

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

Replies to Questions from MEXICO<sup>1</sup>  
Regarding the Notification of CHINA<sup>2</sup>

### Corrigendum

Please note that concerning Article 16, on page 2, the second paragraph should be in bold and the word "Reply" should be deleted as follows:

#### Article 16

**When there is no comparable price in the ordinary course of trade, are the alternatives of the price for export to a third country and constructed value applied successively and exclusively in order to calculate normal value? Is there any criterion for their application?**

**Please explain what is meant in the first paragraph of Article 16 by the words "... where there is no comparable price or such price cannot be obtained, the applicant shall provide the constructed value of the allegedly dumped import or the price for export to a third country". In particular, on what assumptions is the phrase "or ... cannot be obtained" based? State also whether the People's Republic of China prefers constructed value information to information on the price for export to a third country. Finally, explain whether the choice of a third country would be applicable only if it is representative.**

**Please clarify the meaning of the sentence in the second paragraph of Article 16, which reads: "... When the actual constructed value cannot be obtained, the applicant may calculate it on the basis of its own factors of production, the prevailing prices of these factors in the exporting countries (regions) or in the international market". In particular, what assumptions underlie the use of the phrase "when the actual constructed value cannot be obtained".**

#### Reply

In accordance with of Article 16 of Provisional Rules on Initiation of Anti-Dumping Investigation, with regard to the determination of normal value, the applicant shall provide the constructed value of the allegedly dumped import or the price for export to a third country where there is no comparable price or such price is not able to be obtained. Actually, when the applicant is not able to obtain the comparable price in the ordinary course of trade of the like product for consumption

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\*In English only.

<sup>1</sup> G/ADP/Q1/CHN/28-G/SCM/Q1/CHN/28

<sup>2</sup> G/ADP/N/1/CHN/2/Suppl.1

in the exporting countries (regions) or countries (regions) of origin, the constructed value of the allegedly dumped imports will be taken as normal value in the petition. The applicant may determine the normal value on the basis of its own factors of production, the prevailing prices of these factors in the exporting countries (regions) or in the international market when they could not obtain the constructed value.

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