period or periods of data collection may be appropriate for the examination of dumping and of injury would be useful. The Committee also recognizes, however, that it is important that national investigating authorities retain flexibility in order to be able to take account of the particular circumstances of a given investigation in setting the period of data collection for both dumping and injury, to ensure that it is appropriate in each case.

In light of the foregoing considerations, the Committee recommends:

1. As a general rule:
  - (a) the period of data collection for dumping determinations should be no less than six months;<sup>1</sup>
  - (b) the period for investigating sales below cost, and the period of data collection for dumping determinations, should be the same period in a particular investigation;
  - (c) the period of data collection for injury determinations should be three years;
  - (d) the period of data collection for both dumping and injury determinations should include the most recent data available; and
  - (e) Members should, if possible, consider the views of interested parties concerning the appropriate specific periods in a particular investigation.

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<sup>1</sup> Footnote 4 of the Agreement does provide that, for purposes of determining whether sales below cost may be treated as not being in the ordinary course of trade, the "extended period of time" within which such sales are made "should normally be one year but shall in no case be less than six months". Thus, for purposes of investigating sales below cost, data covering a period of at least six months must be collected.

2. In establishing the specific periods in a particular investigation, Members should consider the availability of data, and particularly accounting data, in the records of the firms from which information will be sought, ~~such firms' practices concerning financial reporting periods, the characteristics of the product in question, including seasonality and cyclicity, and the existence of special order or customized sales.~~

3. In establishing the specific periods in a particular investigation, Members should consider linking the period of investigation to the date of initiation in order to ensure that the most recent available data are sought.

4. In order to increase transparency of proceedings, investigating authorities should explain the selection of a particular period for data collection if it differs from that provided for in this recommendation; from that provided for in national legislation, regulation, or established national guidelines; or from that selected in other cases.

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