

Committee on Anti-Dumping Practices  
Committee on Subsidies and Countervailing Measures

Original: English

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

### Questions Posed by CANADA Regarding the Notification of AUSTRALIA<sup>1</sup>

The following communication, dated 6 April 1999, has been received from the Permanent Mission of Canada.

1. Paragraph 1 of Article 15 of the Agreement on Subsidies and Countervailing Measures requires a determination of injury to be made with respect to the domestic market for like products which are defined in footnote 46.

In view of the foregoing, can Australia explain how Section 269T(A4) is consistent with the Agreement when it provides that when like goods are close processed agricultural goods, the industry in respect of those goods includes persons producing the raw agricultural goods from which the processed goods are derived?

2. Subsection 269TACB(2) provides five methods for the Minister to compare normal values and export prices but does not seem to indicate which method will normally be used. What circumstances determine the application of each method?

3. Subsections 269ZJ(5) and (6) both provide that where a person will not agree to the inclusion in the public file of some information or will not provide a non-confidential summary of the information, the CEO may disregard the information unless it is demonstrated that the information is correct. Can Australia explain what is meant by "unless it is demonstrated that the information is correct"? Would the information be used without the existence of a non-confidential summary?

4. Article 5.6 of the WTO Agreement on the Implementation of Article VI states that:

"If, in special circumstances, the authorities concerned decide to initiate an investigation without having received a written application by or on behalf of a domestic industry for the initiation of such investigation, they shall proceed only if they have sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify the initiation of an investigation."

Is there a provision in Australia's legislation restricting Minister-initiated investigations to "special circumstances"? If so, what are these circumstances?

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<sup>1</sup> G/ADP/N/1/AUS/2-G/SCM/N/1/AUS/2.

5. In decisions taken by the Minister to:

- reject the CEO's report concerning the continuation of anti-dumping measures (Article 269ZHG);
- reject the CEO's report concerning the review of anti-dumping measures (Article 269ZDB);
- reverse the Trade Measures Review Officer's decision on whether or not a reviewable decision should be referred back to the CEO for reinvestigation (Article 269ZZL); and
- reject the CEO's decision upon reinvestigation of a Ministerial decision (Article 269ZZM(1));

will the Minister, in giving public notice of such decisions, disclose the basis for the decisions?

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