
Committee on Anti-Dumping Practices

**MINUTES OF THE REGULAR MEETING
HELD ON 28 OCTOBER 1999**

Chairman: Mr. Milan Hovorka (Czech Republic)

1. The Committee on Anti-Dumping Practices (the "Committee") held a regular meeting on 28 October 1999.

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A.	REVIEW OF NATIONAL LEGISLATIONS	
3.	<p>The <u>Chairman</u> noted that unfortunately, many of the questions put by Members concerning new notifications of legislation were submitted well after the applicable deadline of 7 October 1999. Members were aware of the fact that the translation process is a significant bottleneck in the processing of documents for circulation, and particularly in recent weeks, with the preparations for the Seattle Ministerial meeting in full swing. Members were well aware of the deadlines for submission of documents for the regular meetings of this Committee, which were established and announced at the Committee's meeting in April 1999, and of which several reminders had been sent. The Chairman stressed that the late submission of documents, not only for this meeting, but also for the meeting of the Ad Hoc Group on Implementation, was unacceptable. Members could not be expected to prepare adequately for the complex and often technical discussions in these meetings without the necessary documentation, in their preferred working language. Late submissions significantly reduced the ability of the Committee and its subsidiary bodies to work effectively, a situation which should not be allowed to continue.</p>	
4.	<p>As usual, deadlines for the submission of documents for regular meetings of the Committee, the Ad Hoc Group on Implementation, and the Informal Group on Anti-Circumvention were announced during the course of the meetings this week, and the Secretariat would issue a reminder of all applicable deadlines for submissions for the spring 2000 meetings of the Committees on Anti-Dumping Practices, Subsidies and Countervailing Measures, and Safeguards. The Chairman urged all Members to take note of these deadlines and respect them. Given the nature of the work in question, he observed that there was no reason Members could not begin preparing for next Spring's meetings shortly after this meeting was over, while matters were still fresh in delegates' minds.</p>	
5.	<p>Turning to the substantive discussion, the Chairman noted that, as provided for in the agreed procedures adopted by the Committee at its special meeting in April 1996 (G/ADP/W/284), Members having received written questions by the applicable deadline of 7 October would be asked to respond orally to those questions at the meeting. The Chairman observed that Members who received questions after the deadline were only asked to respond to questions to the extent they were able to do so. Members were, however, requested to answer in writing all questions submitted in writing. Follow up questions could be asked at the meeting, but such follow up questions were to be submitted in writing no later than 22 November 1999 if the Member posing the question wished to receive a written answer. Written answers to all questions submitted in writing were to be submitted to the Secretariat no later than 10 January 2000.</p>	
6.	<p>No questions were asked concerning the notification of <u>Dominica</u>. The Committee took note of the notification.</p>	

7. No questions were asked concerning the notification of Ghana. The Committee took note of the notification.

8. The questions regarding the notification of Indonesia can be found in the following documents:

G/ADP/Q1/IDN/11	Submitted by Argentina
G/ADP/Q1/IDN/12	Submitted by the United States

The answers provided by Indonesia to those questions can be found in the following document:

G/ADP/Q1/IDN/13	To all
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9. The questions regarding the notification of Jamaica can be found in the following document:

G/ADP/Q1/JAM/1	Submitted by the United States
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The answers provided by Jamaica to those questions can be found in the following document:

G/ADP/Q1/JAM/2	To the United States
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10. No questions were asked concerning the notification of Latvia. The Committee took note of the notification.

11. No questions were asked concerning the notification of Trinidad & Tobago. The Committee took note of the notification.

12. The questions regarding the notifications of the United States can be found in the following documents:

G/ADP/Q1/USA/12	Submitted by Turkey
G/ADP/Q1/USA/13	Submitted by Mexico
G/ADP/Q1/USA/14	Submitted by Argentina
G/ADP/Q1/USA/15	Submitted by Hong Kong, China
G/ADP/Q1/USA/16	Submitted by Japan
G/ADP/Q1/USA/17	Submitted by Hong Kong, China
G/ADP/Q1/USA/18	Submitted by Brazil
G/ADP/Q1/USA/20	Submitted by the European Communities

The answers provided by the United States to those questions can be found in the following document:

G/ADP/Q1/USA/19	To all
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13. The follow up questions regarding the notification of Argentina can be found in the following document:

G/ADP/Q1/ARG/7	Submitted by Mexico
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The answers provided by Argentina can be found in the following document:

G/ADP/Q1/ARG/8	To Mexico
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14. The Chairman informed the Committee that the new notifications of **Argentina**, G/ADP/N/1/ARG/1/Supp.3, **Australia**, G/ADP/N/1/AUS/2/Suppl.1, **Kyrgyzstan**, G/ADP/N/1/KGZ/1, and **India**, G/ADP/N/1/IND/2/Suppl.2. would on the agenda of the meeting in May 2000. The Secretariat would inform Members of any additional new notifications to be considered at that meeting in mid-March 2000. The deadline for submission of questions regarding new notifications of legislation for the May 2000 meeting was 13 April 2000.

15. The Chairman noted that, in order for a previously reviewed notification of legislation to appear on the agenda of the Committee's regular meeting in May 2000, questions had to be submitted to the Secretariat, and to the Member whose notification was in question, no later than 23 March 2000. The Chairman hoped that this advance warning would help Members in scheduling their internal work programmes.

B. SEMI-ANNUAL REPORTS OF ANTI-DUMPING ACTIONS

16. The Chairman recalled that a request for the semi-annual report for the first half of 1999, to be submitted by 31 August 1999, was circulated to the Members in G/ADP/N/53, dated 24 June 1999. The Chairman expressed his disappointment at the number of semi-annual reports that were received late. Members were well aware of the applicable deadlines for submission of semi-annual reports – semi-annual reports are **always** due at the end of February for the period July through December of the previous year, and at the end of August for the period January through June of the current year. There was simply no reason that this routine task could not be routinely attended to by Members, and their semi-annual reports submitted in a timely fashion.

17. Members who had submitted semi-annual reports were identified in paragraph 1 of document G/ADP/N/53 Addendum 1, dated 13 October 1999. South Africa submitted its semi-annual report too late to be included in that list. To the extent possible, the semi-annual reports had been translated and circulated to the Committee, and were included in the documents made available for the meeting.

18. In addition to the 23 Members who submitted semi-annual reports, 25 Members, listed in paragraph 2 of document G/ADP/N/53 Addendum 1, notified the Committee that they did not take any anti-dumping actions during the period in question. The Dominican Republic and Hungary submitted notifications that they took no actions that were received too late to be included in that list. With respect to notifications of no action, there was no good explanation for some Members' failure to make this notification in a timely fashion. All that was required if a Member took no action during a given period was a one sentence letter stating that fact sent to the Chairman or the Secretary of the Committee before the end of February, and another such letter before the end of August. Particularly for Members who did not conduct anti-dumping investigations, it seemed that this should be a relatively simple task.

19. While there had been some improvement in compliance, there remained a significant number of Members who had not responded to the request for semi-annual reports, and had therefore failed to comply with this important requirement set forth in Article 16.4 of the Agreement. These Members were identified document G/ADP/N/53 addendum 1 at paragraph 3.

20. No comments were made with respect to the semi-annual reports of Members. The Committee took note of the reports.

C. NOTIFICATIONS OF PRELIMINARY AND FINAL ANTI-DUMPING ACTIONS

21. The Chairman noted that lists of the notifications of preliminary and final anti-dumping actions received by the Committee were circulated to Members in documents G/ADP/N/51, 52, 54, 55, and 56. Preliminary and final anti-dumping actions were notified by Argentina, Australia,

Canada, Ecuador, the European Communities, Israel, Korea, Malaysia, Mexico, New Zealand, Nicaragua, Poland, Slovenia, South Africa, and the United States.

22. As with other notification requirements, the Chairman noted that there appeared to be a lack of full compliance in this area, as some Members who had submitted semi-annual reports indicating actions in progress had not submitted reports of preliminary or final actions taken. The Chairman reminded Members that an important aspect of the Committee's task was its role in monitoring and discussing actions taken by Members. If Members did not take their obligations to notify seriously and comply, the Committee would be prevented from accomplishing its goal of considering Members' compliance with the requirements of the Agreement.

23. The delegate of Argentina clarified that some of the notifications provided by Argentina and reported in documents G/ADP/N/52, 55, and 56, were not under Article 16.4 of the Agreement, but were made for reasons of transparency or information to the Committee. Most of these involved notifications that an investigation was being opened, not that a preliminary or final action was taken.

24. A member of the Secretariat explained that, in preparing the lists of notifications circulated to Members, the notifications provided by Members were not screened by the Secretariat to determine the type of action being notified. All notifications were included in the lists. Therefore, some of the actions listed did in fact refer to initiations, or other actions taken by Members. If Members did not wish information to be included in the lists of notifications, they should so indicate to the Secretariat. In that case, the Secretariat would, of course, not include them in the lists circulated to Members. However, such notifications would serve no informational or transparency purpose, as Members would not be made aware of them.

25. The delegate of Mexico expressed its appreciation for the point raised by Argentina and the explanation of the Secretariat. Mexico had also reported information concerning initiations and other actions that were not necessarily preliminary or final actions. Mexico would review the matter, bearing in mind that Article 16.4 required only that preliminary or final actions be notified.

26. The Chairman observed that semi-annual reports included initiations. It appeared that a number of Members notified, on an *ad hoc* basis, various actions that might or might not be considered preliminary or final actions within the terms of Article 16.4, for information or transparency purposes. It would be possible to create separate lists of notifications, for instance notifications under Article 16.4, and notifications of "other actions". He also pointed out that it was neither appropriate nor possible for the Secretariat to determine whether a particular notification was intended by a Member for inclusion in the lists of preliminary or final actions taken or simply for information unless the Member making the notification specifically indicated which was the case in the notification itself.

27. The delegate of the United States suggested that the Agreement required only that preliminary or final determinations be notified, and that initiations were reported in the semi-annual reports.

28. The delegate of India noted that Article 16.4 required Members to report without delay all preliminary or final actions taken, and that Members should also submit semi-annual reports. The requirement to report preliminary or final actions under Article 16.4 did not necessarily include initiations.

29. The delegate of Argentina indicated that it would consider this matter further, but wished to stress that the information it had conveyed concerned initiations and was not a notification under Article 16.4.

30. The Chairman observed that it might not be a bad thing to provide more information than was strictly required by the Agreement, for purposes of transparency. But the question was how to do

that. It was not clear what was meant by "preliminary or final anti-dumping actions taken " in Article 16.4. Perhaps this was a matter that should be considered further by Members, and the Committee could revert to it at the next meeting.

31. The delegate of the United States noted that preliminary and final actions probably meant provisional and final measures. In her view, it was these that were required to be notified under Article 16.4, besides the semi-annual reports, and it was these notifications that should be included in the lists circulated to Members and kept in the Secretariat for inspection by Members.

32. The delegate of the European Communities suggested that while this was perhaps the common practice, there was no bar to Members notifying other types of "actions" even if not specifically required to do so, and no bar to the Secretariat including such actions in the lists of notifications, and the retention of the information in the Secretariat. But it might be better to have a common understanding and consensus, rather than having different Members acting differently, as appeared to be the case.

33. The Chairman noted that the issue might not be resolved at the meeting, but that Members should consider this matter further, and perhaps raise it in the Ad Hoc Group on Implementation.

34. The delegate of Thailand noted that the present practice was to submit semi-annual reports which included initiations. With regard to preliminary and final actions, notifications of these were listed in the documents circulated by the Secretariat. Thailand did not see the need to include other information in these lists of notifications, or duplicate the semi-annual reports.

35. The Chairman stated that there was no desire to impose additional obligations on Members. However, the obligation in Article 16.4 existed, and the Secretariat did receive notifications of different sorts of actions, including initiations, and needed to know what to do with them. If Members did not want these other actions included in the lists of preliminary and final actions circulated to Members, perhaps they should simply not send them to the Secretariat. Of course, initiations would eventually be reported in semi-annual reports in any event. However, there was nothing to preclude Members from providing more information than was required under Article 16.4 - the question was how this information could be circulated to Members.

36. The delegate of Hong Kong, China noted while it seemed reasonably clear that "final action" referred to the levying of duties, it was not clear that "preliminary actions" was the same as provisional measures. She suggested that Members should reflect further on this point before any practices were changed.

37. The delegate of Mexico observed that Mexico had itself provided additional information for transparency purposes. However, Mexico did not want that additional obligations be imposed on Members, or that information requirements be duplicated. Therefore, perhaps only that information required by Article 16.4 should be notified.

38. The delegate of Argentina noted that he had not intended to initiate any discussion in the Committee on this issue, but merely to correct the lists of notifications. He wished for an opportunity for his authorities to consider the issue further. It was not an issue of duplication, since Article 16.4 already required initiations to be included in semi-annual reports. If necessary, the Committee could revert to the question in the future.

39. The Committee took note of the statements made.

D. CHAIRMAN'S REPORT ON THE MEETING OF THE AD HOC GROUP ON IMPLEMENTATION.

40. The Chairman reported that the Ad Hoc Group met on Monday, 24 October 1999. The Group discussed the two draft recommendations which are before the Group for consideration. As the Group was not able to reach a final consensus on the texts in question, the Secretariat was asked to prepare further revised versions for consideration at the Group's next meeting. In this regard, several Members appeared ready to submit additional drafting suggestions in an effort to reach agreement. Such specific suggestions would be most welcome, and can be incorporated in the revised versions to be circulated by the Secretariat. In order for the Secretariat to be able to include specific drafting suggestions in revised draft recommendations, Members were asked to submit proposed text as soon as possible, preferably by 22 November 1999. The Group made a good start on discussion of the six topics that were referred to it by the Committee in April of 1999.

41. The Chairman noted that while he was pleased by the attendance of delegates and especially experts from capitals, and the participation in the discussions, he was a little disappointed that so few papers were submitted on the new topics under discussion. He urged Members who did not submit papers for the meeting to begin preparation of submissions for the next meeting, in particular responding to the questions raised in the papers that were submitted, and if possible suggesting relevant guidelines or criteria for the various implementation issues that might serve as a basis for further discussions. As usual, the Secretariat would prepare and circulate a reminder of the topics for discussion at the next meeting.

42. The Group agreed to schedule its next meeting for the Monday and Tuesday, 1 and 2 May 2000, during the same week that the Committee meets. Submissions for the next meeting of the Group are due no later than 20 March 2000. The Chairman urged Members to make a strong effort to comply with this deadline, so that documents could be translated and circulated in a timely fashion before the Group's meeting.

43. Finally, the Chairman recalled that, before the Group began its discussions, he had made some comments on the work of the Group and its mandate. He had raised the subject because of comments made in the process leading up to the Seattle Ministerial suggesting that the Ad Hoc Group was ineffective because it was considering only "non-controversial" topics, and had had little success, as it had produced only one recommendation since it started its work. The implications of these comments was that the Group should be undertaking a more ambitious work programme, and should be producing more results in the form of recommendations on implementation.

44. The Chairman had observed that the Group was established in April 1996 "to prepare recommendations on issues where agreement seemed possible and report to the Committee, and consider other issues regarding implementation on which Members believed discussion would be helpful." Topics for the Group's consideration were decided by the Committee in October 1996, and the Group began substantive discussions on those topics in April 1997. Discussions on a series of new topics began at the meeting on Monday. To date, one recommendation developed in the Group had been adopted by the Committee, and two additional draft recommendations were under consideration.

45. It seemed clear from the comments that were made by Members on this topic that some believed the Group could, and should, do more. The Chairman recalled that it is the Committee which sets the agenda for the Ad Hoc Group. Therefore, it seemed appropriate to open the floor to discussion of this matter at this time. In particular, concrete suggestions for ways in which the scope of the Group's work, its methods of work, or the pace of its work, could be improved so as to increase the benefit Members derive from the Group, would be useful.

46. The delegate of Israel appreciated the opportunity to comment on the work of the Ad Hoc Group, and wished to stress the benefits her government reaps from the meetings of the Ad Hoc

Group. Israel understood that one of the main objectives of the Group was to endeavour to come to commonly agreed rules of application of the Agreement. In light of one of the most important underlying principles of the Anti-Dumping Agreement, namely the importance of transparency between the various Members' procedures concerning anti-dumping proceedings, Israel felt that the Group is a most suitable vehicle for achieving this important goal. The discussions that take place in the Group, together with the papers submitted, in the presence of many capital experts, ensure that transparency between the various systems is achieved not only in principle but in reality as well. Papers submitted in the Group had, on several occasions, been referred to by Israeli investigating authorities in solving certain problems and issues that have arisen.

47. In order to ensure the continuing success of the Group, Israel wished to suggest that the Group move on to discuss topics of a more substantial character. Israel understood that this meant discussing what has been frequently described as "contentious" issues, but felt that the Group is the suitable forum and vehicle to discuss such topics. In fact, Israel had proposed two topics at the April 1999 meeting dealing with such subjects, but they were rejected on the basis that they were too contentious. In Israel's view, the Group had matured since its inception to the point that useful discussions could take place even on more substantial issues.

48. The delegate of Venezuela observed that in her country's view, the Group had been effective and had enabled all participants to know how other Members administer the Agreement in their countries. Understanding how other Members apply the Agreement helps in recognizing grey areas and areas that are difficult for interpretation, and how the Agreement is applied in such instances. In Venezuela's view, the Group's work was a very profitable exercise which should be continued. Of course, if the question was whether the Group could do more, then in Venezuela's view the answer was clearly yes. Since the Group could not establish legally binding rules, but only make recommendations, why couldn't it deal with subjects that were considered more controversial? Venezuela would urge the Group to go further and to take up other issues, including those which are controversial. Of course, real issues might not be resolved in the Group, but Members should not be afraid to expand the scope of discussions in the Group, which had been most useful to all Members.

49. The delegate of Australia noted that Australia considered the Group to be extremely useful for all the reasons that had been mentioned. It provided a useful forum for people involved in anti-dumping administration to have the considered views of others. There are grey areas, and sometimes it is not possible to reach consensus but nevertheless the discussions are quite enlightening. However, Australia shared the view that the Group should move on and discuss more controversial or delicate areas. This was an area which again would provide benefit to Australia and to other administrations. To the extent that those topics had not been able to be discussed to date, Australia considered this to be regrettable.

50. The delegate of Brazil recalled that, as he had mentioned at the meeting of the Ad Hoc Group, Brazil agreed that the Group was useful. It served a purpose of transparency, and also a purpose of education, but it did not address the concerns and difficulties that Brazil had had with implementation of the Agreement by some Members over the course of its existence. Brazil was willing to discuss in the Group any type of issue that Members bring to the table, be they controversial or non-controversial. Brazil was ready to engage in any kind of exercise that would address those issues, but was convinced that given the history of discussions in the Group, those issues would not be resolved in a satisfactory way in the near future. Therefore, Brazil would pursue these issues in another context, that of a Negotiating Round, but that did not preclude that the Group continue to address them as well. However, given the slow progress in the Group to date, Brazil considered it best to pursue such issues in another context.

51. The delegate of Canada welcomed the opportunity to comment on the work of the Ad Hoc Group in advance of the Seattle Ministerial Meeting. As a long-time user and target of such measures, Canada was well aware of the pros and cons of anti-dumping measures. The Uruguay

Round addressed some of these concerns. However, many aspects of the Agreement were still unclear, as witnessed by the deliberations of the Ad Hoc Group which had highlighted the diversity in practice and questions respecting interpretation of the rules. The Ad Hoc Group had a mandate to examine issues in an effort to provide guidance on the interpretation of the Agreement. While the work of the Group provided significant educational value there had been differences in views among Members as to the type of issues that the Group could constructively address. Some Members had insisted that only procedural or issues that are not too complex could effectively be addressed by the Group. While Canada had been supportive of discussions on all issues raised in the context of the Group, it recognized that it is very difficult to reach consensus on interpretation, particularly in cases where the Agreement is unclear and countries have, as a result, developed different practices and approaches. In this regard, the Ad Hoc Group cannot clarify that which is not in the Agreement and it was thus unable to reach a consensus on important issues that have been raised by Members. Therefore, unless the mandate of the Ad Hoc Group was significantly expanded to allow the Group to address substantive issues, it was Canada's view that efforts to further improve the rules governing anti-dumping must be addressed within the context of a negotiation.

52. The delegate of the European Community endorsed the statements made by speakers that the Group is very useful and the work it does is helpful. Success should not be measured by the number of recommendations the Group has agreed on. Success should be measured by the type of discussions had and what Members learn from each other's practice. The European Community reiterated its statement made in the meeting of the Group on Monday that it would not be opposed to discussion of more controversial topics if there were a consensus in favour of such a step. However, should Members decide to discuss also controversial topics, then in the view of the Community, another process of proposing and selecting topics would be needed.

53. The delegate of the United States shared in the satisfaction expressed by others with much of what the Group has done. Members had had very interesting exchanges in the Group, and the Group had also spawned bilateral and other contacts between the United States and other Members, both during and after the meetings. For that reason, she considered it very important to continue to maintain the momentum in the Group and to improve it. All Members should work hard to participate more fully in the Group. She expressed some puzzlement over the notion that a topic is either controversial or not controversial under the Agreement. For some Members a particular issue may or may not be controversial depending on their own practice and how they have developed that practice over the years. However, it was perhaps a bit of a misnomer to characterize issues as controversial or not controversial as if that were a litmus test - in any event, the United States had not been using it as such in deciding which issues are appropriate for discussion in the Ad Hoc Group and which are not. The United States did think it important to discuss issues where there were a wide variety of practices on which agreement might be possible, particularly since under the Group's current mandate it cannot be used to build upon what is in the Agreement. The United States considered it important that Members use the Group as a friendly forum to establish relationships and to develop recommendations. It seemed, however, that some Members wanted both to discuss "controversial" issues, whatever those might be, and also to reach recommendations. Members seemed to be backing themselves into a bit of a corner by wanting both of these things at the same time. Practicality suggested that the Group work on issues where Members thought they could reach agreement. When the Group was established, it was agreed that these would be issues of implementation. The United States was not opposed to considering a new way of proposing and adopting topics. The United States would certainly look at new topics and would welcome the suggestions of any Members who wanted to suggest new ways to move forward. However, it was important not to create a situation that would lead to comments of the nature that the Group was not doing its work. In the United States view, that was inaccurate, because the best thing coming out of the Group was the relationships being built with the experts from capitals. If Members spent too much time talking about what the Group should do and how it should do it and all the rules for doing it, the experts from capitals were going to have very little time to talk about the substantive issues that they came to Geneva to discuss.

54. The Chairman stated that while the discussion had been useful, it did not seem ripe for any conclusions at this stage. There seemed to be agreement concerning the usefulness of the Group and the effort the Group had made in trying to reach a better understanding of practices in individual Members. However, there also seemed to be some agreement that the Group could and should do more. At the same time, the Group had just embarked on the discussion of six new topics, and it did not seem the time to enlarge the list of topics under discussion. In addition, the Group had before it two draft recommendations, which could perhaps be discussed and adopted at the next meeting. He suggested that Members reflect on what could be done to improve the Group's activities. In this regard, he stressed the importance of timely submissions, to allow for full consideration of issues and participation by capital based experts.

55. The Chairman suggested that he might consult informally with Members on these matters before the next meeting of the Ad Hoc Group?

56. The delegate of Hong Kong, China enquired whether the Chairman intended to consult concerning new topics, or whether the question was a potential change in the Group's mandate, or both.

57. The delegate of the United States suggested that the Chairman might consult informally on the two draft recommendations before the next meeting in the hope that they can be adopted at that meeting.

58. The delegate of Venezuela asked for clarification concerning the informal consultations proposed by the Chairman.

59. The Chairman clarified that he did not intend to open any discussion on new topics for the Group, or on any specific changes in the way topics are selected for discussion in the Group. Rather, he simply intended to consult informally with Members concerning what they wanted the Group to do, and whether changes were necessary in order to effectively proceed further.

60. The Committee took note of the statements made.

E. CHAIRMAN'S REPORT ON MEETING OF INFORMAL GROUP ON ANTI-CIRCUMVENTION.

61. The Chairman reported that the meeting of the Informal Group on Anti-Circumvention on Wednesday, 27 October 1999 was very productive. Despite the fact that there were no new papers submitted for this meeting, there was a good discussion of the matters addressed by the United States in its most recent paper, with questions raised by a number of delegations, and answered on the spot.

62. Following the general discussion, the Chairman had presented his thoughts on the matters that had been raised by Members in their papers and in the discussions concerning the first topic, "what constitutes circumvention." He was pleased to report that Members subsequently agreed that it was appropriate for the Informal Group to go on to consider the next topic under the agreed upon framework for discussions, that is, "What is being done by Members confronted with what they consider to be circumvention". Indeed, several Members observed that, in practice, the Group had effectively already started discussions of this topic in the context of considering the specific cases that had been described as examples in Members' submissions.

63. The agreement of Members that the Informal Group could appropriately move on to consideration of the next topic was reached with the recognition that the Group has not yet exhausted discussion of the first topic, and has not yet reached a consensus on the question of what constitutes circumvention. Moving on to the second topic did not prejudge either the outcome of the discussions in the Informal Group, or the position of any Member. Indeed, as the Chairman had made clear, the

first topic remained open for discussion, and it was hoped that discussions under the second topic might help to clarify for Members the question of what constitutes circumvention. Finally, of course, as noted in the framework for the discussions, nothing is agreed until everything is agreed. Thus, by moving on to discussion of the second topic, the Informal Group is broadening the scope of its discussions, but is not foreclosing any possibilities for the future of those discussions.

64. The Chairman therefore invited Members to submit papers on the topic of "what is being done by Members confronted with what they consider to be circumvention" for discussion by the Group at its next meeting, scheduled for May 2000. Of course, additional papers on the first topic, "what constitutes circumvention" would also be welcome. The deadline for submissions is Wednesday 22 March 2000, and the Chairman urged Members to make maximum efforts to respect this deadline. Particularly with a new topic open for consideration, it was most important that Members be able to prepare substantively in capitals for the discussions in the Informal Group.

65. The Committee took note of the Chairman's statement.

F. US ANTI-DUMPING MEASURES ON CERTAIN JAPANESE STEEL PRODUCTS (ITEM REQUESTED BY JAPAN)

66. The delegate of Japan stated that, since 1997, United States steel producers and steelworkers unions had filed a large number of anti-dumping petitions with the US authorities on steel products from Japan. As a result, the majority of Japan's steel exports to the United States had been or are subject to anti-dumping investigations or have had anti-dumping duties imposed. The United States actions against imported steel were not limited to Japan. Steel imports from over twenty countries had been the subject of the recent US anti-dumping procedures, including Brazil, Korea, Germany, France, the Netherlands, India, Indonesia, Thailand, Turkey, Canada, Argentina, Venezuela, South Africa, Italy, United Kingdom, Sweden, Mexico, Czech Republic, Macedonia, Romania, Chinese Taipei, China, and Russia.

67. Although anti-dumping measures are authorized under international trade rules, they are exceptions to the free trade principles that underlie the rules. As filing a petition itself has a chilling effect on trade, even if no measures are imposed eventually, it was especially important that anti-dumping measures not be applied in an abusive manner. In this regard, Japan had a serious concern about the United States measures. The most recent example was the US anti-dumping case against hot rolled steel from Japan. In this hot rolled steel case, the US anti-dumping authorities applied statutory provisions and employed practices that are contrary to the WTO Anti-Dumping Agreement. In Japan's view, the US authorities engaged in such abusive practices to satisfy intense domestic political pressure, which may explain but cannot justify the US actions. Japan decided to request a formal consultation under the WTO dispute settlement procedures, and had also paid close attention to the outstanding investigations in light of their consistency with the WTO Agreement. A written request for consultations would be submitted shortly. Japan would welcome the participation of other members as third parties.

68. The delegate of the United States noted with interest the statement made by the Japanese delegation. She observed that no specific statements were made regarding the areas of concern about the US investigatory practices, not even to mention whether they concerned dumping or injury. Consequently, she was a bit at a loss as to exactly which practices Japan wished to consult with the United States about. No consultation request had been received as yet, and therefore, the United States was not in a position to react. However, the United States did not believe that any of its practices in these investigations of steel products could be questioned under the Anti-Dumping Agreement. The United States took great pains to comply very meticulously with the provisions of the Agreement and had done so in these steel cases, despite the wave of steel imports that had come into the United States over the last couple of years.

69. However, on one specific point made by the Japanese delegation, the United States disagreed. The United States does not view Article VI of the GATT or the Anti-Dumping Agreement as an exception to international trade rules in any sense. It is clear that this is a central part of the WTO system. It had been negotiated into the international framework and it remained in place as a central part of the international trading system. In no way did the United States see the anti-dumping laws as an exception to the general trading rules of the system. The United States employed them with great care. The United States looked forward to consulting with Japan if a formal request for consultations under the DSU was received, and would participate fully in that process. She thanked the delegation of Japan for the early statement about its concern, and looked forward to a more specific conversation when Japan had informed the United States precisely what its concerns were.

70. The Committee took note of the statements made.

G. AUSTRALIA - ANTI-DUMPING INVESTIGATION ON A4 COPY PAPER (ITEM REQUESTED BY BRAZIL)

71. The delegate of Brazil stated that the Australian Government, by means of the Australian Customs Dumping Notice No. 99/023 of 29 June 1999, self-initiated an anti-dumping investigation on Brazilian exports of A4 copy paper of three Brazilian enterprises. This investigation was self-initiated due to alleged special circumstances, taking into account a history of dumping and of threat of dumping by Brazilian exporters of A4 copy paper, and material injury to the domestic Australian industry, as established by "Trade Measures Reports Nos. 3 and 4" dated January 1999.

72. The Brazilian Government brought this case to the attention of the Committee in light of what it considered to be violations of the Anti-Dumping Agreement. First, in the view of Brazil, the reasons provided to justify the initiation of the investigation were not supported by evidence that dumping occurred nor that there was injury to the Australian domestic industry, as required by Article 5.6 of the Anti-Dumping Agreement.

73. Brazil stated its view that the reasons set out in the public notice by the Australian authorities concerning the existence of an alleged "history of dumping" and "threat of dumping" by Brazilian exporters did not justify the initiation of the investigation. In this regard, Brazil noted the following points regarding the steps taken by Australian authorities.

- In 1994, anti-dumping duties were imposed on imports of A4 copy paper from various countries, including Brazil. Brazilian exporters included in the order were Votorantin, Memo and Champion.
- In 1994/1995, these same exporters filed lawsuits at Australian Courts against the imposition of the anti-dumping duties. These courts eventually ordered the revocation of the duties imposed on the exports of two of those enterprises – Nemo and Champion. Later, a price undertaking was signed with these exporters, which allowed for the continuation of the trade flow.
- In 1996, the domestic enterprise "Australian paper" asked for a review of the measures imposed, and to include Ripasa, another Brazilian exporter not previously affected by the anti-dumping duties, in the scope of this new review investigation. As a result of this review, anti-dumping duties were again imposed to Brazilian exports by Nemo, Votorantin, Champion and now also Ripasa.
- In 1997/1998, a new law suit was filed by Brazilian exporters and again the anti-dumping duties imposed on exports of Nemo, Champion and Ripasa were revoked. Only anti-dumping duties on exports by Votorantin were maintained.

- In 1998, a sunset review was initiated, aimed at verifying the necessity to maintain the anti-dumping duties imposed on exports by Votorantin.
- In 1999, the Australian investigating authority determined that the revocation of the duties imposed on Votorantin exports would not result in the recurrence of dumping or material injury to the domestic industry. Therefore, it was determined that anti-dumping duties imposed on Votorantin exports should not be maintained.
- In spite of this determination, and even nullifying it, in 1999 Australia imposed "anti-dumping securities" on Brazilian exports by Nemo, Champion and Ripasa, which, once again, were challenged in the Australian courts. The Australian Government then revoked these "securities".

74. In Brazil's view, it was clear from the above, that the history described indicates not a "history of dumping practice" on the part of Brazilian exporters, as alleged by Australian investigating authorities, but in fact a history of trade barriers raised against Brazil. Assuming, *arguendo*, that Brazilian exporters had practiced dumping, according to the findings of the 93/94 investigation, this could not be used to justify the opening of the present investigation. Those findings were based on price data from almost five years before the date when this new *ex-officio* investigation was opened. As such, they could not constitute elements of proof of dumping practice on the part of Brazilian exporters in recent years. To prove dumping, more recent data on prices should have been used, as a *sine qua non* condition for the opening of an anti-dumping investigation, either on an *ex-officio* basis or not.

75. With regard to the Australian argument concerning a "threat of dumping", Brazil observed that this notion is not found in the Anti-Dumping Agreement. Therefore, no anti-dumping investigation could be initiated on the presupposition that an enterprise might, in the future, practice dumping.

76. The delegate of Brazil observed that Australian Customs Dumping Notice No. 99 mentions Trade Measures Reports Nos. 3 and 4, of January 1999 as the basis for the initiation of the investigation. However, in Brazil's view, these reports do not support the self-initiation by the Australian authorities, since they do not contain any elements whatsoever on proof of dumping practiced by Brazilian exporters, nor on injury caused by the alleged dumped imports, as required by Article 5.6 of the Anti-Dumping Agreement. Trade Measure Report No. 3 refers to the final determination of the sunset review concerning the anti-dumping duties imposed on the exports of three Brazilian enterprises, including Votorantin. As mentioned above, the final determination related to this enterprise concluded that the anti-dumping duty should be revoked, since neither dumping nor material injury would recur as a result. Report No. 3 also indicates that the review undertaken in 1998 related to the normal value of one of the main Brazilian exporters determined that, in the second half of 1997, this company was not dumping its exports to Australia. In Brazil's view, it was clear that neither the public reports, nor the determinations made public by the Australian authorities contain any grounds for their allegations that there was a history of dumping by Brazilian exporters.

77. With respect to the alleged injury to the Australian domestic industry, the delegate of Brazil noted that data from Report No. 3 indicated that Brazilian export sales to the Australian market had decreased in absolute and also in relative terms (share of apparent consumption). Data obtained from the Australian Statistical Department indicated a fall in Brazilian exports from 1996/97 to 1998/99. In the same period exports from another origin, at lower export prices than the ones practiced by Brazilian exporters, increased in significant amounts, displacing Brazilian exports. As a consequence, Australian imports of A4 copy paper originating from Brazil, during the relevant period, 1998-1999 represented, according to data available to Brazil, only 2.2 per cent of total imports. Since exports from another origin are the ones which showed a significant increase, the volume of imports from

Brazil, actual or potential, was "negligible" within the meaning of Article 5.8 of the Anti-Dumping Agreement. Therefore, if material injury exists, it is caused by factors other than Brazilian exports.

78. With regard to the injury determination contained in Report No. 4, Brazil considered it worth noting that the domestic industry under analysis in this report included producers of other types of copy paper besides A4. It constitutes, then, a different domestic industry, not the one pertaining to the present investigation against Brazilian exports (one refers to all the domestic production of copy paper and the other concerns only the production of A4 copy paper). Even if one would examine the data referring to Brazilian exports to Australia of all kinds of copy paper, one would verify that these also have, as a whole, decreased, in absolute and relative terms. Report No. 4 does not contain any evidence of dumping nor injury caused by Brazilian exports of A4 copy paper. Once again, the facts show that if any material injury exists to the domestic Australian industry, is it caused by factors other than Brazilian exports, which have actually been displaced due to the continuous trade restrictions unduly introduced by unsupported and recurring initiation of anti-dumping investigations.

79. Brazil stated its belief that the requirements of Article 5.6 of the Anti-Dumping Agreement were not adequately fulfilled by the Australian Government and requested the Australian authorities to rectify the situation and proceed to promptly terminate this *ex-officio* investigation if they have not done so already. Brazil noted that it had recently received information that since Brazilian exports constitute less than 3 per cent of total Australian imports of A4 copy paper, the Australian Customs had recommended the termination of this investigation to the Minister for Justice and Customs. Brazil was glad to hear about this recommendation, and would appreciate it if the Australian Government could confirm it. Nevertheless, Brazil had raised this issue in the Committee in light of the negative distortive effects and of the losses experienced by Brazilian exporters due to the unfounded recurrence of investigations carried out by the Australian authorities. This was a trend or practice that concerned Brazil and that should be avoided by all Members.

80. The delegate of Australia observed that the present concern of the Brazilian delegation appeared to concern a new inquiry that had reached the stage where termination had been recommended. He wished to clarify one or two points. Firstly, the present inquiry was undertaken as a result of a court decision which overturned a customs finding on price, based on a legal view of what was included in price. It did not overturn the original application, so therefore technically, the Australian authorities had an application before them. However, there was a recommendation by the court to redetermine that matter according to the law, a relatively unusual circumstance. Legally, the Australian authorities could have proceeded administratively to determine the matter without any transparency whatsoever. Instead, they chose to use the special circumstances provision, because under that the Minister can declare what procedures would be adopted. The Australian authorities adopted all the procedures available in respect of a normal application other than the fact that a new application did not need to be lodged because of the ruling of the Court. The Australian authorities saw this as a way of enabling due process to be observed for all parties. And it was.

81. The next point was that at the review stage, the Australian authorities were not in a position factually to determine whether imports were *de minimis* or not. Based on the information before the Australian authorities, which suggested that about 4.2 per cent of imports were from Brazil, of which the best estimate was that about 94 per cent was A4 paper, the Australian authorities thought they had no choice but to proceed. Having proceeded, and with all due process, the findings were that the imports were *de minimis*. The matter had now reached the position where the Australian authorities had recommended to the Minister that she terminate this matter. At this stage, the Australian delegate was not aware of any final conclusion by the Minister. All that could be put on record was the recommendation of the Australian authorities.

82. In the view of Australia, in terms of the Article 5.8, what the Australian authorities did in fact constituted a special circumstance. Indeed, Australia had acted out of a sense of obligation to ensure that the parties involved, including the exporters, were properly and adequately protected in terms of

the process. In respect of the findings made, these matters were considered by the Minister with reports before her to refer to. The fact that imports from Brazil had declined over the period could be assumed to be a natural consequence of the dumping findings that were already in place or had been in place. Therefore there was nothing necessarily unusual at all about the fact that imports from Brazil had declined significantly. One could draw the conclusion that they could not compete in the Australian market-place unless they were selling at dumped prices. In addition, there was evidence of imports about to recommence. There was a history of dumping from Brazil and there were orders being placed, and those facts went to the question of threat. Also there had been positive findings of injury in the past concerning imports from Brazil. The fact that dumped shipments had been replaced by other shipments can be looked at in two ways, namely that the orders had achieved their purpose.

83. The Committee took note of the statements made.

H. OTHER BUSINESS

(i) *South Africa - Anti-dumping duties applied on uncoated, woodfree, 46-80 gsm A4 white cut paper imported from Brazil*

84. The delegate of Brazil stated that on April 1998, South Africa initiated an investigation on the alleged dumping of uncoated, woodfree, 46 to 80 gsm A4 cut paper, originating in or imported from Brazil and Indonesia. In October 1998 provisional measures on these imports were imposed. Finally, in May 1999, anti-dumping duties were imposed. Brazil wished to comment on this investigation since it believed that violations of the Anti-Dumping Agreement had taken place.

85. The delegate of Brazil observed that the determination of injury was based on the analysis of the situation of one single producer, the petitioner, who represents only a minor proportion of the total domestic production of the similar product. In Brazil's view, this procedure violates Article 4.1 of the Anti-Dumping Agreement, which establishes that:

"... the term "domestic industry" shall be interpreted as referring to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products."

86. In Brazil's view, to comply with the Anti-Dumping Agreement, the South African domestic industry producing A4 cut paper should have been defined as including the total production of the two South African producers or, if not possible, the South African producer responsible for the "major proportion" of the total domestic production of the similar product. The situation of a minor producer does not necessarily reflect the situation of a domestic industry. In effect, if the South African authorities had based their determination on the actual situation of the domestic industry, as defined by the Agreement, a negative determination of injury caused by the imports under investigation would have been reached and anti-dumping duties would not have been applied.

87. Second, Brazil was convinced that the South African authorities did not observe the provisions of Article 6.9 of the Agreement. As far as was known, before the final determination was made, the South African authorities did not make a final disclosure, that is, they did not inform interested parties of the essential facts that were taken into consideration, which formed the basis for their decision to impose definitive measures. Therefore, South Africa had restricted the participation of and disregarded the right for defence to which Brazilian exporters and other interested parties were entitled.

88. In light of the above, the Brazilian Government understood that South Africa had not acted in conformity with the provisions the Anti-Dumping Agreement, and would appreciate it if the South African authorities could clarify the matter.

89. The delegate of South Africa thanked the delegate of Brazil and noted that it was only that morning that her delegation became aware that this issue would be on the agenda, and only a few moments earlier that she received the written papers. Consequently, South Africa was not in a position to respond fully to the delegate of Brazil, but would submit a written response to the query. However, she would make some comments and hopefully clarify a few issues based on her recollection of the facts of that case and a few issues in the interpretation of the Agreement.

90. Firstly, Brazil correctly quoted the latter portion of Article 4.1 referring to what constitutes "a major proportion of the domestic production of those products". In the paragraph after the quote, however, there is a reference to the fact that in order to comply with the Agreement, the South African domestic industry should have been defined as including the total production of the two South African producers, or if not possible, the South African producer responsible for the major proportion of the domestic production of the similar product. In South Africa's view, that is not what the Agreement says. The reference is to "a major proportion" of the total domestic production, not "the major proportion". South Africa's interpretation of that language was that it is not necessary for the petitioner or the analysis of injury to analyse that portion of the industry that represents over 50 per cent – it should be a major proportion, but not necessarily over 50 per cent.

91. In any event, notwithstanding South Africa's interpretation of "a major proportion", in this particular case, the industry, the petitioner, based on the recollection of the delegate, was one of the only two producers of paper in South Africa, and in fact they are both major producers. Depending on the particular products of paper they would both be close to 50 per cent. It would be variable in certain types of the product - it can be 55, 45, 40, 60, but both are major producers in that sense of the word. So the reference to "minor producer" would, in South Africa's view, be misleading. Again, notwithstanding that clarification, in this particular case, based on recollection, the petitioner in fact constituted over 50 per cent of the collective output of this particular product. In addition, while the other producer in South Africa was not a petitioner, it did support the petition and the South African authorities were able to get some information on injury, in particular sales and production figures. So the South African authorities did analyse the entire industry in respect of certain of the injury factors where they were able to do so. While she would have to check to be certain of the facts of the situation, this was the delegate's recollection of the facts.

92. The second point raised by Brazil relates to Article 6.9 of the Agreement. Again it is possibly a matter of interpretation of the issue of what would constitute essential facts for the purpose of satisfying Article 6.9. Again, based on recollection in this particular case, the Government of Brazil before the final determination particularly requested the South African authorities to furnish them with the essential facts. South Africa's practice is, prior to the final determination, to refer to the preliminary report and provide any additional issues or facts, the essential facts, which may have changed since the preliminary determination. Generally, parties would always be referred to the detailed preliminary report, but to the extent any facts or issues raised by the parties may change the final outcome, the authorities would in addition set those out for all the parties.

93. In this particular case, in response to the Government of Brazil's request particularly for the essential facts, the South African authorities pointed them to the preliminary determination and advised that to the extent that anything might change in the final determination or new information was being considered, that would be pointed out to all the parties prior to the final determination. In fact, this did not occur. There were no new and additional essential facts subsequent to the preliminary determination.

94. The South African delegate reiterated her willingness to submit a response in writing after an opportunity to check on and confirm some of the facts referred to above.

95. The delegate of Brazil stated that, concerning the definition of the major proportion, it appeared in fact that Brazil had a different interpretation. Maybe this was an issue which could be brought to the Ad Hoc Group, to discuss the nuance difference between "a" and "the" major proportion. Certainly, Brazil's interpretation did not correspond with what the South African delegate stated. Secondly as far as the essential facts, the requirements of Article 6.9, were concerned, Brazil also had a completely different interpretation. Brazil did not consider that the exporters or the exporting government should have to request to be informed. This was an obligation on the investigating authority, to disclose. Brazil also believed that the information to be presented at this stage of the investigation should be almost the final information contained in the files and not only preliminary, and includes any information which may be contained in the files. Perhaps this too was another issue to be discussed in the Ad Hoc Group.

96. The delegate of South Africa clarified that the South African authorities do not wait for parties to request essential facts. These are provided as a matter of practice - the South African authorities send out an essential facts letter prior to the final determination, giving parties an opportunity to comment. However, in this case the South African authorities did have a particular request from the Government of Brazil prior to the time when the data would normally be sent out. However, it was certainly not South African practice to wait for a request in that regard.

(ii) *Canada - Anti-dumping investigation on corrugated steel bars from Cuba*

97. The delegate of Cuba stated that, in its Semi-Annual Report Canada had notified the Committee of the initiation of an anti-dumping investigation into corrugated steel bars from Cuba. On 14 September 1999, Canada adopted a preliminary affirmative determination of dumping and consequent injury to the Canadian industry. Regarding this investigation, Cuba wished to inform the Committee of its concern at the way in which the proceedings were conducted, which Cuba considered inconsistent with the disciplines in the Anti-Dumping Agreement.

98. Cuba referred to the way in which the Canadian investigating authority applied Article 15 of the Agreement, which provides that developed country Members should recognize the special situation of developing country Members when envisaging the application of anti-dumping measures, and that the possibilities of utilising constructive remedies be explored before applying anti-dumping duties, especially when the measures might affect the essential interests of developing country Members. Notwithstanding this requirement, neither the Cuban exporters nor the Cuban Government perceived that the Canadian authorities took any practical action during the proceedings to demonstrate their willingness to recognize the special and differential treatment to be given to Cuba as a developing country Member.

99. Canada initiated the anti-dumping investigation combining the case of Cuba with those of two other important exporters. When Cuba was informed of the initiation of the proceedings, however, it requested that its exports to Canada be investigated separately, with a view to obtaining a fairer evaluation of the small Cuban steel industry because its potential exports to the Canadian market would never be in such volumes that they might constitute a threat of injury to Canada's mighty steel industry. Although it was true that the volume of Cuban exports increased during the period fixed for the investigation, there were certain trends in other imports of this product that should be taken into account when determining injury and the causal relationship with the dumped imports. Cuba's request was not heeded because there was no political will to give practical effect to Article 15 on special and differential treatment, which is applied by Canada in its relevant legislation.

100. From the beginning of the proceedings, the Cuban authorities also emphasized to the Canadian Minister of National Revenue the need to reflect on the way in which the normal value was to be estimated for Cuban exports. Canada considers that the value of Cuban exports should be determined on the basis of the normal value of exports in one of the countries covered by the investigation. The preliminary affirmative determination reiterated the original estimate for Cuba,

together with the highest dumping margin in the investigation, claiming that Cuba failed to cooperate. Cuba stressed that both the exporter and the Cuban producer responded to the questionnaires giving the information reasonably available to them and within the time-limit set by Revenue Canada, with only a short extension of three days. Even though the questionnaires were incomplete, Cuban parties were requested to furnish information during this period and have it translated.

101. The questionnaire submitted to the Government did not receive a response because its scope went beyond the objective of the investigation. Cuba believed that the information provided by the exporter was sufficient, if the investigating authority had acceded to the request originally made by Cuba. In view of Canada's long participation in this Committee, where it had always advocated strict compliance with the rules, and taking into account the good trade relations and the collaboration between the two countries, Cuba hoped that during the remainder of the investigation proceedings the Canadian authorities would correctly interpret Article 15 of the Agreement to the letter and apply the special and differential treatment due to a developing country.

102. The delegate of Canada thanked the delegate of Cuba, and noted that the respective parties had agreed to meet over the course of the next few days to address some of the concerns that the Cuban delegation had raised. However, the Canadian delegate took the opportunity to respond to some of the points raised by the Cuban delegate. First of all, with respect to the initiation, the Canadian authorities determined that a properly documented complaint had indeed been filed and that the requirements of Article 5.8 of the Agreement in respect of *de minimis* volumes and negligibility had been met. With respect to cooperation and flexibility by Canada, as had been noted already, Canada had agreed to meet with Cuba's delegate. However, there had already been at least two exchanges of correspondence between the two Geneva missions since this case was initiated. In addition, the Canadian Ambassador in Cuba had recently met with Cuban authorities and again reviewed the procedures.

103. The Canadian delegate emphasized the importance of completing the questionnaires and providing the Canadian authorities with information upon which decisions can be made. With respect to Article 15 and the special considerations, Canada was certainly aware of Cuba's status as a developing country and Canada's obligations in respect to developing countries as provided for in the Agreement. Canada was quite prepared to discuss the possibilities of constructive remedies which may be identified by the Government of Cuba prior to the final determination of dumping and injury. In the interim however, Canada also emphasized the importance of receiving a complete response to questionnaires that were sent to the Government of Cuba and to the exporters to ensure that the Canadian authorities' determination could be made on the basis of complete facts, particularly concerning the Cuban economy and its domestic markets.

(iii) *Chairman's letter to the Chairman of the Council for Trade in Goods*

104. The Chairman reminded Members that he had sent a letter to the Chairman of the Council for Trade in Goods concerning the activity of this Committee since its last annual report in October 1998. As Members were aware, the Goods Council met to consider annual reports of subsidiary bodies on 15 October 1999. As the Committee's regular meeting was already scheduled for after that date, rather than call a special meeting to adopt an interim report for consideration by the Goods Council, the Chairman had sent a letter to the Goods Council Chairman setting forth a factual statement of the activities of the Committee, and its subsidiary bodies the Ad Hoc Group on Implementation and the Informal Group on Anti-Circumvention, since the adoption of the Committee's last annual report in October 1998. Copies of the Chairman's letter were sent by fax to all Members, and copies were also circulated prior to the Goods Council meeting on 15 October 1999, at which the Council took note of the letter. The Goods Council also noted the fact that the Committee would be meeting in late October, would adopt its Annual Report at that time, and would forward it to the Goods Council as soon thereafter as possible.

105. The Committee took note of all the statements made

I. DATE OF NEXT REGULAR MEETING

106. The Chairman reminded Members that the Committee had agreed at its meeting of 21 February 1995 that regular meetings normally would be held in the last week of April and the last week of October. Accordingly, the next regular meeting of the Committee would normally be held in the week of 24 April 2000. However, as that week begins with the Easter holiday, the next regular meeting of the Committee would instead be held the following week, the week of 1 May 2000. In light of previously scheduled meetings of the Ad Hoc Group on Implementation and the Informal Group on Anti-Circumvention, the Committee would therefore meet on Thursday, 4 May 2000.

J. ANNUAL REPORT TO THE COUNCIL FOR TRADE IN GOODS

107. Before proceeding to discussion and the adoption of the Committee's annual report, the Chairman noted that a number of complaints about the annual review process in WTO Committees had been voiced in the context of preparations for the Seattle Ministerial. Essentially, Members had raised concern that the annual review process is routine and does not provide an opportunity for meaningful review of implementation of, *inter alia*, the Anti-Dumping Agreement.

108. While the Committee early on had decided on a process for conducting its annual reviews, this was, of course, not written in stone. The Chairman expressed his willingness to see a change in the Committee's annual review process if this would make it more useful and meaningful to Members. However, in order to do that, input from Members regarding how to improve the annual review process and report was needed.

109. The Chairman recalled that Article 18.6 of the Agreement provides that the Committee shall review the implementation and operation of the Agreement annually, taking into account its objectives. It also provides that the Committee shall inform the Council for Trade in Goods of developments during the period covered by each such review. Thus, the Committee's responsibility in this regard might be separated into a review process and a reporting process. So one question to be considered was what is it that Members believe should be the nature of the annual review process? A second question to be considered was what information or discussion or analysis would Members like to see in the annual report, keeping in mind that adoption of the annual report requires a consensus among Members? Concerning both questions, rather than have a general discussion in the abstract, the Chairman invited Members to make specific suggestions, so that concrete proposals could be considered, and perhaps acted upon.

110. No Member spoke in response to the Chairman's comments

111. The Chairman noted that despite the concerns expressed in other fora, no specific proposals had been made concerning the Committee's annual review and report.

112. The Committee adopted its annual report to the Council for Trade in Goods.¹

113. The meeting was adjourned.

¹Subsequently circulated as document G/L/340, 1 November 1999.