



**Committee on Anti-Dumping Practices
Working Group on Implementation**

UNOFFICIAL ROOM DOCUMENT¹

**AD WORKING GROUP ON IMPLEMENTATION
OUTLINE OF ISSUES FOR DISCUSSION**

**Comité des pratiques antidumping
Groupe de travail de la mise en œuvre**

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OUTLINE OF ISSUES FOR DISCUSSION**

**Comité de Prácticas Antidumping
Grupo de Trabajo sobre la Aplicación**

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OUTLINE OF ISSUES FOR DISCUSSION**

* In Original language only/En langue originale seulement/En el idioma original solamente.

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AD WORKING GROUP ON IMPLEMENTATION:

OUTLINE OF ISSUES FOR DISCUSSION¹

Gathering injury data

1. How extensive is the injury data required in the complaint?
 - In cases where the complaint refers to a very specific product and the domestic producers produce many products, should the information included in the complaint refer exclusively to the subject product at the pre-initiation phase? Only portions of that information? Which criteria would the authority apply?
 - Does the authority continue to use data received in the complaint after initiation?
 - Or is its use restricted to the initiation decision?
2. In cases where the injury data contained in the complaint is insufficient to initiate the investigation,
 - Would the authority seek additional information to that already received in the complaint?
 - Are there any criteria to determine whether the authority should seek additional information rather than reject the complaint? If so, please describe them.
 - What kind of sources would the authority rely on to obtain that additional information?
3. From whom does the authority seek data for the purposes of an injury investigation?
 - Domestic producers who support the complaint only?
 - All domestic producers?
 - Related trading companies?
 - Unrelated distributors?
 - Related/unrelated suppliers of inputs?
 - Purchasers (e.g., industrial consumers, retailers, distributors)?
 - Consumer organizations (in the case of consumer goods)?
 - Statistical sources?
 - Industry research organizations?
 - Government sources?
4. How does the authority request information from those parties?
 - Are separate questionnaires developed for every respondent and purpose?
 - Are certain requests made not in questionnaire form?
 - Are the questionnaires publicly available (published online)?
 - Are there simplified versions of questionnaires for small/medium sized enterprises?
 - Does the authority have the power to oblige those parties to answer the data requests?
5. Does the authority use sources other than questionnaire responses in its injury investigation, such as:
 - Industry-specific research?
 - Data from open sources or sources of limited access?
 - Would the authority use data from sources of limited access if those sources refuse to authorize the inclusion of that information in the administrative record?
 - Data from commodity exchange markets?
 - Data from Customs or other government agencies?

If yes, for which purposes? What are the most helpful resources?

¹ This outline of issues was originally circulated via fax by the discussant for this issue, Rodrigo Orozco Gálvez, on 10 March 2016.

6. At what stage (before initiation, at initiation, shortly after initiation, after preliminary measures) does the authority seek information necessary for the injury determination for each of these purposes?

- Data as regards the like product? (what data is required?)
- Data as regards injury factors (what data is required?)
- Data as regards price/volume effects (what data is required?)
- Data as regards public interest (what data is required?)

7. For what period is data collected?

- How is the period of data collection for the injury analysis and determination decided?
- Is data sought for different periods depending on the type of data?
- For which intervals is data sought (yearly, semi-annually, quarterly, monthly)?
- Do you ever collect data seasonally or for specified non-consecutive periods for certain markets/industries?
- Does the authority update data during the course of the investigation?
For example, between the preliminary and final determinations?

8. How does the authority determine which prices of the domestic like product have to be taken into account? Does it consider the prices of the domestic industry as opposed to those of all the producers?

- Is price and quantity data collected from the domestic industry in the same way as it is collected from exporters (per product-type?) If you sometimes use different product categories, why and in what circumstances?

9. How does the authority ensure that it receives timely and complete responses to its injury questionnaires?

- If certain questions were not answered, would the authority send additional requests for information in regard to those questions? How long would it provide for responses?
- Can the authority compel evidence from parties to an injury investigation?
- Are there any sanctions under your system for not providing information for injury purposes or providing incomplete information?

10. Does the authority usually collect data from all members of the domestic industry?

- Does the authority ever choose to collect data from a subset of the relevant enterprises? Under what circumstances? Which criteria are used to determine the relevant enterprises?
- How does the authority deal with situations of incomplete data coverage?
- For instance, where there are many small/medium-sized companies in a domestic industry that do not all respond to a questionnaire?
- How does the authority deal with incomplete questionnaire responses resulting in different data coverage for different categories of information sought? Is the authority entitled to analyse certain factors for a narrower subset of companies?

11. Does the authority normally conduct verification visits for the purposes of injury investigations?

If so,

- At which stage are the visits conducted?
- What parties are visited for verification?
- What information is verified?
- What options are available to a party and to the authority if a verification is unsuccessful?

Compilation of injury data

12. Are distinctions made between enterprise-level data and market-level data?

- Are macro- and micro-economic indicators discussed separately?
- If yes, what are the sources for market-level data?

13. Is the methodology for the compilation of injury data disclosed to the parties in an investigation?

Can comments be made on the authority's treatment of injury data?

14. Does compilation of data on factors take into consideration upstream/downstream activities?

- For instance, for data on stocks, sales, prices, profits – are related trading companies / unrelated distributors taken into account? If yes, does their data replace that given by the producer? In what circumstances?
- For instance, for data on costs and profitability – is data from suppliers used and in what way?

15. How is price data used?

- Would the authority consider all the prices of all the domestic producers or would it select a subset of those producers/prices? How would it make such selection?
- Does the authority come up with an aggregate price figure both for the industry and the imports or does it carry out the evaluation on some other basis? Please describe such other basis.
- If the authority determines an aggregate price figure for the industry, how does it do so? Would the authority obtain a weighted average of those prices, and if so, how?
- Which sources are used? Are related trading companies/unrelated distributors taken into account when arriving at an aggregate price figure? If yes, how?
- Which prices would be considered among those obtained from the referred sources?
- Do "level of trade" considerations play a role in compiling price data for the price effects analysis? How is this data compiled?
- Are any other adjustments carried out to the prices?

16. How is data on the following factors compiled?

- Profitability:
 - Do you calculate aggregate profitability for an industry? If so, how? Which techniques do you use?
- Capacity:
 - How do you account for differences in approaches when calculating capacity (producers may have different approaches to capacity accounting)?
 - If the same lines of production are used to produce both the subject product and other products, would that be taken into account? How?
- Costs:
 - Are costs analysed on a company-specific basis or is an aggregate industry-wide breakdown of costs compiled? If the latter, how is it done?
- Financial state:
 - How do you calculate return on investment, cash flow, productivity when companies produce more than one product?
 - How do you interpret ability to raise capital relative to the industry as a whole?

17. How do you consider captive production while examining the production of the domestic industry? If you disregard captive production, how do you separate the performance of the captive production while analyzing the economic and financial factors examined for injury purposes?
