

WORLD TRADE ORGANIZATION

RESTRICTED

G/ADP/W/72/Suppl.1

G/SCM/W/81/Suppl.1

13 October 1995

(95-3079)

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

Original: English

QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED BY THE EUROPEAN COMMUNITIES¹ OF LAWS AND REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 5 October 1995, has been received from the Office of the United States Trade Representative.

1. What factors will the Commission take into consideration in determining what is a "like product" pursuant to Article 1(4) of the AD Regulation (Council Regulation (EC) 3283/94) and Article 1(5) of the Subsidies Regulation (Council Regulation (EC) 3284/94) and when defining the "Commission industry" referred to in Articles 4(1) and 5(4) of the AD Regulation and Articles 6(1) and 7(8) of the Subsidies Regulation?
2. Article 3.4 of the AD Regulation and Article 5.4 of the Subsidies Regulation allow cumulation when imports are "simultaneously subject to ... investigation". What does "simultaneously subject to ... investigation" mean? Is cumulation permitted with respect to investigations initiated under separate petitions?
3. Cumulation is allowed only when "appropriate in light of the conditions of competition between imported products and the conditions of competition between the imported products and the like Community product". See Article 3.4 AD Regulation; Article 5.4 Subsidies Regulation. What factors will the EU Commission consider in addressing this requirement?
4. What other "relevant economic factors" under AD Regulation Article 3(5) and Subsidies Regulation Article 5(5) potentially could be used in the material injury analysis?
5. Article 3(9)(a)(iii) of the AD Regulation and Article 5(3) of the Subsidies Regulation refer to imports entering at prices that would, "to a significant degree, depress prices or prevent price increases". Do the regulations intend only to reflect the depressed or suppressed price of the Community like product, or because there is no mention of the Community like product, does it refer also to prices of products that are not Community like products, such as the depressive or suppressive effects on non-subject imports?

¹G/ADP/N/1/EEC/1 and G/SCM/N/1/EEC/1.

6. How is SCM Agreement Article 11.9 (which requires immediate termination in cases where the volume of subsidized imports actual or potential, or the injury, is negligible) accounted for in the Subsidies Regulation?