

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/ADP/W/240**

**G/SCM/W/250**

5 December 1995

(95-3950)

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

Original: English

QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED  
BY JAPAN<sup>1</sup> OF LAWS AND REGULATIONS  
UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, has been received on 4 December 1995 from the Permanent Mission of India.

Question 1

Article 6.1 of the Anti-Dumping Agreement while defining "interested parties" includes government of the exporting Member. Similarly, Article 12 of the SCM Agreement requires investigating authorities to notify interested Members of the information required for investigation. We have not been able to locate corresponding provisions in the Japanese laws and regulations, although, "interested parties for domestic industry" have been defined in Article 5 of the Anti-Dumping Cabinet Order and Article 5 of the Countervailing Duty Cabinet Order requires notification to "directly interested persons" which does not include the interested Members. It may be clarified whether provisions exist for notifying to the concerned governments before initiation of anti-dumping investigations or countervailing duty investigations.

question 2

Article 13.1 of the SCM Agreement makes it mandatory that Members, the producers of which may be subject to investigations initiated as per Article 11 shall be notified for consultations. The Japanese law and regulations do not appear to reflect this provision. This may be clarified.

Question 3

Article 4 of the Anti-Dumping Cabinet Order defines the term "industry in Japan" as referring to the producers in Japan whose collective output of the like products constitutes more than a substantial proportion of the total domestic production of the like products. Article 4 of the Anti-Dumping Agreement defines domestic industry as referring to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products. It may be clarified whether the words "substantial proportion" mean at least a major proportion i.e. more than 50 per cent of the total domestic production.

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<sup>1</sup>G/ADP/N/1/JPN/2-G/SCM/N/2/JPN/2 plus Corr.1