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

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QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED BY THE
GOVERNMENT OF BRAZIL¹ OF LAWS AND REGULATIONS
UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 11 October 1995, has been received from the Permanent Mission of Chile.

I have the honour to transmit the questions from Chile concerning the anti-dumping and countervailing measures legislation of Brazil, which will be reviewed at the second special meeting of the Committees on Anti-Dumping Practices and on Subsidies and Countervailing Measures. The meeting will be held from 23 to 27 October 1995.

¹G/ADP/N/1/BRA/1-G/SCM/N/1/BRA/1.

Questions to Brazil:

- (a) When the constructed cost criterion is used in investigations under Article 2.2.2 of the Anti-Dumping Code, what methodologies are used to determine the exporter's profit margin?
- (b) What criteria are used to interpret under Article 2.2 of the Anti-Dumping Code the concept of "particular market situation" in order to disregard the domestic market price in the exporting country as the normal value?
- (c) What are the procedures used in the case of an accelerated investigation in accordance with Article 9.4 of the Anti-Dumping Code? How are suitable transparency and notification of the parties ensured?
- (d) How are the possible interested parties in an investigation defined, and what are the criteria for considering them as such in accordance with Article 6.1 of the Anti-Dumping Code? Are consumers considered as one of them?
- (e) With reference to Article 5.3 of the Anti-Dumping Code, is all the evidence provided by the complainant verified before initiating an investigation? What are the criteria for determining whether there is sufficient evidence for initiation? Is there some definite period between the submission of the complaint and the formal initiation of the investigation? What is the methodology used to measure the representativeness of the complainant in the domestic industry?
- (f) Under the anti-dumping legislation and in investigations, can the investigating authority cumulate imports from the origins under investigation?
- (g) What is the method under your domestic legislation to calculate the amount of the subsidy investigated pursuant to Article 14 of the Agreement on Subsidies and Countervailing Measures?
- (h) How are the obligations of Article 8.2 of the Agreement on Subsidies and Countervailing Measures implemented?
- (i) Does domestic legislation provide the concept of margin of injury? If so, is it used to determine anti-dumping duties instead of the margin of dumping?