

Committee on Anti-Dumping Practices

NOTE FROM THE SECRETARIAT

At the regular meeting of the Working Group on Implementation held on 21 October 2002, Members agreed to begin the process of selecting new topics of discussion to be referred by the Committee to the Group for consideration. Members agreed that proposals of topics should be submitted to the Secretariat by 31 March 2003 for consideration at the regular meeting of the Group scheduled to commence on 29 April 2003. As of 7 April 2003, the Secretariat had received proposals from two Members.

The proposals are being circulated to Members for their consideration. Members will be invited to discuss these proposals during the meeting of the Group scheduled to commence on 29 April 2003. At the regular meeting of the Committee scheduled to commence on 1 May 2003, Members will be asked to take a decision on new topics to be referred to the Working Group on Implementation for consideration.

The following proposals were received from the European Communities (see document G/ADP/AHG/W/146):

1. Article 2.2: How do Members decide when to use export prices to third countries and when to use constructed normal value under Article 2.2?
2. Article 2.4.1: Foreign exchange fluctuations (how do users of the instrument deal with currency fluctuations in the context of dumping calculations?).
3. Article 2.6: Like product (what criteria do users of the anti-dumping instrument consider in defining the like product?).
4. Article 4/5.4: Members' practice as concerns the exclusion of producers related to importers/exporters from the domestic industry.
5. Article 8: Members' practice concerning price undertakings, in particular, standard provisions, situations where they would be considered appropriate, use of quantitative elements and monitoring.
6. Article 9.3: Members' practice as concerns the refund procedure: including timetables for requests and submission of evidence; which authority carries out this procedure (is it the same as in the original investigation?); what type of evidence is needed to initiate the procedure, and what type of evidence is needed to actually receive a refund; does the domestic industry complainant have standing?

The following proposals were received from the United States (see document G/ADP/AHG/W/147):

7. Article 6.1.2 (Availability of Evidence): Discuss the implementation of the Article 6.1.2 requirement that, subject to the requirement to protect confidential information, evidence presented in writing by one party shall be made available promptly to other interested parties participating in the investigation.

8. Article 6.4 (Access to Information): Discuss the implementation of Article 6.4, which requires that, whenever practicable, authorities should provide timely opportunities for all interested parties to see all information that is relevant to the presentation of their cases, that is not confidential under Article 6.5 and that is used by authorities in an investigation, including all non-confidential information and written argument presented to or obtained by the authorities during the course of the investigation which relates to that investigation.

9. Article 6.7 (Conduct of Verification): Discuss the implementation of Article 6.7, which provides that authorities may carry out investigations in other countries as required, provided they obtain the agreement of the firms concerned, and they notify the representatives of the government of the countries in question (unless the latter object to the investigation). Address issues such as whether authorities provide verification outlines, lists of participants, or other preparatory information prior to the verification; and whether the verification findings are memorialized in written reports or otherwise.

10. Article 13 (Judicial, arbitral or administrative review): Discuss the implementation of Article 13, and whether there is an opportunity for prompt review of administrative actions relating to final determinations and reviews of determinations. Discuss, e.g. the types of review provided (judicial, arbitral, administrative), whether determinations can be appealed, and to what court or other institution.
