

WORLD TRADE ORGANIZATION

RESTRICTED

G/ADP/W/94

G/SCM/W/103

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(95-3042)

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

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

The following communication, dated 2 October 1995, has been received from the Permanent Mission of Brazil.

1. Please clarify which calculation procedures will be followed in cases when it is considered that anti-dumping duties are being borne by the exporter (Article 2.9 (b) of Council Regulation (EC) No. 3283/94). What is the legal basis for such procedures in terms of the WTO Agreement on Implementation of Article VI of the GATT 1994 (hereinafter referred to as Agreement on Anti-Dumping)?
2. Please clarify and provide details of the procedures on registration of imports subject to anti-dumping investigations. Please specify the customs procedures involved in such practice.
3. Please explain what is the legal basis, in terms of the WTO Agreement on Anti-Dumping, for the procedure established under Article 2.1 (a) of Council Regulation (EC) No. 3283/94.
4. How does the EC intend to interpret, in practice, the terms "within an extended period of time" and "within a reasonable period of time" in Article 2.4 of Council Regulation (EC) No. 3283/94? What is the frequency of transactions to be examined?
5. How does the EC explain its definition of "the Community industry" in Article 4.1 of Council Regulation (EC) No. 3283/94, in particular the definition of "major proportion", as being that of Article 5.4 of its legislation? What is the legal basis for such definition, in terms of the Agreement on Anti-Dumping? The same clarification is sought regarding Articles 6.1 and 7.8 of Council Regulation (EC) No. 3284/94.
6. How does the EC explain the provisions established in Articles 5.7 and 9.3 of Council Regulation (EC) No. 3282/94 and their conformity with the definition of "negligible volume", as established in the Agreement on Anti-Dumping? The same clarification is sought regarding Articles 7.11 and 11.4 of Council Regulation (EC) No. 3284/94.

¹G/ADP/N/1/EEC/1 and G/SCM/N/1/EEC/1.

7. How does the EC explain the inclusion in Article 10.1 (ii) of Council Regulation (EC) No. 3284/94, regarding price undertakings, of the possibility of ceasing exports? What is the legal basis for such provision in the WTO Agreement on Subsidies and Countervailing Measures?