

**Preliminary Questions For the Discussions on  
Related to the Proposals on the Use of Facts Available  
Under Article 12.7 of the ASCM**

1. Does your delegation believe the necessity of “facts available guideline” in the SCM Agreement?
2. Does your delegation support “adverse facts available” should be addressed in the annexes of AD and SCM Agreements? Or do you consider that there is no need to address “adverse facts available” because the last sentence of paragraph 7 addresses this issue in an appropriate manner?
3. Proposed paragraph 5 in Chinese proposal should be deleted? Or it should be kept as it was proposed? Or it should be drafted in another way? If yes, do you have any suggestion on it?
4. Taking into account the differences in nature between anti-dumping and cvd investigations what is your view on the need of transposing paragraphs 2, 3 and 4 as it is in the AD Agreement to the SCM Agreement?
5. What is your view on about introducing “interested member” into Article 12.11? Does it address the problems faced by interested members?
6. In terms of footnote 5 in Chinese proposal, do you have any concern that it may cause breaching of confidentiality?
7. What is your view on paragraph 7 of Indian and Chinese proposals introducing “information published by the authorities”?
8. What is your specific view on footnote 2 of Indian proposal?
  - a. Do you believe the necessity of introducing this footnote? Do you think it only includes the government or exporters should be included?
  - b. What do you think regarding “secondary sources”? The secondary sources should be cited one by one? Do you consider the information submitted in the petition can be used as secondary sources information? If there is a conflict between the information provided from different secondary sources how this case should be addressed by the investigating authority?
  - c. What is your view on the term of “inadequate cooperation” used in this footnote?
9. In cases where the government does not cooperate or partially cooperates with the investigating authority but the interested party fully cooperates with the investigating authority, these cases should be addressed specifically in the “annex of facts available”?