

WORLD TRADE ORGANIZATION

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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 CANADA¹ OF LAWS AND
REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

Supplement

The following communication, dated 9 October 1995, has been received from the European Communities.

Anti-Dumping Legislation of Canada

The following questions relate essentially to the A-D provisions of the Special Import Measures Act (SIMA) as amended by the WTO Agreement Implementation Act (IA).

Question 1

Section 158 IA - Section 25(2) SIMA

According to this provision, no deduction of A-D duty should be made when constructing the export price except where it appears that, without such a deduction, the export price would be equal to or greater than normal value, some dumping still exists.

What is the A-D Agreement rationale of this provision and what degree of dumping would need to exist to generate the application of "duty as a cost"?

Question 2

Section 177 IA - Section 60(2)(a) SIMA

This subparagraph derogates from paragraph 25(2) and provides that A-D duty shall be treated as a cost and deducted when constructing export price where it appears that the resale price to the first independent purchaser in Canada does not fully cover the purchase price of the related importer plus all direct and indirect costs.

Would these direct and indirect costs include payments of A-D duties?

¹G/ADP/N/1/CAN/2-G/SCM/N/1/CAN/2.

Question 3

Section 159 IA - Section 30.2(2) and (3)

Subparagraph 30.2(2) provides that, in cases where there are significant variations in prices, the dumping margin of an exporter may be based on a weighted average of the dumping margins of individual transactions. Subparagraph 30.2(3) specifies that, for this purpose "the price of like goods used to determine (the) normal values is the weighted average, determined in accordance with paragraph 17(a), of the prices at which the like goods were sold".

Could Canada explain whether individual export prices will be compared to average normal values under this provision.

Question 4

Section 159 IA - Section 30.3(2)(b)

It is stated in this subparagraph concerning sampling that an individual margin of dumping may be determined for exporters who submit information for this purpose provided that "in the opinion of the Deputy Minister, it is practicable to do so".

Could Canada explain which criteria the Deputy Minister will apply in deciding whether to apply sampling?