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

Original: Spanish

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

Replies to Follow-up Questions Posed by the EUROPEAN COMMUNITIES<sup>1</sup>  
Regarding the Notification of PERU<sup>2</sup>

The following communication, dated 30 October 2003, has been received from the Permanent Mission of Peru.

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The Permanent Mission of Peru to the International Organizations based in Geneva presents its compliments to the Secretariat of the World Trade Organization (Rules Division) and hereby submits, in accordance with Article 16.4 of the Anti-Dumping Agreement and Article 25.9 of the Agreement on Subsidies and Countervailing Measures, Peru's reply to the question posed by the European Communities in document G/ADP/Q1/PER/19-G/SCM/Q1/PER/19.

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<sup>1</sup> G/ADP/Q1/PER/19-G/SCM/Q1/PER/19.

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

**Question**

**Article 29 of the legislation states that parties must supply information required by the Commission within the time-limits set, otherwise they are "liable". Further it states that the Commission shall impose a fine on parties not cooperating. Can Peru please explain what kind of liabilities or fine non cooperating parties may incur and how this provision relates to Article 12.7 ASCM and Article 6.8 ANNEX II, 1 which provides that determinations are made on the basis of the facts available?**

**Reply**

Article 29, paragraph 3, of the Regulations allows the Commission to impose a fine on parties for legal misconduct during the investigation proceedings, that is to say, it applies only to those who have asked to appear in person in the investigation proceedings, and who make tactical use of their status as parties to the proceedings to prevent the Commission from conducting its investigation work, for example by falsifying information. This clause does not apply to parties who do not wish to appear in person in the proceedings and/or to cooperate by means of the submission of information, since, in such cases, the Anti-Dumping Agreement empowers the investigating authority to take a decision on the basis of the best information available.

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