



19 OCT. 2015

WTO OMC

WTO/AIR/SG/2

16 OCTOBER 2015

SUBJECT: COMMITTEE ON SAFEGUARDS - REGULAR MEETING TO BE HELD ON 26 OCTOBER 2015

1. THE COMMITTEE ON SAFEGUARDS WILL HOLD A REGULAR MEETING ON MONDAY, 26 OCTOBER 2015, STARTING AT 10.00 A.M. IN THE CENTRE WILLIAM RAPPARD.

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION:

**1 NATIONAL LEGISLATION**

1.1 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS NOT PREVIOUSLY REVIEWED BY THE COMMITTEE (INCLUDING SUPPLEMENTAL NOTIFICATIONS OF EXISTING PROVISIONS NOT PREVIOUSLY REVIEWED)

1.1.1 EUROPEAN UNION G/SG/N/1/EU/2

- G/SG/Q1/EU/1 (QUESTIONS FROM THE UNITED STATES)
- G/SG/Q1/EU/2 (RESPONSES FROM THE EUROPEAN UNION)

1.1.2 MALAWI G/SG/N/1/MWI/1/REV.1 (NIL NOTIFICATION)

1.1.3 QATAR G/SG/N/1/QAT/3

- G/SG/Q1/QAT/4 (QUESTIONS FROM AUSTRALIA)

1.1.4 UNITED STATES G/SG/N/1/USA/1/SUPPL.1

**1.2 CONTINUING REVIEW OF PREVIOUSLY REVIEWED NOTIFICATIONS**

1.2.1 CAMEROON G/SG/N/1/CMR/1/SUPPL.1

- G/SG/Q1/CMR/3 (QUESTIONS FROM THE UNITED STATES)

**2 NOTIFICATIONS OF ACTIONS RELATED TO SAFEGUARD MEASURES**

2.1 CHILE - STEEL WIRE ROD

G/SG/N/6/CHL/16-G/SG/N/7/CHL/12-G/SG/N/11/CHL/9 AND  
G/SG/N/6/CHL/16/SUPPL.1-G/SG/N/7/CHL/12/SUPPL.1-  
G/SG/N/11/CHL/9/SUPPL.1

15-5450

- 2.2 COLOMBIA - BARS AND RODS OF LOW-CARBON STEEL  
G/SG/N/6/COL/4/SUPPL.2-G/SG/N/14/COL/1/SUPPL.1
- 2.3 ECUADOR - WOOD AND BAMBOO FLOORING AND ACCESSORIES THEREOF  
G/SG/N/8/ECU/4/SUPPL.1-G/SG/N/10/ECU/5-G/SG/N/11/ECU/2 AND  
G/SG/N/8/ECU/4
- G/SG/Q2/ECU/14 (QUESTIONS FROM THE UNITED STATES)
- 2.4 EGYPT - WHITE SUGAR (ITEM REQUESTED BY EU)  
G/SG/N/6/EGY/12-G/SG/N/7/EGY/10-G/SG/N/11/EGY/9
- 2.5 INDIA - HOT-ROLLED FLAT PRODUCTS OF NON-ALLOY AND OTHER ALLOY  
STEEL IN COILS OF A WIDTH OF 600 MM OR MORE  
G/SG/N/6/IND/41 AND G/SG/N/7/IND/10-G/SG/N/11/IND/14 AND  
G/SG/N/7/IND/10/SUPPL.1-G/SG/N/11/IND/14/SUPPL.1
- 2.6 INDONESIA - BARS AND RODS  
G/SG/N/8/IDN/18/SUPPL.1-G/SG/N/10/IDN/18/SUPPL.1-  
G/SG/N/11/IDN/16 AND  
G/SG/N/8/IDN/18/SUPPL.1/CORR.1-  
G/SG/N/10/IDN/18/SUPPL.1/CORR.1-G/SG/N/11/IDN/16/CORR.1
- 2.7 INDONESIA - COATED PAPER AND PAPERBOARD, NOT INCLUDING  
BANKNOTES PAPER  
G/SG/N/8/IDN/19-G/SG/N/10/IDN/19 AND G/SG/N/8/IDN/19/SUPPL.1-  
G/SG/N/10/IDN/19/SUPPL.1 AND G/SG/N/8/IDN/19/SUPPL.1/CORR.1-  
G/SG/N/10/IDN/19/SUPPL.1/CORR.1<sup>1</sup>
- 2.8 INDONESIA - DEXTROSE MONOHYDRATE  
G/SG/N/6/IDN/27 AND G/SG/N/6/IDN/27/SUPPL.1
- 2.9 JORDAN - WRITING AND PRINTING PAPER  
G/SG/N/8/JOR/9-G/SG/N/10/JOR/9-G/SG/N/11/JOR/5
- 2.10 MALAYSIA - HOT-ROLLED COILS  
G/SG/N/6/MYS/3
- 2.11 MALAYSIA - HOT ROLLED STEEL PLATE  
G/SG/N/8/MYS/1-G/SG/N/10/MYS/1-G/SG/N/11/MYS/1/SUPPL.1 AND  
G/SG/N/8/MYS/1/CORR.1-G/SG/N/10/MYS/1/CORR.1-  
G/SG/N/11/MYS/1/SUPPL.1/CORR.1<sup>1</sup>

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<sup>1</sup> CORRIGENDUM IN ENGLISH ONLY.

- 2.12 MOROCCO - COLD ROLLED SHEETS AND PLATED OR COATED SHEETS  
G/SG/N/8/MAR/4-G/SG/N/10/MAR/4-G/SG/N/11/MAR/4
- 2.13 MOROCCO - PAPER IN ROLLS AND PAPER IN REAMS  
G/SG/N/6/MAR/9
- 2.14 MOROCCO - WIRE RODS AND REINFORCING BARS  
G/SG/N/10/MAR/3/SUPPL.2-G/SG/N/14/MAR/1
- 2.15 MOROCCO - COLD ROLLED SHEETS IN COILS OR CUT, AND PLATED OR  
COATED SHEETS  
G/SG/N/8/MAR/4/SUPPL.1-G/SG/N/10/MAR/4/SUPPL.1-  
G/SG/N/11/MAR/4/SUPPL.1
- 2.16 PHILIPPINES - NEWSPRINT  
G/SG/N/8/PHL/9-G/SG/N/10/PHL/8-G/SG/N/11/PHL/10 AND  
G/SG/N/8/PHL/9/CORR.1-G/SG/N/10/PHL/8/CORR.1-  
G/SG/N/11/PHL/10/CORR.1
- 2.17 PHILIPPINES - STEEL ANGLE BARS  
G/SG/N/10/PHL/6/SUPPL.3-G/SG/N/11/PHL/7/SUPPL.5-  
G/SG/N/14/PHL/7/SUPPL.1
- 2.18 THAILAND - HOT ROLLED STEEL FLAT PRODUCTS  
G/SG/N/6/THA/2/SUPPL.1-G/SG/N/14/THA/2
- 2.19 TUNISIA - CERAMIC TILES  
G/SG/N/6/TUN/5
- 2.20 TURKEY - PORCELAIN AND CERAMIC TABLEWARE, KITCHENWARE  
G/SG/N/6/TUR/21
- 2.21 TURKEY - TRANSMISSION APPARATUS INCORPORATING RECEPTION  
APPARATUS (CELLULAR) PORTABLE TELEPHONE (ITEM REQUESTED BY  
KOREA)  
G/SG/N/6/TUR/19 AND G/SG/N/6/TUR/19/CORR.1
- 2.22 TURKEY - WALLPAPER AND SIMILAR WALLCOVERINGS  
G/SG/N/8/TUR/15-G/SG/N/10/TUR/15-G/SG/N/11/TUR/20
- 2.23 UKRAINE - FLEXIBLE POROUS PLATES, BLOCKS AND SHEETS OF  
POLYURETHANE FOAMS  
G/SG/N/6/UKR/11

2.24 VIET NAM - MONOSODIUM GLUTAMATE

G/SG/N/6/VNM/3 AND G/SG/N/6/VNM/3/CORR.1

2.25 ZAMBIA - FLAT-ROLLED PRODUCTS OF IRON, NON-ALLOY STEEL,  
TRAILERS AND SEMI-TRAILERS

G/SG/N/6/ZMB/1-G/SG/N/7/ZMB/1

- G/SG/Q2/ZMB/1 (QUESTIONS FROM THE UNITED STATES)

3 DISCUSSION GROUP REGARDING SAFEGUARD PROCEEDINGS

4 NOTIFICATION SEMINAR

5 OTHER BUSINESS

6 ANNUAL REPORT OF THE COMMITTEE ON SAFEGUARDS TO THE COUNCIL FOR  
TRADE IN GOODS

7 DATE OF NEXT REGULAR MEETING

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR MEETINGS" WEBSITE ([HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/)) THE RELEVANT DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (ACP GROUP, OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

ROBERTO AZEVÊDO

Dear All,

Continuing to build on our previous efforts, we are once again planning to conduct an informal discussion group session in October during the week of the WTO Committee on Safeguards meeting.

As a result, we would like to invite you to an informal discussion group session to take place immediately following the **October 26<sup>th</sup>** meeting of the WTO Committee on Safeguards. Specifically, this informal discussion group would take place at 15.00 (subject to changes in the schedule of the Committee meeting) in the same room as the Committee meeting. This session would be chaired by the European Union. We suggest that the topics of discussion be (1) public hearings and other appropriate means (Art. 3.1), and (2) public file/inspection of file. Some discussion items to be presented may include:

- ◆ Art. 3.1 – “Public hearings and other appropriate means”
  - ☒ What procedures are followed in conducting a public hearing in an investigation or review?
  - ☒ Who presides at the hearing?
  - ☒ Who is considered an interested party? Is the hearing open to all interested parties? Who has historically participated in hearings?
  - ☒ Is it open to the general public? If not, what legal or practical restrictions exist in Members’ systems in making it “public”?
  - ☒ If the hearing is not public, what “other appropriate means” are provided to interested parties to present evidence and views, and how does this process work? Who is the presiding official and who may participate? What opportunities are provided to respond to the presentations of other parties?
  - ☒ Under either scenario, are interested parties allowed to introduce or discuss confidential information? If so, what types of procedures are in place to safeguard against more widespread disclosure of such information (e.g.,

closed session for that part of the presentation that will cover confidential information)? How are interested parties given an opportunity to respond to confidential information that is presented?

Does any of the above differ depending of the type of proceeding (investigation, mid-term review, or extension)?

◆ Public File / Inspection of File

Do Members maintain an official file or record for the filing or maintenance of information obtained in the course of an investigation or review?

Where is the file or record maintained? Is it in paper form only or is it also in electronic form? Are there written procedures in place for maintaining such information?

Is there real time updating of and access to the official file, such that interested parties can track activity in an investigation or review?

How can an interested party – whether through attorneys or representatives – gain access to the official file or record?

Can the public at large gain access?

If the file or record includes confidential information obtained from a party in the investigation, how is that information maintained? Is the file or record kept separate from the public part of the file?

Can interested parties access confidential information? If so, how?

How is the official file maintained after the investigation or review has concluded? Are their written procedures/guidelines in place for this period?

As with prior sessions, the purpose of this discussion group should be to freely share information on the practices of each Member.

In order to ensure that the meeting is most fruitful and informative, we encourage all Members to actively participate, preferably with

capital-based experts having day-to-day experience in the topics. Please note that the language of the meeting will be English as, unfortunately, no interpretation can be provided.

We would be grateful to receive a response concerning your participation not later than **16 October 2015**.

Please do not hesitate to contact me with any questions.

Kind regards,

Demos

on behalf of Demos SPATHARIS

Head of Unit

Triin PAKKONEN

Secretary to the Head of Unit



European Commission

DG TRADE

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AIRGRAM

AÉROGRAMME

AEROGRAMA



WTO OMC

22 OCT. 2015

WTO/AIR/SCM/5/REV.1

21 OCTOBER 2015

SUBJECT: COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES -  
SPECIAL MEETING TO BE HELD ON 27 OCTOBER 2015

1. THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES WILL HOLD A SPECIAL MEETING ON TUESDAY, 27 OCTOBER 2015 AT 10.00 A.M. IN THE CENTRE WILLIAM RAPPARD. THE PURPOSE OF THIS SPECIAL MEETING IS TO CONTINUE THE COMMITTEE'S REVIEW OF NEW AND FULL SUBSIDY NOTIFICATIONS.

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION:

**1 REVIEW OF 2015 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/284/...) NOT PREVIOUSLY REVIEWED**

1.1 ALBANIA (G/SCM/N/284/ALB-G/SCM/N/253/ALB)

THIS DOUBLE-SYMBOLLED NOTIFICATION WILL BE REVIEWED ONLY ONCE, UNDER THIS AGENDA ITEM.

1.2 ARMENIA (G/SCM/N/284/ARM)

1.3 SINGAPORE (G/SCM/N/284/SGP)

**2 REVIEW OF 2013 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/253/...) NOT PREVIOUSLY REVIEWED**

2.1 EUROPEAN UNION (G/SCM/N/253/EU/ADD.28 - CROATIA)

2.2 TURKEY (G/SCM/N/253/TUR/SUPPL.2)

2.3 UNITED STATES (G/SCM/N/253/USA)

**3 CONTINUATION OF REVIEW OF 2013 (G/SCM/N/253/...) NEW AND FULL NOTIFICATIONS**

3.1 BRAZIL (G/SCM/N/253/BRA)

- G/SCM/Q2/BRA/47 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

15-5549



3.2 CANADA (G/SCM/N/253/CAN)

G/SCM/Q2/CAN/64 - REPLIES TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES

3.3 EUROPEAN UNION - (G/SCM/N/253/EU/ADDENDA 1; 2; 8 AND 8/SUPPL.1; 9; 14; 16/SUPPL.1; 17; 19; AND 24/SUPPL.1, RESPECTIVELY PERTAINING TO AUSTRIA, BELGIUM, FINLAND, FRANCE, ITALY, LITHUANIA, LUXEMBOURG, THE NETHERLANDS, AND SLOVENIA)

- G/SCM/Q2/EU/44 - QUESTIONS FROM THE RUSSIAN FEDERATION (AUSTRIA, BELGIUM, FINLAND, ITALY, LUXEMBOURG, THE NETHERLANDS, SLOVENIA)
- G/SCM/Q2/EU/45 - REPLIES TO AUSTRALIA (FRANCE)
- G/SCM/Q2/EU/46 - REPLIES TO NEW ZEALAND (FINLAND, LITHUANIA, SLOVENIA)

3.4 INDIA (G/SCM/N/253/IND & G/SCM/N/253/IND/SUPPL.1)

- G/SCM/Q2/IND/43 - REPLIES TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/IND/44 - REPLIES TO NEW ZEALAND (ON SUPPL.1)

3.5 MALAYSIA (G/SCM/N/253/MYS)

- G/SCM/Q2/MYS/20 AND G/SCM/Q2/MYS/20/CORR.1 - QUESTIONS FROM THE UNITED STATES

3.6 RUSSIAN FEDERATION (G/SCM/N/253/RUS AND G/SCM/N/253/RUS/REV.1)

- G/SCM/Q2/RUS/11 - REPLIES TO NEW ZEALAND
- G/SCM/Q2/RUS/12 - REPLIES TO JAPAN
- G/SCM/Q2/RUS/13 - REPLIES TO THE UNITED STATES

3.7 TURKEY (G/SCM/N/253/TUR)

- G/SCM/Q2/TUR/29 - QUESTIONS FROM CANADA
- G/SCM/Q2/TUR/33 - ADDITIONAL QUESTIONS FROM THE UNITED STATES

**4 CONTINUATION OF REVIEW OF 2011 (G/SCM/N/220/...) NEW AND FULL NOTIFICATIONS**

4.1 ARGENTINA (G/SCM/N/220/ARG)

- G/SCM/Q2/ARG/39 - REPLIES TO THE UNITED STATES

**5 CONTINUATION OF REVIEW OF 2009 (G/SCM/N/186/...) NEW AND FULL NOTIFICATIONS**

5.1 GABON (G/SCM/N/186/GAB)

- G/SCM/Q2/GAB/1 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/GAB/2 - QUESTIONS FROM TURKEY

5.2 TURKEY (G/SCM/N/186/TUR)

- G/SCM/Q2/TUR/23 - QUESTIONS FROM AUSTRALIA

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4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (ACP GROUP, OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

ROBERTO AZEVÊDO

AIRGRAM

AÉROGRAMME

AEROGRAMA



WTO OMC

28 OCT. 2015

WTO/AIR/SCM/6

16 OCTOBER 2015

SUBJECT: COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES -  
REGULAR MEETING TO BE HELD ON 27 OCTOBER 2015

1. THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES WILL HOLD A REGULAR MEETING ON TUESDAY, 27 OCTOBER 2015 IN THE CENTRE WILLIAM RAPPARD, IMMEDIATELY FOLLOWING THE SPECIAL MEETING OF THE COMMITTEE (WTO/AIR/SCM/5).

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION:

1 NATIONAL LEGISLATION - REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS NOT PREVIOUSLY REVIEWED BY THE COMMITTEE (INCLUDING SUPPLEMENTAL NOTIFICATIONS OF EXISTING PROVISIONS NOT PREVIOUSLY REVIEWED)

1.1 AUSTRALIA

(G/ADP/N/1/AUS/2/SUPPL.14-G/SCM/N/1/AUS/2/SUPPL.12)

- G/ADP/Q1/AUS/17-G/SCM/Q1/AUS/17 - QUESTIONS FROM THE UNITED STATES

1.2 QATAR

(G/ADP/N/1/QAT/3-G/SCM/N/1/QAT/3-G/SG/N/1//QAT/3)

1.3 UNITED STATES

(G/ADP/N/1/USA/1/SUPPL.19-G/SCM/N/1/USA/1/SUPPL.19)

(G/ADP/N/1/USA/1/SUPPL.20-G/SCM/N/1/USA/1/SUPPL.20)

- G/ADP/Q1/USA/27-G/SCM/Q1/USA/27 - QUESTIONS FROM THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

(G/ADP/N/1/USA/1/SUPPL.21-G/SCM/N/1/USA/1/SUPPL.21)

(G/ADP/N/1/USA/1/SUPPL.22-G/SCM/N/1/USA/1/SUPPL.22)

15-5496

1.4 CAMEROON

(G/ADP/N/1/CMR/1/SUPPL.1-G/SCM/N/1/CMR/1/SUPPL.1-G/SG/N/1/CMR/1/SUPPL.1)

- G/ADP/Q1/CMR/3-G/SCM/Q1/CMR/3-G/SG/Q1/CMR/3 - QUESTIONS FROM THE UNITED STATES

2 SEMI-ANNUAL REPORTS OF COUNTERVAILING DUTY ACTIONS (ARTICLE 25.11)

(G/SCM/N/289) AND (G/SCM/N/289/SUPPL.1)

3 PRELIMINARY AND FINAL COUNTERVAILING DUTY ACTIONS: NOTIFICATIONS (ARTICLE 25.11)

(G/SCM/N/288); (G/SCM/N/291-295)

4 ARTICLE 27.4 EXTENSIONS OF THE TRANSITION PERIOD FOR THE ELIMINATION OF EXPORT SUBSIDIES - 31 DECEMBER 2015 END OF FINAL PHASE-OUT PERIOD AND FINAL NOTIFICATION DUE 30 JUNE 2016

5 IMPROVING THE TIMELINESS AND COMPLETENESS OF NOTIFICATIONS AND OTHER INFORMATION FLOWS ON TRADE MEASURES UNDER THE SCM AGREEMENT

(G/SCM/W/557/REV.1)

6 PERMANENT GROUP OF EXPERTS

7 JAPANESE GOVERNMENT SUPPORT FOR THE DEVELOPMENT OF REGIONAL AIRCRAFT - ITEM REQUESTED BY BRAZIL

8 ELIMINATION OF EXPORT SUBSIDIES FOR TEXTILES AND APPAREL BY INDIA PURSUANT TO ARTICLE 27.5 OF THE SCM AGREEMENT - ITEM REQUESTED BY THE UNITED STATES

9 NON-NOTIFICATION BY INDIA OF ALLEGED SUBSIDIES CONTAINED IN THE REQUEST BY THE UNITED STATES UNDER ARTICLE 25.10 OF THE SCM AGREEMENT - ITEM REQUESTED BY THE UNITED STATES (G/SCM/Q2/IND/20)

10 2012 AND 2015 REQUESTS TO CHINA FROM THE UNITED STATES PURSUANT TO ARTICLE 25.8 OF THE SCM AGREEMENT (G/SCM/Q2/CHN/46, PLUS G/SCM/Q2/CHN/46/SUPPL.1; G/SCM/Q2/CHN/52)

11 NON-NOTIFICATION BY CHINA OF ALLEGED SUBSIDIES CONTAINED IN THE 2011 AND 2014 REQUESTS BY THE UNITED STATES UNDER ARTICLE 25.10 OF THE SCM AGREEMENT (G/SCM/Q2/CHN/42 AND G/SCM/Q2/CHN/51, PLUS G/SCM/Q2/CHN/51/CORR.1) - ITEM REQUESTED BY THE UNITED STATES

12 NON-NOTIFICATION BY CHINA OF ALLEGED SUBSIDIES CONTAINED IN THE 2015 REQUEST BY THE UNITED STATES UNDER ARTICLE 25.10 OF THE SCM AGREEMENT (G/SCM/Q2/CHN/53) - ITEM REQUESTED BY THE UNITED STATES

13 OTHER BUSINESS

14 DATE OF NEXT REGULAR MEETING

15 ANNUAL REPORT OF THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES TO THE COUNCIL FOR TRADE IN GOODS (ARTICLE 32.7)

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR MEETINGS" WEBSITE ([HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/)) THE RELEVANT DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (ACP GROUP, OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

ROBERTO AZEVEDO

AIRGRAM

AÉROGRAMME

AEROGRAMA



WTO OMC

19 OCT. 2015

WTO/AIR/ADP/4

16 OCTOBER 2015

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - REGULAR MEETING TO BE HELD ON 28 OCTOBER 2015

1. THE COMMITTEE ON ANTI-DUMPING PRACTICES WILL HOLD A REGULAR MEETING ON WEDNESDAY, 28 OCTOBER 2015, COMMENCING AT 10.00 A.M., IN THE CENTRE WILLIAM RAPPARD. THE MEETING WILL BE FOLLOWED BY THE MEETING OF THE WORKING GROUP ON IMPLEMENTATION (WTO/AIR/ADP/5).

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION IN THE REGULAR SESSION:

**1 NATIONAL LEGISLATION - REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS NOT PREVIOUSLY REVIEWED BY THE COMMITTEE (INCLUDING SUPPLEMENTAL NOTIFICATIONS OF EXISTING PROVISIONS NOT PREVIOUSLY REVIEWED)**

1.1 AUSTRALIA

G/ADP/N/1/AUS/2/SUPPL.14-G/SCM/N/1/AUS/2/SUPPL.12

- G/ADP/Q1/AUS/17-G/SCM/Q1/AUS/17 - QUESTIONS FROM THE UNITED STATES

1.2 QATAR

G/ADP/N/1/QAT/3-G/SCM/N/1/QAT/3-G/SG/N/1/QAT/3

1.3 UNITED STATES

G/ADP/N/1/USA/1/SUPPL.19-G/SCM/N/1/USA/1/SUPPL.19

G/ADP/N/1/USA/1/SUPPL.20-G/SCM/N/1/USA/1/SUPPL.20

- G/ADP/Q1/USA/27-G/SCM/Q1/USA/27 - QUESTIONS FROM THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

G/ADP/N/1/USA/1/SUPPL.21-G/SCM/N/1/USA/1/SUPPL.21

G/ADP/N/1/USA/1/SUPPL.22-G/SCM/N/1/USA/1/SUPPL.22

15-5452

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1.4 CAMEROON

G/ADP/N/1/CMR/1/SUPPL.1-G/SCM/N/1/CMR/1/SUPPL.1-  
G/SG/N/1/CMR/1/SUPPL.1

- G/ADP/Q1/CMR/3-G/SCM/Q1/CMR/3-G/SG/Q1/CMR/3 -  
QUESTIONS FROM THE UNITED STATES

2 SEMI-ANNUAL REPORTS OF ANTI-DUMPING ACTIONS (ARTICLE 16.4)

- REVIEW OF SEMI-ANNUAL REPORTS COVERING THE PERIOD JANUARY-  
JUNE 2015 (G/ADP/N/272/...)

3 PRELIMINARY AND FINAL ANTI-DUMPING ACTIONS

- REVIEW OF NOTIFICATIONS (G/ADP/N/271, G/ADP/N/273, G/ADP/N/274,  
G/ADP/N/275, G/ADP/N/276 AND G/ADP/N/277)

4 OTHER BUSINESS

5 DATE OF NEXT REGULAR MEETING

6 ANNUAL REPORT OF THE COMMITTEE ON ANTI-DUMPING PRACTICES TO THE  
COUNCIL FOR TRADE IN GOODS (ARTICLE 18.6)

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR  
MEETINGS" WEBSITE ([HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/)) THE RELEVANT  
DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS,  
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS  
(IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL  
ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (ACP  
GROUP, OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE  
REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR  
REPRESENTATIVES AS SOON AS POSSIBLE.

ROBERTO AZEVEDO



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

Original: English

**ARTICLE 16.4 OF THE  
AGREEMENT**REPLIES TO QUESTIONS POSED BY THE SEPARATE CUSTOMS  
TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU  
REGARDING THE NOTIFICATION OF THE UNITED STATES

The following communication, dated X October 2015, is being circulated at the request of the United States.

**Question 1**

(Sec. 502): Consequences of failure to cooperate with a request for information in a proceeding.

Article 7 of Annex II of the WTO Anti-Dumping Agreement requires that if competent authorities have to base their findings on information from a secondary source, they should, 1) do so with special circumspection, and 2) where practicable, check the information from other independent sources at their disposal.

In addition, (in Appellate Body Report, Mexico – Anti-Dumping Measures on Rice, DS 295), DSU jurisprudence states in para. 289 that "the use of the term 'best information' for Article 7 means that information has to be not simply correct or useful per se, but the most fitting or 'most appropriate' information available in the case at hand. Determining that something is 'best' inevitably requires, ..., an evaluative, comparative assessment as the term 'best' can only be properly applied where an unambiguously superlative status obtains."

In this regard, could the United States please elaborate further on how these WTO rules will be observed under the new legislation? We are particularly interested in knowing what approaches the U.S. competent authorities are adopting under the new legislation to ensure that the information from secondary sources that is used is the best information available.

**Reply:**

The United States thanks the delegation from Separate Customs Territory of Taiwan, Penghu, Kimen and Matsu for its questions. The United States cannot elaborate further on how this new provision will be applied in future cases as it depends on the facts and circumstances the administering authority has before it on the administrative record. The United States will continue to conduct its proceedings in accordance with its WTO obligations under the Antidumping Agreement and consistent with U.S. law. The United States' proceedings will



also continue to be conducted in a fair, open, and transparent manner. Interested parties will, as always, have the opportunity to submit comments on the administrative record with regard to any application of this provision in a particular proceeding.

## Question 2

**(Sec. 504): Particular market situation.**

**Concerning the addition of the provision on the effect of the existence of a "particular market situation" in Section 773(e), we would appreciate further clarification by the U.S. as follows:**

- a. **What is the definition of a "particular market situation", and what is the criteria for determining its existence?**
- b. **If finished products are made in a country where a "particular market situation" is not determined to exist, yet the producers of such finished goods use parts and components imported from a third-party market where a "particular market situation" is determined to exist, in the view of the U.S., what will be the legal implications for the specific producers with regard to the calculation methodology?**

### Reply:

With respect to the first part of the question regarding the definition of "particular market situation," the United States notes that the term "particular market situation" appears in Article 2.2 of the Anti-Dumping Agreement, but is not defined. Similarly, the term "particular market situation" is referenced in 19 U.S.C. sec. 1677(15), 1677b(a), and 1677b(e) of the statute, but also is not defined. Because "particular market situation" is not defined in either the Antidumping Agreement or in U.S. law, the United States cannot provide a specific definition of "particular market situation" or elaborate on what criteria the United States might use for determining its existence in a future case. Again, as in the response to the first question, it will depend on the facts and circumstances the administering authority has before it on the administrative record.

With respect to the second part of this question, which asks about the legal implications for producers of finished products that use parts or inputs from a country where a "particular market situation" is determined to exist, once again, it will depend on the facts and circumstances the administering authority has before it on the administrative record.

The United States will continue to apply its anti-dumping and countervailing duty laws in a fair, open, and transparent manner, and will provide the opportunity for all interested parties to submit comments on the administrative record.

WTO/AIR/ADP/5

16 OCTOBER 2015

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - WORKING GROUP ON IMPLEMENTATION - MEETING TO BE HELD ON 28 OCTOBER 2015

1. THE WORKING GROUP ON IMPLEMENTATION OF THE COMMITTEE ON ANTI-DUMPING PRACTICES WILL MEET ON WEDNESDAY, 28 OCTOBER 2015, IN THE CENTRE WILLIAM RAPPARD, IMMEDIATELY AFTER THE MEETING OF COMMITTEE ON ANTI-DUMPING PRACTICES (SEE WTO/AIR/ADP/4).
2. THE GROUP WILL DISCUSS THE ISSUE OF ADMINISTRATIVE, ARBITRAL AND JUDICIAL REVIEW UNDER ARTICLE 13 OF THE ANTI-DUMPING AGREEMENT. AN INVITATION AND OUTLINE OF POSSIBLE ISSUES WAS CIRCULATED BY FAX ON 22 JULY 2015, AND THE OUTLINE OF ISSUES IS NOW AVAILABLE ON THE "DOCUMENTS FOR MEETINGS" WEBSITE (RD/ADP/WGI/1).
3. MEMBERS OF THE WTO AND OTHER GOVERNMENTS WITH OBSERVER STATUS ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

ROBERTO AZEVEDO

Article 6.5 of the ADA:  
Confidential Information

6.5 Any information which is by nature confidential (for example, because its disclosure would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person acquired the information), or which is provided on a confidential basis by parties to an investigation shall, upon good cause shown, be treated as such by the authorities. Such information shall not be disclosed without specific permission of the party submitting it.<sup>17</sup>

6.5.1 The authorities shall require interested parties providing confidential information to furnish non-confidential summaries thereof. These summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. In exceptional circumstances, such parties may indicate that such information is not susceptible of summary. In such exceptional circumstances, a statement of the reasons why summarization is not possible must be provided.

6.5.2 If the authorities find that a request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, the authorities may disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.<sup>18</sup>

<sup>17</sup> Members are aware that in the territory of certain Members disclosure pursuant to a narrowly-drawn protective order may be required.

<sup>18</sup> Members agree that requests for confidentiality should not be arbitrarily rejected.

Tuesday, 27 October 2015

**CONFIDENTIAL INFORMATION:  
OUTLINE OF ISSUES**

Technical Group, October 2015

**1. What is Confidential Information?**

- Does your legislation, or other instruments such as policy guidelines, establish a definition of confidential information? If so, does it elaborate beyond the general definition in Article 6.5 ADA?
- What types of information do you treat as confidential?
  - Are there certain types of information that you consider are, "by nature", confidential?
  - Prices? Costs? Customer lists? Profits and other company performance data? Product characteristics?
  - Do you face recurring issues about whether particular types of information should be treated as confidential?
  - Do you face different issues in the context of information submitted by exporters, importers and domestic producers?
  - Do you ever treat the identity of complainants or other interested parties, or the sources of information, as confidential? If so, under what circumstances?
  - How do you treat information which is provided for exclusive use and is under copyright protection (e.g., market research data)?
- How do you deal with aggregated domestic industry information in situations where there is only one or a small number of domestic producers?

**2. Justification of Information as Confidential**

- What does an interested party need to do in order to show "good cause" for information to be treated as confidential?
- Do you require a showing of good cause in cases where the information is by nature confidential?
- To what extent is the status of a company as publicly listed or privately held likely to influence whether information is entitled to confidential treatment?
- Do you extend confidential treatment to information submitted by third parties that are not interested parties in an investigation?
- How do you address situations where a margin is calculated for an exporter using confidential information from another exporter or from a third party?
- What happens in situations where an interested party redacts (blacks out) information that your authority does not consider to be confidential (whether or not a summary is provided)?

**3. Identification of Non-Confidential Information**

- How is confidential information distinguished from non-confidential information in submissions to your authority?
- Is it required from a document that it is apparent to the reader which information has been treated as confidential? If so, do you achieve this through blacking out the specific information or by other means?
- Does your legislation, or other instruments such as regulations or guidelines, contain guidance on how to prepare non-confidential versions of submissions containing confidential information?
- Are non-confidential versions of submissions identical except for the exclusion of the confidential information?
- Do interested parties typically use some form of software to produce non-confidential versions of submissions?

**4. Non-Confidential Summaries**

- Does your legislation, or other instruments such as regulations or guidelines, provide any direction as to how to prepare non-confidential summaries of confidential information "in sufficient detail to ensure to permit a reasonable understanding of the information ...."?
- What types of techniques do you allow parties to use to summarize confidential data? Data ranges? Indices? Averages? Percentage changes?
  - Do you require information giving some sense of absolute values (e.g., prices, volumes). Or do you consider that information showing trends is sufficient?
  - What are the strengths and weaknesses of these approaches in terms of providing "a reasonable understanding of the information" so as to allow for meaningful participation in the investigation?
- When are non-confidential summaries due? Simultaneously with submissions? With some delay? If so, how long?
- How do you ensure that the non-confidential summaries in fact "are in sufficient detail to ensure to permit a reasonable understanding of the information ...."?
- How do you ensure that other interested parties are aware that there is a piece of confidential information in the file? Are all pieces of confidential information reflected in the index?
- How do you ensure that non-confidential summaries are provided, and what procedure do you follow where an interested party fails to submit a non-confidential summary?
- Can/must your authority decline to consider confidential information where an interested party fails to submit a non-confidential summary of that information?
- What happens in situations where an interested party submits a non-confidential summary that your authority considers to be inadequate and is unwilling to modify it in a way that satisfies your concerns?
- Has your authority ever received a statement of reasons why summarization is not possible? Has your authority ever concluded that confidential information is not susceptible of summarization? If so, in what circumstances?
- Do you ever prepare a non-confidential summary on behalf of an interested party?

**5. Protection/Access within the Government**

- Is access to confidential information limited to the investigating authorities? If not, who else within your government has access?
- If your decision-making process requires consultations with other agencies in your government, or approval by an inter-ministerial body, do members of that body have access to the confidential information?
- What sanctions can be applied to government officials who breach confidentiality obligations?

**6. Controlled Access to Confidential Information**

- Do you maintain a system to allow representatives of the interested parties to have controlled access to confidential information (APO-type system)?
- If so, who has access to information under such a system?
- What type of sanctions do/can you impose in the event of a breach of confidentiality under this system?
- Do you consider that your system has been beneficial to your investigation process? What advantages and disadvantages do you perceive?

If you do not maintain a full-fledged APO system, have you considered less comprehensive systems for access to information (e.g., confidentiality rings, reading rooms), which could be limited to certain issues or sectors of the file?

**7. Confidential Information in Judicial/WTO Review**

- Do your national courts have access to confidential information before the investigating authority?
  - If so, is this access automatic, or upon request?
  - Are there differences between the way in which the courts and the authorities treat such information?
  - Do the parties have access to confidential information when a matter is appealed?
- Does your authority have the legal power under national law to provide information that has been treated as confidential to a WTO dispute settlement panel? Or must you seek permission of the party submitting the information?

**8. The File, Digital Filing and Registry, and Confidential Information**

- Who has access to the **non-confidential file**? Interested parties only? Or also the public at large?
  - How do people consult the non-confidential file? Do they need to present themselves at the authority? Or can the non-confidential file be consulted digitally as well?
  - Are there costs associated with accessing the non-confidential file?
- Does your authority maintain a **digital filing and registry system**?
  - If so, is the use of digital filing mandatory, or at the discretion of the interested party?
  - Does digital filing replace paper copies, or are hard copies also required in addition to the digital documents?
  - Do people seeking access to a digital non-confidential file need to register with the authorities?
  - Do you maintain a record of who accessed a digital non-confidential file ("tracing")?
  - How do you inform interested parties that there is new material in a digital non-confidential file?
  - Have you encountered interested parties who lack the technical skills, equipment or bandwidth to use in digital filing?
- If your authority maintains a digital filing/registry system, does that system accommodate **both non-confidential and confidential information**?
  - If so, what techniques do you apply to control access to confidential information, and to ensure the security of the system?