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TECHNICAL GROUP MEETING
APRIL 2013

Injury Threshold Issues

Standing

- In what type of proceedings do you make standing determinations?
- What information do you require in a complaint in support of standing?
- To what extent do you seek additional information regarding standing beyond that contained in the complaint?
 - Do you send questionnaires?
 - Do you verify the information in the complaint from other sources?
 - If so, what other sources might you use? For example, do you check company-specific information against global data regarding the domestic industry?
 - Do you ever seek input or provide an opportunity to comment to other parties?
- How do you approach standing determinations where there are large numbers of domestic producers?
 - Do you sample producers where the number is large?
 - If so, what techniques do you use?
- How do you handle cases brought by industry associations?
 - Do you poll or otherwise verify support of individual companies within the association?
- Do you ever revisit standing determinations after initiation? If so, under what circumstances?

Defining the domestic industry

- Exclusion of domestic producers who are **related** to exporters or importers or who themselves import
 - When do you decide whether to exclude related producers?
 - If you take early exclusion decisions, can they be re-visited later in the proceeding?
 - How do exclusion decisions relate to standing determinations?
 - Do you require allegations from applicants in order to exclude?
 - Do other interested parties have an opportunity to comment?
 - What legal standard do you apply?
 - To what extent does your system provide discretion whether or not to exclude producers that are related or that themselves import?
 - In which particular situations would you consider exclusions: e.g., contradictory injury picture, opposition to complaint?
- Do you ever limit the domestic industry to a **subset** of domestic producers? *20, 0.05 b*
 - If so, on what basis do you so limit?
 - If so, what standard do you apply to deciding if the "major proportion" test is met?
- **Regional industry**
 - Have you ever investigated injury to a regional industry?
 - If so, what issues have you encountered in your regional injury investigation?
 - Do you require that the application allege injury to a regional industry in order to consider the issue?
 - How do you impose measures in such cases?

Data collection

- Do you engage in **sampling** where there are large numbers of domestic producers, as authorized by the jurisprudence?
 - If so, on what basis do you decide which domestic producers to include in the sample?
 - Do you send a preliminary questionnaire in order to identify the sample?
 - Do you consider willingness to participate in the sample?
 - If collecting information prior to initiation, have you used sampling techniques?
 - Do complainants ever use sampling in their complaints?
- If you sample the domestic industry, do you nevertheless consider certain types of available **global data** for the domestic industry as a whole?
 - What sources other than questionnaires might you rely upon?
- **To whom** do you submit questionnaires?
 - Do you include importers? Others?
 - To what extent do you seek information from companies related to domestic producers?
- **What information** do you seek in your injury questionnaire?
 - Do you seek information on costs?
 - Do you always seek information on price undercutting, suppression and depression?
 - Do you seek information on all Article 3.4 injury factors?
 - Do you always ask for data relevant to threat? Or only where alleged?
- Do you use **information other than that obtained from the interested parties** to verify or complement the data provided by parties?
 - If so, what sources do you use? Private? Public?
 - Do you have access to independent information from your own or other government agencies?
 - Do you have access to confidential information from other agencies?
- **Form/quality of data**
 - Do you require original documents to validate data? *complaint*
 - Do you require the certification of data? Affidavits?
 - Do you accept data electronically or do you also require paper copies?
- Do you **verify** injury questionnaires? If so, how?

Period of investigation

- How do you determine your **period of investigation** ("POI") for injury investigations?
 - How long is the POI?
 - Do you use the period for which the applicant provides information or does your questionnaire seek more recent information?
 - Have you confronted situations where the information in the complaint was outdated? If so, how did you respond?
 - How does the injury POI relate to the POI for dumping?
 - If you do preliminary and final determinations of injury, do you update the POI for purposes of the final determination?
 - Are there situations in which you might seek data relating to the post-initiation period? If so, when?
 - How do you address situations where the fiscal/accounting periods for domestic producers differ?
 - Do you seek the same information for the entire injury POI? Or is there some information that you seek only for the more recent part of the POI?