

**Committee on Anti-Dumping Practices
Working Group on Implementation**

**DRAFT RECOMMENDATION CONCERNING THE TIME-PERIOD TO BE
CONSIDERED IN MAKING A DETERMINATION OF NEGLIGIBLE
IMPORT VOLUMES FOR PURPOSES OF ARTICLE 5.8
OF THE AGREEMENT**

Revision

The Committee notes that Article 5.8 of the Agreement on Implementation of Article VI of GATT 1994 provides that there shall be immediate termination in cases where the authorities determine that the volume of dumped imports, actual or potential, is negligible. Article 5.8 also defines the volume of dumped imports from a particular country that shall normally be regarded as negligible. However, it does not establish a period of time over which imports are to be counted in determining whether the volume of imports is negligible. The Committee considers that guidance regarding an appropriate time-period for that determination would be useful.

In light of the foregoing, the Committee recommends that, with respect to original investigations to determine the existence of dumping and consequent injury, whether the volume of actual dumped imports from a particular country is regarded as negligible shall [normally] be determined with reference to the volume of imports from that country during either:

- (a) the most recent 12 consecutive months prior to initiation for which data are available;
- (b) the period of data collection for the dumping investigation; or
- (c) the most recent 12 consecutive months prior to the date on which the application was filed for which data are available.

Generally, Members should use one of the aforementioned periods on a consistent basis. If a different period is used in a particular investigation, an explanation of the reason for the selection of the particular period should be provided in a public notice in that investigation.
