
Committee on Anti-Dumping Practices

**RECOMMENDATION CONCERNING THE PERIODS
OF DATA COLLECTION FOR ANTI-DUMPING INVESTIGATIONS**

Adopted by the Committee on 5 May 2000

The Committee notes that although the Agreement on Implementation of Article VI of GATT 1994 refers to the period of data collection for dumping investigations when it refers to the "period of investigation", it does not establish any specific period of investigation¹, nor does it establish guidelines for determining an appropriate period of investigation, for the examination of either dumping or injury.

The Committee considers that guidelines for determining what period or periods of data collection may be appropriate for the examination of dumping and of injury would be useful. The Committee also recognizes, however, that such guidelines do not preclude investigating authorities from taking account of the particular circumstances of a given investigation in setting the periods of data collection for both dumping and injury, to ensure that they are appropriate in each case.

In light of the foregoing considerations, the Committee recommends that with respect to original investigations to determine the existence of dumping and consequent injury -

1. As a general rule:
 - (a) the period of data collection for dumping investigations normally should be twelve months, and in any case no less than six months,¹ ending as close to the date of initiation as is practicable;
 - (b) the period of data collection for investigating sales below cost¹, and the period of data collection for dumping investigations, normally should coincide in a particular investigation;
 - (c) the period of data collection for injury investigations normally should be at least three years, unless a party from whom data is being gathered has existed for a lesser period, and should include the entirety of the period of data collection for the dumping investigation;
 - (d) In all cases the investigating authorities should set and make known in advance to interested parties the periods of time covered by the data collection, and may also set dates certain for completing collection and/or submission of data. If such dates are set, they should be made known to interested parties.

¹ Footnote 4 of the Agreement does provide that, for purposes of determining whether sales below cost may be treated as not being in the ordinary course of trade, the "extended period of time" within which such sales are made "should normally be one year but shall in no case be less than six months".

2. In establishing the specific periods of data collection in a particular investigation, investigating authorities may, if possible, consider practices of firms from which data will be sought concerning financial reporting and the effect this may have on the availability of accounting data. Other factors that may be considered include the characteristics of the product in question, including seasonality and cyclicity, and the existence of special order or customized sales.

3. In order to increase transparency of proceedings, investigating authorities should include in public notices or in the separate reports provided pursuant to Article 12.2 of the Agreement, an explanation of the reason for the selection of a particular period for data collection if it differs from that provided for in: paragraph 1 of this recommendation, national legislation, regulation, or established national guidelines.
