

WTO/AIR/SG/4

13 OCTOBER 2016

SUBJECT: COMMITTEE ON SAFEGUARDS - REGULAR MEETING TO BE HELD ON  
24 OCTOBER 2016

1. THE COMMITTEE ON SAFEGUARDS WILL HOLD A REGULAR MEETING ON MONDAY, 24 OCTOBER 2016, 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 KAZAKHSTAN (G/SG/N/1/KAZ/REV.1 AND G/SG/N/1/KAZ/1/REV.1/CORR.1)<sup>1</sup>

- G/SG/Q1/KAZ/1 - QUESTIONS FROM THE UNITED STATES<sup>2</sup>

1.1.2 KUWAIT (G/SG/N/1/KWT/1/SUPPL.1 AND G/SG/N/1/KWT/1/SUPPL.1/CORR.1<sup>3</sup>)

1.1.3 QATAR (G/SG/N/1/QAT/3/SUPPL.1)

1.1.4 RUSSIAN FEDERATION (G/SG/N/1/RUS/2)

- G/SG/Q1/RUS/7 - QUESTIONS FROM THE UNITED STATES<sup>4</sup>

1.1.5 VANUATU (G/SG/N/1/VUT/1) (NIL NOTIFICATION)

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<sup>1</sup> IN ENGLISH ONLY. BY DOCUMENT G/SG/N/1/KAZ/1/REV.1, KAZAKHSTAN REVISED THE TRANSLATION NOTIFIED IN DOCUMENT G/SG/N/1/KAZ/1.

<sup>2</sup> THE UNITED STATES HAS ASKED THAT THIS DOCUMENT BE DISCUSSED IN THE ANTI-DUMPING COMMITTEE.

<sup>3</sup> IN ENGLISH ONLY.

<sup>4</sup> THE UNITED STATES HAS ASKED THAT THIS DOCUMENT BE DISCUSSED IN THE ANTI-DUMPING COMMITTEE.

## 1.2 CONTINUING REVIEW OF PREVIOUSLY REVIEWED NOTIFICATIONS

### 1.2.1 CAMEROON (G/SG/N/1/CMR/1)

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

### 1.2.2 DOMINICAN REPUBLIC (G/SG/N/1/DOM/2/SUPPL.2)<sup>5</sup>

- G/SG/Q1/DOM/8 - FOLLOW UP QUESTIONS FROM THE UNITED STATES

### 1.2.3 BAHRAIN, OMAN AND SAUDI ARABIA (G/SG/N/1/BHR/3/SUPPL.1, G/SG/N/1/OMN/3/SUPPL.1 AND G/SG/N/1/SAU/2/SUPPL.1)<sup>6</sup>

- G/SG/Q1/BHR/13-G/SG/Q1/OMN/3-G/SG/Q1/SAU/7 - FOLLOW UP QUESTIONS FROM THE UNITED STATES

### 1.2.4 KYRGYZ REPUBLIC (G/SG/N/1/KGZ/2)<sup>7</sup>

- G/SG/Q1/KGZ/2 - REPLIES FROM THE KYRGYZ REPUBLIC

## 2 NOTIFICATIONS OF ACTIONS RELATED TO SAFEGUARD MEASURES

### 2.1 CHILE - STEEL WIRE

G/SG/N/9/CHL/9

### 2.2 CHILE - STEEL NAILS

G/SG/N/9/CHL/10

### 2.3 CHILE - STEEL MESH

G/SG/N/9/CHL/11

### 2.4 CHILE - STEEL WIRE ROD

G/SG/N/8/CHL/7/SUPPL.1-G/SG/N/10/CHL/9/SUPPL.1-G/SG/N/11/CHL/10/SUPPL.1

- G/SG/Q2/CHL/11 - QUESTIONS FROM THE UNITED STATES
- G/SG/Q2/CHL/12 - REPLIES FROM CHILE

### 2.5 CHINA - SUGAR

G/SG/N/6/CHN/2

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<sup>5</sup> THE UNITED STATES HAS ASKED THAT THESE TWO DOCUMENTS BE DISCUSSED IN THE ANTI-DUMPING COMMITTEE.

<sup>6</sup> THE UNITED STATES HAS ASKED THAT THIS DOCUMENT BE DISCUSSED IN THE ANTI-DUMPING COMMITTEE.

<sup>7</sup> THE UNITED STATES HAS ASKED THAT THIS DOCUMENT BE DISCUSSED IN THE ANTI-DUMPING COMMITTEE.

2.6 EGYPT - POLYETHYLENE TEREPHTHALATE (PET)

G/SG/N/9/EGY/2

2.7 EGYPT - WHITE SUGAR

G/SG/N/6/EGY/12/SUPPL.1-G/SG/N/7/EGY/10/SUPPL.1-  
G/SG/N/11/EGY/9/SUPPL.1

2.8 INDIA - HOT-ROLLED FLAT SHEETS AND PLATES OF ALLOY OR NON-ALLOY  
STEEL HAVING NOMINAL THICKNESS LESS THAN OR EQUAL TO 150 MM AND  
NOMINAL WIDTH OF GREATER THAN OR EQUAL TO 600 MM

G/SG/N/8/IND/30-G/SG/N/10/IND/21-G/SG/N/11/IND/16

G/SG/N/8/IND/30/CORR.1-G/SG/N/10/IND/21/CORR.1-  
G/SG/N/11/IND/16/CORR.1

- G/SG/Q2/IND/23 - QUESTIONS FROM UKRAINE
- G/SG/Q2/IND/24 AND G/SG/Q2/IND/24/CORR.1 - QUESTIONS FROM THE UNITED STATES

2.9 INDIA - UNWROUGHT ALUMINIUM

G/SG/N/6/IND/43 AND G/SG/N/6/IND/43/CORR.1

G/SG/N/8/IND/29-G/SG/N/10/IND/20-G/SG/N/11/IND/15

G/SG/N/8/IND/29/CORR.1-G/SG/N/10/IND/20/CORR.1-  
G/SG/N/11/IND/15/CORR.1

- G/SG/Q2/IND/22 - QUESTIONS FROM THE UNITED STATES

2.10 INDONESIA - DEXTROSE MONOHYDRATE

G/SG/N/9/IDN/10

2.11 JORDAN - ALUMINIUM BARS, RODS AND PROFILES

G/SG/N/6/JOR/18

G/SG/N/7/JOR/2-G/SG/N/8/JOR/10-G/SG/N/11/JOR/6

G/SG/N/7/JOR/2/SUPPL.1-G/SG/N/8/JOR/10/SUPPL.1-  
G/SG/N/11/JOR/6/SUPPL.1

- G/SG/Q2/JOR/6 - QUESTIONS FROM THE UNITED STATES
- G/SG/Q2/JOR/7 - REPLIES FROM JORDAN
- G/SG/Q2/JOR/8 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SG/Q2/JOR/9 - REPLIES TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES

2.12 KYRGYZ REPUBLIC - HARVESTERS AND MODULES THEREOF

- G/SG/Q2/KGZ/5 - REPLIES FROM THE KYRGYZ REPUBLIC

2.13 MALAYSIA - STEEL CONCRETE REINFORCING BARS

G/SG/N/6/MYS/4

G/SG/N/7/MYS/2-G/SG/N/11/MYS/2

2.14 MALAYSIA - STEEL WIRE ROD AND DEFORMED BAR-IN-COIL

G/SG/N/6/MYS/5

G/SG/N/7/MYS/3-G/SG/N/11/MYS/3

2.15 MOROCCO - PAPER IN ROLLS AND REAMS

G/SG/N/8/MAR/5-G/SG/N/10/MAR/5-G/SG/N/11/MAR/5

2.16 MOROCCO - COLD ROLLED SHEETS IN COILS OR CUT, AND PLATED OR COATED SHEETS

G/SG/N/8/MAR/4/SUPPL.2-G/SG/N/10/MAR/4/SUPPL.2-  
G/SG/N/11/MAR/4/SUPPL.2

2.17 PHILIPPINES - TESTLINER BOARD

G/SG/N/8/PHL/8/SUPPL.4-G/SG/N/10/PHL/7/SUPPL.3-  
G/SG/N/11/PHL/9/SUPPL.4

2.18 SAUDI ARABIA AND OTHERS<sup>8</sup> - FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL

G/SG/N/6/ARE/1-G/SG/N/6/BHR/1-G/SG/N/6/KWT/1-G/SG/N/6/OMN/1-  
G/SG/N/6/QAT/1-G/SG/N/6/SAU/1

2.19 SAUDI ARABIA AND OTHERS<sup>9</sup> - FERRO SILICO MANGANESE

G/SG/N/6/ARE/2-G/SG/N/6/BHR/2-G/SG/N/6/KWT/2-G/SG/N/6/OMN/2-  
G/SG/N/6/QAT/2-G/SG/N/6/SAU/2

2.20 SOUTH AFRICA - FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL

G/SG/N/6/ZAF/5

2.21 SOUTH AFRICA - CERTAIN FLAT-ROLLED PRODUCTS OF IRON, NON-ALLOY STEEL OR OTHER ALLOY (NOT INCLUDING STAINLESS STEEL)

G/SG/N/8/ZAF/3

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<sup>8</sup> SAUDI ARABIA SUBMITTED THIS NOTIFICATION ON BEHALF OF THE GCC COUNTRIES, WHICH ARE: BAHRAIN, KINGDOM OF; KUWAIT, THE STATE OF; OMAN; QATAR; SAUDI ARABIA, KINGDOM OF; AND UNITED ARAB EMIRATES.

<sup>9</sup> SAUDI ARABIA SUBMITTED THIS NOTIFICATION ON BEHALF OF THE GCC COUNTRIES, WHICH ARE: BAHRAIN, KINGDOM OF; KUWAIT, THE STATE OF; OMAN; QATAR; SAUDI ARABIA, KINGDOM OF; AND UNITED ARAB EMIRATES.

- G/SG/Q2/ZAF/3 - QUESTIONS FROM THE UNITED STATES

2.22 UKRAINE - FLEXIBLE POROUS PLATES, BLOCKS AND SHEETS OF POLYURETHANE FOAMS

G/SG/N/8/UKR/5-G/SG/N/10/UKR/5-G/SG/N/11/UKR/3

G/SG/N/8/UKR/5/CORR.1-G/SG/N/10/UKR/5/CORR.1-  
G/SG/N/11/UKR/3/CORR.1

G/SG/N/11/UKR/3/SUPPL.1

- G/SG/Q2/UKR/3 - QUESTIONS FROM THE UNITED STATES

2.23 UKRAINE - TABLEWARE AND KITCHENWARE OF PORCELAIN

G/SG/N/11/UKR/2/SUPPL.1

2.24 VIET NAM - SEMI-FINISHED AND CERTAIN FINISHED PRODUCTS OF ALLOY AND NON-ALLOY STEEL

G/SG/N/8/VNM/3-G/SG/N/10/VNM/2-G/SG/N/11/VNM/4

2.25 VIET NAM - PRE-PAINTED GALVANIZED STEEL SHEET AND STRIP

G/SG/N/6/VNM/5

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

- G/SG/Q2/ZMB/2 - REPLIES FROM ZAMBIA

- G/SG/Q2/ZMB/3 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

2.27 UKRAINE - TABLEWARE AND KITCHENWARE OF PORCELAIN

G/SG/N/11/UKR/2/SUPPL.1

2.28 UKRAINE - FLEXIBLE POROUS PLATES, BLOCKS AND SHEETS OF POLYURETHANE FOAMS

G/SG/N/11/UKR/3/SUPPL.1

3 HOW MEMBERS HAVE NOTIFIED DEVELOPING COUNTRY MEMBERS EXEMPTED FROM A SG MEASURE BY VIRTUE OF ARTICLE 9.1 (NOTE BY THE SECRETARIAT)

4 CREATION OF A WORKING GROUP ON IMPLEMENTATION (G/SCM/W/567-G/SG/W/236 AND G/SCM/W/568-G/SG/W/237) (ITEM REQUESTED BY BRAZIL)

5 ADDITION OF CERTAIN INFORMATION INTO THE ANNUAL REPORT (ITEM REQUESTED BY AUSTRALIA) (RD/SG/15)

6 SAFEGUARD LEGISLATION OF EL SALVADOR (ITEM REQUESTED BY THE UNITED STATES)

7 DISCUSSION GROUP REGARDING SAFEGUARD PROCEEDINGS

8 OTHER BUSINESS

9 ANNUAL REPORT TO THE COUNCIL FOR TRADE IN GOODS

10 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

WTO/AIR/SG/4/CORR.1

17 OCTOBER 2016

SUBJECT: COMMITTEE ON SAFEGUARDS - REGULAR MEETING TO BE HELD ON  
24 OCTOBER 2016

PLEASE NOTE THAT ITEM 5 SHOULD APPEAR AS FOLLOWS:

5 ADDITION OF CERTAIN INFORMATION INTO THE ANNUAL REPORT (ITEM  
REQUESTED BY AUSTRALIA) (RD/SG/14)

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## POSSIBLE TOPICS FOR FUTURE DISCUSSION GROUPS

- A. What constitutes "clear evidence" for the imposition of provisional measures
- B. Serious injury v. threat of serious injury - how administrators make the distinction
- C. Report of findings - what do administrators typically include and exclude
- D. Industry adjustment plans - how much detail is requested
- E. Public disclosure - how to manage the public demand for instant (electronic) information
- F. Duration and extension of measures - what procedures from the original investigation apply
- G. Duration and extension of measures - what factors do Members examine as compared to the original investigation when deciding whether to extend a measure
- H. Unforeseen developments and other factors - how administrators make the distinction
- I. What do Members notify under Article 12 - at what stage and when
- J. Managing consultations under investigation timelines
- K. Safeguard instrument as defined in SGA v. FTA - what are the transferable lessons



防衛程序之友非正式討論會議 我國分享資料

Thank you Mr. Chair

I would like to have the opportunity to share our practice in Chinese Taipei. Actually we have two authorities in charge of the antidumping investigations, and Customs Administration is responsible for dumping margin and injury investigations in antidumping proceedings is conducting by International Trade Commission of the Ministry of Economic Affairs. I work from ITC.

The authority applies a definition of confidential information that is set forth in regulation under Article 6.5 of the Antidumping Agreement. With respect to the information submitted, the applicant and the interested parties shall separately identify which information may be disclosed and which may not. However, where confidentiality is requested, the non-confidential summary shall be furnished. When the applicant and the interested parties request for confidentiality of the information so provided is warranted, the authorities concerned shall not disclose such information without the specific permission of the party submitting it.

There seems to be some cases in which no clear distinction between serious injury and threat of serious injury has been made by the investigating authorities, and no clear criteria for the two can be found in the Safeguards Agreement. Therefore we think it would be helpful for Members to discuss distinctions between the two.

Article XIX of the GATT 1994 stipulates unforeseen developments without specifying other factors, whereas the SG Agreement only provides for other factors. It seems to us that “unforeseen developments” provide backgrounds for increased imports to cause injury, while “other factors” in themselves cause injury at the same time with increased imports. Since identification of factors to be “unforeseen developments” or “other factors” affect injury analysis, we think it’s an important issue to distinguish between the two.



WTO/AIR/SCM/11

14 OCTOBER 2016

SUBJECT: COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES -  
SPECIAL MEETING TO BE HELD ON 25 OCTOBER 2016

1. THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES WILL HOLD A SPECIAL MEETING ON TUESDAY, 25 OCTOBER 2016 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 AUSTRALIA (G/SCM/N/284/AUS)

- G/SCM/Q2/AUS/54 - QUESTIONS FROM CANADA
- G/SCM/Q2/AUS/55 - QUESTIONS FROM MEXICO
- G/SCM/Q2/AUS/56 - QUESTIONS FROM SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
- G/SCM/Q2/AUS/57 - REPLIES TO CANADA
- G/SCM/Q2/AUS/58 - REPLIES TO SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
- G/SCM/Q2/AUS/59 - REPLY TO MEXICO

1.2 BELIZE - (G/SCM/N/284/BLZ-G/SCM/N/290/BLZ)

1.3 CHILE - (G/SCM/N/284/CHL)

1.4 CONGO (G/SCM/N/284/COG)

1.5 DOMINICAN REPUBLIC (G/SCM/N/284/DOM-G/SCM/N/290/DOM)

1.6 EUROPEAN UNION

1.6.1 BELGIUM (G/SCM/N/284/EU/ADD.2)

1.6.2 CYPRUS (G/SCM/N/284/EU/ADD.5)

16-5600

1.6.3 SPAIN (G/SCM/N/284/EU/ADD.26)

1.7 JAMAICA (G/SCM/N/284/JAM-G/SCM/N/290/JAM)

1.8 MEXICO (G/SCM/N/284/MEX/SUPPL.1)

1.9 UNITED ARAB EMIRATES (G/SCM/N/284/ARE)

1.10 UNITED STATES - (G/SCM/N/284/USA)

- G/SCM/Q2/USA/67 - QUESTIONS FROM CANADA
- G/SCM/Q2/USA/68 - QUESTIONS FROM SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

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

2.1 INDIA (G/SCM/N/253/IND/SUPPL.2)

**3 CONTINUATION OF REVIEW OF 2015 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/284/...)**

3.1 CANADA (G/SCM/N/284/CAN)

- G/SCM/Q2/CAN/65 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/CAN/66 - REPLIES TO THE UNITED STATES

3.2 CHINA (G/SCM/N/220/CHN-G/SCM/N/253/CHN-G/SCM/N/284/CHN)

- G/SCM/Q2/CHN/54 - QUESTIONS FROM CANADA
- G/SCM/Q2/CHN/55 - QUESTIONS FROM JAPAN
- G/SCM/Q2/CHN/56 - QUESTIONS FROM MEXICO
- G/SCM/Q2/CHN/57 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/CHN/58 - QUESTIONS FROM SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
- G/SCM/Q2/CHN/60 - QUESTIONS FROM THE EUROPEAN UNION
- G/SCM/Q2/CHN/61 - REPLIES TO CANADA
- G/SCM/Q2/CHN/62 - REPLIES TO JAPAN
- G/SCM/Q2/CHN/63 AND G/SCM/Q2/CHN/63/CORR.1 - REPLIES TO MEXICO
- G/SCM/Q2/CHN/64 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/CHN/65 - REPLIES TO SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

3.3 EUROPEAN UNION (G/SCM/N/284/EU/ADD.3, G/SCM/N/284/EU/ADD.4, G/SCM/N/284/EU/ADD.6, G/SCM/N/284/EU/ADD.9, G/SCM/N/284/EU/ADD.10, G/SCM/N/284/EU/ADD.11, G/SCM/N/284/EU/ADD.12, G/SCM/N/284/EU/ADD.13, G/SCM/N/284/EU/ADD.14, G/SCM/N/284/EU/ADD.15, G/SCM/N/284/EU/ADD.16, G/SCM/N/284/EU/ADD.17, G/SCM/N/284/EU/ADD.18, G/SCM/N/284/EU/ADD.19, G/SCM/N/284/EU/ADD.20, G/SCM/N/284/EU/ADD.21, G/SCM/N/284/EU/ADD.27 PERTAINING TO BULGARIA, CROATIA, CZECH REPUBLIC, FINLAND, FRANCE, GERMANY, GREECE, HUNGARY, IRELAND, ITALY, LATVIA, LITHUANIA, LUXEMBOURG, MALTA, NETHERLANDS, POLAND, AND SWEDEN, RESPECTIVELY.

- G/SCM/Q2/EU/47 - QUESTIONS FROM THE RUSSIAN FEDERATION
- G/SCM/Q2/EU/48 - QUESTIONS FROM CANADA
- G/SCM/Q2/EU/49 - REPLIES TO CANADA
- G/SCM/Q2/EU/51 - REPLIES TO THE RUSSIAN FEDERATION

3.4 KOREA (G/SCM/N/284/KOR)

- G/SCM/Q2/KOR/54 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/KOR/55 - QUESTIONS FROM SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
- G/SCM/Q2/KOR/56 - REPLIES TO SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
- G/SCM/Q2/KOR/57 - REPLIES TO THE UNITED STATES

3.5 QATAR (G/SCM/N/253/QAT-G/SCM/N/284/QAT)

- G/SCM/Q2/QAT/5 - QUESTIONS FROM THE UNITED STATES

3.6 THAILAND (G/SCM/N/284/THA)

- G/SCM/Q2/THA/26 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/THA/27 - REPLIES TO THE UNITED STATES

3.7 TURKEY (G/SCM/N/284/TUR)

- G/SCM/Q2/TUR/34 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/TUR/35 AND G/SCM/Q2/TUR/35/SUPPL.1 - REPLIES TO THE UNITED STATES

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

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

- G/SCM/Q2/BRA/47 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/BRA/48 - REPLIES TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES

4.2 EUROPEAN UNION (G/SCM/N/253/EU/ADD.1, G/SCM/N/253/EU/ADD.2, G/SCM/N/253/EU/ADD.4, G/SCM/N/253/EU/ADD.6, G/SCM/N/253/EU/ADD.8, G/SCM/N/253/EU/ADD.14 G/SCM/N/253/EU/ADD.17, G/SCM/N/253/EU/ADD.19, G/SCM/N/253/EU/ADD.24, G/SCM/N/253/EU/ADD.27) PERTAINING TO AUSTRIA, BELGIUM, CYPRUS, DENMARK, FINLAND, ITALY, LUXEMBOURG, NETHERLANDS, SLOVENIA, AND UNITED KINGDOM RESPECTIVELY.

- G/SCM/Q2/EU/44 - QUESTIONS FROM THE RUSSIAN FEDERATION
- G/SCM/Q2/EU/47 - QUESTIONS FROM THE RUSSIAN FEDERATION
- G/SCM/Q2/EU/51 - REPLIES TO THE RUSSIAN FEDERATION

4.3 RUSSIAN FEDERATION (G/SCM/N/253/RUS - G/SCM/N/253/RUS/REV.1)

- G/SCM/Q2/RUS/14 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/RUS/15 - REPLIES TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES

4.4 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
- G/SCM/Q2/TUR/37 - REPLIES TO CANADA
- G/SCM/Q2/TUR/38 - REPLIES TO ADDITIONAL QUESTIONS FROM THE UNITED STATES

4.5 UNITED STATES

- G/SCM/Q2/USA/62 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/USA/63 - QUESTIONS FROM CANADA
- G/SCM/Q2/USA/64 - QUESTIONS FROM THE RUSSIAN FEDERATION
- G/SCM/Q2/USA/65 - REPLIES TO AUSTRALIA
- G/SCM/Q2/USA/66 - REPLIES TO CANADA

4.6 VIET NAM (G/SCM/N/253/VNM)

- G/SCM/Q2/VNM/5 - QUESTIONS FROM THE UNITED STATES



- G/SCM/Q2/VNM/6 - REPLIES TO THE UNITED STATES

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

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
- G/SCM/Q2/TUR/36 AND G/SCM/Q2/TUR/36/CORR.1 - REPLIES TO AUSTRALIA

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



WTO/AIR/SCM/12

14 OCTOBER 2016

SUBJECT: COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES -  
REGULAR MEETING TO BE HELD ON 25 OCTOBER 2016

1. THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES WILL HOLD A REGULAR MEETING ON TUESDAY, 25 OCTOBER 2016 IN THE CENTRE WILLIAM RAPPARD, IMMEDIATELY FOLLOWING THE SPECIAL MEETING OF THE COMMITTEE (WTO/AIR/SCM/11).

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 CANADA

(G/ADP/N/1/CAN/4/SUPPL.1-G/SCM/N/1/CAN/4/SUPPL.1)

- G/ADP/Q1/CAN/16-G/SCM/Q1/CAN/16 - QUESTIONS FROM THE UNITED STATES
- G/ADP/Q1/CAN/17-G/SCM/Q1/CAN/17 - REPLIES TO THE UNITED STATES

1.1.2 KAZAKHSTAN

(G/ADP/N/1/KAZ/1/REV.1-G/SCM/N/1/KAZ/1/REV.1-G/SG/N/1/KAZ/1/REV.1) & (G/ADP/N/1/KAZ/1/REV.1/CORR.1-G/SCM/N/1/KAZ/1/REV.1/CORR.1-G/SG/N/1/KAZ/1/REV.1/CORR.1)

- G/ADP/Q1/KAZ/1-G/SCM/Q1/KAZ/1-G/SG/Q1/KAZ/1 - QUESTIONS FROM THE UNITED STATES

1.1.3 KUWAIT, THE STATE OF

(G/ADP/N/1/KWT/1/SUPPL.1-G/SCM/N/1/KWT/1/SUPPL.1-G/SG/N/1/KWT/1/SUPPL.1) & (G/ADP/N/1/KWT/1/SUPPL.1/CORR.1-G/SCM/N/1/KWT/1/SUPPL.1/CORR.1-G/SG/N/1/KWT/1/SUPPL.1/CORR.1)

16-5601

1.1.4 QATAR

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

1.1.5 RUSSIAN FEDERATION

(G/ADP/N/1/RUS/2-G/SCM/N/1/RUS/2-G/SG/N/1/RUS/2)

- G/ADP/Q1/RUS/7-G/SCM/Q1/RUS/7-G/SG/Q1/RUS/7 - QUESTIONS FROM THE UNITED STATES

1.1.6 UNITED STATES

(G/ADP/N/1/USA/1/SUPPL.23-G/SCM/N/1/USA/1/SUPPL.23)

- G/ADP/Q1/USA/29-G/SCM/Q1/USA/29 - QUESTIONS FROM MEXICO

(G/ADP/N/1/USA/1/SUPPL.25-G/SCM/N/1/USA/1/SUPPL.24) &  
(G/ADP/N/1/USA/1/SUPPL.25/CORR.1-G/SCM/N/1/USA/1/SUPPL.24/CORR.1)

- G/ADP/Q1/USA/30-G/SCM/Q1/USA/30 - QUESTIONS FROM THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

1.1.7 VANUATU

(G/ADP/N/1/VUT/1-G/SCM/N/1/VUT/1-G/SG/N/1/VUT/1)

1.2 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS WITH OUTSTANDING WRITTEN QUESTIONS

1.2.1 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 NATIONAL LEGISLATION - CONTINUING REVIEW OF LEGISLATIVE NOTIFICATIONS PREVIOUSLY REVIEWED BY THE COMMITTEE**

2.1 BAHRAIN, KINGDOM OF; OMAN; SAUDI ARABIA, KINGDOM OF

(G/ADP/N/1/BHR/3/SUPPL.1-G/SCM/N/1/BHR/2/SUPPL.1-G/SG/N/1/BHR/3/SUPPL.1 & G/ADP/N/1/OMN/3/SUPPL.1-G/SCM/N/1/OMN/3/SUPPL.1-G/SG/N/1/OMN/3/SUPPL.1 & G/ADP/N/1/SAU/2/SUPPL.1-G/SCM/N/1/SAU/2/SUPPL.1-G/SG/N/1/SAU/2/SUPPL.1)

- G/ADP/Q1/BHR/11-G/SCM/Q1/BHR/11-G/SG/Q1/BHR/13-G/ADP/Q1/OMN/3-G/SCM/Q1/OMN/3-G/SG/Q1/OMN/3-G/ADP/Q1/SAU/5-G/SCM/Q1/SAU/5-G/SG/Q1/SAU/7 - FOLLOW-UP QUESTION FROM THE UNITED STATES

- G/ADP/Q1/BHR/12-G/SCM/Q1/BHR/12-G/SG/Q1/BHR/14-G/ADP/Q1/OMN/4-G/SCM/Q1/OMN/4-G/SG/Q1/OMN/4-G/ADP/Q1/SAU/6-G/SCM/Q1/SAU/6-G/SG/Q1/SAU/8 - REPLY TO THE UNITED STATES

2.2 COLOMBIA (G/ADP/N/1/COL/4)

- G/ADP/Q1/COL/8-G/SCM/Q1/COL/8 - FOLLOW-UP QUESTION FROM THE UNITED STATES
- G/ADP/Q1/COL/9-G/SCM/Q1/COL/9 - REPLY TO THE UNITED STATES

2.3 DOMINICAN REPUBLIC (G/ADP/N/1/DOM/3/SUPPL.2-G/SCM/N/1/DOM/2/SUPPL.2-G/SG/N/1/DOM/2/SUPPL.2)

- G/ADP/Q1/DOM/9-G/SCM/Q1/DOM/9-G/SG/Q1/DOM/9 - FOLLOW-UP QUESTION FROM THE UNITED STATES

2.4 PAKISTAN (G/ADP/N/1/PAK/3 - G/SCM/N/1/PAK/3)

- G/ADP/Q1/PAK/11-G/SCM/Q1/PAK/11 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/ADP/Q1/PAK/12-G/SCM/Q1/PAK/12 - REPLIES TO THE UNITED STATES

3 SEMI-ANNUAL REPORTS OF COUNTERVAILING DUTY ACTIONS (ARTICLE 25.11) - G/SCM/N/305 AND G/SCM/N/305/SUPPL.1

4 PRELIMINARY AND FINAL COUNTERVAILING DUTY ACTIONS: NOTIFICATIONS (ARTICLE 25.11) - G/SCM/N/304 AND G/SCM/N/306-310

5 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 (G/SCM/N/299)

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

- G/SCM/W/546/REV.7; G/SCM/W/546/REV.7/CORR.1<sup>1</sup> & G/SCM/W/546/REV.7/CORR.2<sup>1</sup>) AND G/SCM/W/557/REV.1)

7 CREATION OF A WORKING GROUP ON IMPLEMENTATION (G/SCM/W/567-G/SG/W/236 AND G/SCM/W/568-G/SG/W/237) - ITEM REQUESTED BY BRAZIL

8 QUESTIONS TO CANADA PURSUANT TO ARTICLE 25.8 OF THE SCM AGREEMENT (G/SCM/Q2/CAN/67) - ITEM REQUESTED BY BRAZIL

9 NON-NOTIFICATION BY CHINA OF ALLEGED SUBSIDIES CONTAINED IN THE 2014 AND 2015 REQUESTS BY THE UNITED STATES UNDER ARTICLE 25.10 OF THE SCM AGREEMENT (G/SCM/Q2/CHN/42; G/SCM/Q2/CHN/51, PLUS

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

G/SCM/Q2/CHN/51/CORR.1; G/SCM/Q2/CHN/53) - ITEM REQUESTED BY THE UNITED STATES

10 NON-NOTIFICATION BY CHINA OF ALLEGED SUBSIDIES CONTAINED IN THE 2016 REQUEST BY THE UNITED STATES UNDER ARTICLE 25.10 OF THE SCM AGREEMENT (G/SCM/Q2/CHN/59) - ITEM REQUESTED BY THE UNITED STATES

11 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

12 ENHANCING FISHERIES SUBSIDIES TRANSPARENCY - ITEM REQUESTED BY THE UNITED STATES

13 SUBSIDIES AND OVERCAPACITY: FOLLOW UP FROM THE G20 PROCESS - ITEM REQUESTED BY THE EUROPEAN UNION, JAPAN, MEXICO, AND THE UNITED STATES (G/SCM/W/569)

14 OTHER BUSINESS

15 DATE OF NEXT REGULAR MEETING

16 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

WTO/AIR/ADP/9

14 OCTOBER 2016

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - WORKING GROUP ON IMPLEMENTATION - MEETING TO BE HELD ON 26 OCTOBER 2016

1. THE WORKING GROUP ON IMPLEMENTATION OF THE COMMITTEE ON ANTI-DUMPING PRACTICES WILL MEET ON WEDNESDAY, 26 OCTOBER 2016 AT 10.00 A.M. IN THE CENTRE WILLIAM RAPPARD.
2. THE TOPIC THE GROUP WILL DISCUSS IS CONFIDENTIAL INFORMATION IN ANTI-DUMPING INVESTIGATIONS. AN INVITATION AND OUTLINE OF POSSIBLE ISSUES FROM THE DISCUSSANT, MR QUENTIN BAIRD, WAS CIRCULATED BY FAX ON 29 SEPTEMBER 2016, AND THE OUTLINE OF ISSUES IS AVAILABLE AS A ROOM DOCUMENT ON THE "DOCUMENTS FOR MEETINGS" WEBSITE (RD/ADP/WGI/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 AND OTHER GOVERNMENTS WITH OBSERVER STATUS 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  
Working Group on Implementation**

**UNOFFICIAL ROOM DOCUMENT\*\***

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

**MEETING TO BE HELD ON 26 OCTOBER 2016**

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

**DOCUMENT DE SÉANCE NON OFFICIEL\*\***

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

**MEETING TO BE HELD ON 26 OCTOBER 2016**

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

**DOCUMENTO DE SALA NO OFICIAL\*\***

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

**MEETING TO BE HELD ON 26 OCTOBER 2016**

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

\*\* Documents issued in the RD series are not official WTO documents. They usually appear in their language of submission and will not be translated systematically into the working languages of the WTO. They are intended for use in WTO meeting rooms and are attributed an unofficial symbol for archiving purposes only.

Les documents de la série RD ne sont pas des documents officiels de l'OMC. Ils ne paraissent généralement que dans la langue dans laquelle ils ont été communiqués et ne seront pas systématiquement traduits dans les langues de travail de l'OMC. Ils sont destinés aux salles de réunion de l'OMC et une cote non officielle leur est attribuée à des fins d'archivage.

Los documentos de la serie RD no son documentos oficiales de la OMC. Por lo general se distribuyen en el idioma en que han sido presentados y no se traducen sistemáticamente a los idiomas de trabajo de la Organización. Se distribuyen para su uso en las salas de reunión de la OMC y se les asigna una signatura no oficial a efectos de archivo únicamente.

**AD WORKING GROUP ON IMPLEMENTATION:  
ROADMAP FOR DISCUSSION ON  
CONFIDENTIAL INFORMATION IN ANTIDUMPING INVESTIGATIONS<sup>1</sup>**

**1. Context for Confidential Information in Antidumping Investigations**

- Describe, using whatever measure is convenient, the typical volume of information gathered in AD investigations. (For example, how many pages of questionnaire responses and other submissions, how many lines of data electronically submitted?)
- Of this volume, what part is subject to requests for confidential treatment? (For example, how many pages include confidential information, how many fields/elements of data electronically submitted?)
- If each request for confidential treatment were individually enumerated, would the number involved in a typical AD investigation be expected to exceed 100? 1,000? More?
- Roughly what proportion of all information is submitted by:
  - i. exporter, foreign producer or importer of a product subject to investigation?
  - ii. domestic industry?
  - iii. others?
- Do certain submitters of information make more or less extensive use of requests for confidential treatment than others?
  - i. exporter, foreign producer or importer of a product subject to investigation?
  - ii. domestic industry?
  - iii. others?

**2. Process for requesting confidential treatment, and process for addressing such requests.**

- Is the process for requesting confidential treatment the same for all submitters?
- Is the process for requesting confidential treatment the same for all document types (i.e., narrative descriptions, datasets)?
- How does the submitter identify which information in written submissions is requested to be treated as confidential?
- Is the marking of certain information as confidential sufficient for the investigating authority to consider that confidential treatment has been requested?
- Is the submitter required to provide a list enumerating each instance of a request for confidential treatment?
- Is the submitter required to describe in general terms the type of information for which confidential treatment is requested? (For example, "customer name", "price list", "production costs")?
- Is the submitter required to explain the "good cause" for each request for confidential treatment?
- Upon submission, does the investigating authority individually evaluate each individual request for confidential treatment?
- If so, is there a period of time specified within which this task is to be completed after submission and the results communicated to the submitter?
- Are the reasons provided to justify a request for confidential treatment made publicly available or provided to interested parties? If not, how would an interested party contest a request for confidential treatment?
- How do you handle confidential information provided orally in closed hearings or other meetings? Must confidential information be provided in writing for the case record? Are transcripts of hearings or meetings that involve information that is requested to be treated as confidential subject to the same requirements for requesting confidential treatment for written submissions?
- Does the investigating authority produce a written response to each request for confidential treatment? Or, only a written rejection for all requests found to be unwarranted? Or, only a written determination for all requests contested?
- If a request for confidential treatment is initially found unwarranted, can the requester seek reconsideration of this decision? If so, when?
- Is there a process for other parties to contest a request for confidential treatment?
- If so, what is required of a party to contest a request for confidential treatment?

<sup>1</sup> This outline of issues was originally circulated via fax by the discussant for this issue, Quentin Baird, on 29 September 2016.

### 3. Information needed to evaluate a request for confidential treatment

- If the submitter is required to provide a reason for requesting confidential treatment (either with the initial submission or subsequently when the request is questioned) are the following statements sufficient as reasons to justify the request?
  - i. "Disclosure would be of significant competitive advantage to a competitor" - If this is not sufficient, what additional information is needed? Is specific information needed to determine significance, or precisely how the competitor would use the information to gain an advantage, or to understand the conditions of competition?
  - ii. "Disclosure would confer a significant advantage on a customer or supplier." Are these simply different varieties of harm to competitive position of the submitter? What if disclosure would cause harm to a customer or supplier?
  - iii. "Disclosure would have a significantly adverse effect upon a person supplying the information" or "would have a significantly adverse effect upon a person from whom that person acquired the information"? If this is not sufficient, what additional information is needed? Is specific information needed to determine significance, or precisely how the information could be used to cause the adverse effect?
  - iv. "Information is provided on a confidential basis" - If this is not sufficient, what additional information is needed?
- Assuming confidential treatment is requested, does the investigating authority require any additional information to evaluate whether confidential treatment is warranted for the following types of information? If so, what additional information is relevant? Under what circumstances, if any, would such information not warrant confidential treatment?
  - i. Production processes
  - ii. Business or trade secrets
  - iii. Production costs
  - iv. Distribution costs
  - v. Names of customers
  - vi. Names of suppliers
  - vii. Names of distributors
  - viii. Prices of Sales
  - ix. Terms of Sales

### 4. Evaluating a request for confidential treatment

- How does the investigating authority evaluate whether confidential treatment is warranted?
- Does the administering authority apply a definition of confidential information that is set forth in legislation, regulation or other policy guidance? If so, how does the definition differ, if at all, from the definition in Article 6.5 of the Antidumping Agreement?
- How does the investigating authority assess whether "good cause" has been shown? Does it require findings of fact and an analysis of the balance of interests in view of all the circumstances? Or, does it involve observing that a recognized reason for confidential treatment is properly presented?
- Of the reasons recognized by the administering authority, which of these generally require more or less scrutiny to determine whether confidential treatment is justified?
  - i. Disclosure would be of significant competitive advantage to a competitor
  - ii. Disclosure would cause substantial harm to competitive position of the submitter
  - iii. Disclosure would have a significantly adverse effect upon a person supplying the information
  - iv. Disclosure would have a significantly adverse effect upon a person from whom that person acquired the information
  - v. Information is provided on a confidential basis
- Does the investigating authority treat the identity of complainants or other parties, or the sources of information, as confidential? If so, under what circumstances?
- Does the investigating authority maintain a list of types of information which are understood to be confidential by nature? What is included?

- Does the development of such lists involve an assessment that this type of information demonstrates as a general matter the risk of a potential consequence, the avoidance of which is important enough to warrant the nondisclosure of the information?
- If confidential treatment is requested for certain information on the basis that it is of the type that appears on such a list, is any additional evaluation done by the investigating authority beyond confirming that the information is indeed of that type?
- If the investigating authority does not maintain such a formal list, are there nevertheless certain types of information that are well understood through experience to be confidential by nature and for which the justification for confidential treatment is well understood?
- Does the investigating authority maintain a list of types of information which are understood to be ineligible for confidential treatment? (e.g., information that is publicly available)

#### **5. Summarizing confidential information**

- What methods are accepted for summarizing confidential information? Which are preferred or disfavored, if any?
  - i. Is it acceptable to summarize confidential information by describing the type of information that is treated as confidential, such as:
    1. Production processes
    2. Names of customers
    3. Names of suppliers
    4. Names of distributors
    5. Terms of Sales
  - ii. For numerical data (prices, costs, etc.) which of the following are required/permitted?
    1. Ranging (+/- X%) What percentage is accepted?
    2. Indices?
    3. Relative change in percentages?
    4. Notation of trend increasing or decreasing?
    5. Written description of numerical information?
    6. Other?
- Are non-confidential summaries provided directly to other interested parties by the submitter?
- Can other parties contest the adequacy of the summary?
- What action is taken if the investigating authority determines that the summary is inadequate to permit a reasonable understanding of the substance of the information submitted in confidence?
- Are the non-confidential summaries provided at the same time as the initial submission of confidential information?
- For voluminous datasets, is the submitter required/permitted to summarize a portion of the dataset? What proportion is sufficient?
- What are some examples of the exceptional circumstances where summarization is not possible?
- Can other parties contest the claim that exceptional circumstances exist?
- What action is taken if the investigating authority considers the non-confidential summary to be inadequate?

#### **6. Access to, use, and protection of confidential information**

- Which government officials have access to confidential information?
  - i. Is there a list of personnel in the authority who can access data from a particular proceeding, or do all personnel have access?
  - ii. Is access available to officials outside the authority involved in the proceeding (e.g., another agency in a bifurcated system, an interagency decision-making body)?
  - iii. If a decision is appealed, do the courts get access to confidential information? If so, how, and what types of protection and restrictions on access do the courts provide?
  - iv. Does your authority have authorization under your law to turn over confidential information in WTO dispute settlement proceedings?

- Can your government release information pursuant to protective order, as foreseen in footnote 17 of the Anti-Dumping Agreement?
    - i. If so, who has access and how does the system operate?
    - ii. If not, has your government considered such an approach?
  - To what extent can confidential information be used for other purposes beyond the proceeding itself?
    - i. Can confidential information be used in subsequent proceedings, such as reviews?
    - ii. Can confidential information be provided to other agencies (e.g., Customs) for purposes not directly related to the proceeding? In what circumstances?
  - How does your government ensure the protection of confidential information?
    - i. Have you confronted situations where confidentiality was not respected?
    - ii. What penalties or sanctions are available in your system for the breach of confidentiality?
    - iii. If electronic filing has been adopted, has this affected the treatment and protection of confidential information?
  - When the investigating authority uses confidential information as inputs to generate new information, to what extent must the new information be similarly kept confidential?
    - i. When aggregating data from multiple companies?
    - ii. How do you present aggregated information (for example regarding the state of the domestic industry) in situations where there is only one or a small number of domestic producers?
    - iii. When calculating margins of dumping or components thereof?
    - iv. How do you prevent parties from deducing confidential information by reverse engineering in cases where you use specific data from another producer in calculating a dumping margin?
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## 反傾銷措施委員會執行工作小組會議 我國分享資料

**AD WORKING GROUP ON IMPLEMENTATION:  
ROADMAP FOR DISCUSSION ON  
CONFIDENTIAL INFORMATION IN ANTIDUMPING INVESTIGATIONS**

**1. Context for Confidential Information in Antidumping Investigations**

Describe, using whatever measure is convenient, the typical volume of information gathered in AD investigations. (For example, how many pages of questionnaire responses and other submissions, how many lines of data electronically submitted?)

**Questionnaire responses and other submissions from each domestic manufacturers in our injury investigations are generally about 40 pages, while those from other interested parties are generally fewer. However, the actual volumes of questionnaire responses and submissions in each case depend on complexities of that case.**

- Of this volume, what part is subject to requests for confidential treatment? (For example, how many pages include confidential information, how many fields/elements of data electronically submitted?)

**In our practices all parts of questionnaire responses and submissions can be subject to requests for confidential treatment. However, narrative descriptions are required to be disclosed, with numerical data deleted, for public reading of other interested parties.**

- Roughly what proportion of all information is submitted by:
  - i. exporter, foreign producer or importer of a product subject to investigation?
  - ii. domestic industry?
  - iii. others?

**For injury investigations, which are quite different from dumping ones and are more focused on domestic industries, very often more than a half of all information is submitted by domestic industry, with the rest by importers, exporters or foreign producers.**

- Do certain submitters of information make more or less extensive use of requests for confidential treatment than others?
  - i. exporter, foreign producer or importer of a product subject to investigation?
  - ii. domestic industry?
  - iii. others?

**Roughly speaking, there is no significant difference in extensiveness of requests for confidential treatment from exporters, foreign producers or importers and domestic industries.**

### 5. Summarizing confidential information

- What methods are accepted for summarizing confidential information? Which are preferred or disfavored, if any?
  - i. Is it acceptable to summarize confidential information by describing the type of information that is treated as confidential, such as:
    1. Production processes
    2. Names of customers
    3. Names of suppliers
    4. Names of distributors
    5. Terms of Sales

**i In our practices, production processes are generally required to be treated as public information, while names of customers, suppliers, distributors and terms of sales are mostly allowed to be treated as confidential information.**

- ii. For numerical data (prices, costs, etc.) which of the following are required/permitted?
  1. Ranging (+/- X%) What percentage is accepted?
  2. Indices?
  3. Relative change in percentages?
  4. Notation of trend increasing or decreasing?
  5. Written description of numerical information?
  6. Other?

**ii For confidential numerical data, indices and relative change in percentages are usually required.**



- Are non-confidential summaries provided directly to other interested parties by the submitter

**In principle, non-confidential summaries are not provided automatically to other interested parties, but rather through public reading process administered by investigating authorities.**

- What action is taken if the investigating authority determines that the summary is inadequate to permit a reasonable understanding of the substance of the information submitted in confidence?

**If the investigating authority determines that the summary is not inadequate, it will ask the interested party to provide an adequate version. If that party can't meet the requirement, the authority may disregard such information.**

- Are the non-confidential summaries provided at the same time as the initial submission of confidential information?

**In principle non-confidential summaries should be provided at the same time with the confidential information. If not, the investigating authority provides the interested party an opportunity to submit the non-confidential summaries within a deadline. The initial confidential information will not be taken into consideration until the investigating authority is satisfied that adequate non-confidential summaries have been submitted.**

- For voluminous datasets, is the submitter required/permitted to summarize a portion of the dataset? What proportion is sufficient?

**Submitters are not required to summarize numerical data by our investigating authority. Instead they are required to provide indices.**

- What action is taken if the investigating authority considers the non-confidential summary to be inadequate?

**If our investigating authority considers a non-confidential summary to be inadequate, it may disregard such information if the submitter still fails to provide an adequate version within the deadline the investigating authority indicated.**



# MADRE

**MADRE** is a software system for Managing Anti-Dumping investigations in Real time. MADRE was created by the WTO Secretariat, inspired by investigating authorities' own case management systems and practices, and with excellent support from authorities around the world. MADRE's lightweight, clear interface makes it easy for users to take advantage of all of the system's features and functions. It is a web-based package installed by you in your own IT environment.

## **MADRE features**

### **Real-time case management**

#### **CUSTOMIZABLE INVESTIGATION CALENDARS**

Use MADRE to create, and customize to your specific domestic requirements, automated case calendars for original investigations, reviews/other subsequent procedures, and refund inquiries. All procedural steps and deadlines for each proceeding can be individually created, edited, and set according to the needs of the proceeding.

#### **MANAGEMENT OF WORKFLOW**

MADRE helps your team to manage investigations and other proceedings in real time. MADRE displays the relevant deadlines, responsible team members, and steps that are due as of a current date. Team members receive automated reminders and alerts about upcoming work and deadlines, and use the calendars to record the completion of steps in a proceeding.

#### **DOCUMENT BANK**

You can use MADRE to create or supplement your electronic bank of documents related to a case, and to manage those documents. Using the case calendar, you can directly upload and store case documents in the system, and link them to particular steps in the process.

#### **Database features and WTO reporting**

##### **DATABASE OF CASES AND MEASURES**

With MADRE you can create a database of relevant information on your investigations and measures – from the receipt of an application to the expiry of a measure.

##### **WTO REPORTING**

With a click of a button, MADRE automatically transforms the information in your investigations and measures database into the semi-annual reports required by the WTO, in the format agreed to by WTO Members. These ready-to-submit reports save staff time and avoid transcription errors.

## **How to get MADRE?**

To start using MADRE, please contact our support team at [madre@wto.org](mailto:madre@wto.org)



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# i-TRADE

an interactive self-training platform

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Practical simulations  
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Built-in WTO  
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## MADRE

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never miss a deadline

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with a click of a button

# i-TRADE

i-TRADE is a comprehensive web-based training platform and reference package for anti-dumping investigators.

i-TRADE contains detailed explanations on both procedural and substantive aspects of conducting anti-dumping investigations. i-TRADE was developed by the WTO Secretariat, drawing on the best of its expertise, to bring a fully integrated and interactive staff training tool right to your desktop.

## i-TRADE features

### INTERACTIVE LEARNING MODULES

i-TRADE includes interactive learning modules covering a range of relevant topics, including first contact with potential applicants, screening applications, developing an investigation timeline, defining the domestic industry, sampling, injury assessment, export price, normal value, dumping calculations, disclosure of essential facts, preliminary and final determinations, imposition of measures, and reviews. Each module includes pop-up supplements containing relevant excerpts from the Anti-dumping Agreement, dispute settlement reports, and other sources.

### PRACTICAL EXERCISES

Each learning module in i-TRADE also includes practical exercises to test and consolidate the learner's understanding of the material. Coaching and guidance are provided through the feedback and explanations that are part of each exercise.

In addition, i-TRADE includes two full-scale dumping calculation simulations. Learners examine case documents (exporter questionnaire responses including spreadsheets, verification reports) to analyse the facts, draw conclusions and ultimately calculate dumping margins. Hints along the way provide guidance in analysing and understanding the material presented.

### ONLINE TOOLS AND TUTORIALS

i-TRADE includes an on-screen calculator, a glossary, and video tutorials on the use of spreadsheet software.

### TEMPLATES

i-TRADE contains a suite of tailorable templates that can be used in anti-dumping investigations, from questionnaires and key correspondence with interested parties, to official notices and reports.

### ABILITY TO MONITOR YOUR LEARNERS

i-TRADE is built to host each investigating authority in a secure individual e-learning room, where you can monitor the progress of your staff as they complete the training.

### REFERENCE MODE

The i-TRADE material also can be accessed in reference mode. Among other things, this allows users to return to modules for a refresher on a particular subject.

## How to get access to i-TRADE?

In order to try i-TRADE or gain full access for your investigating authority, please contact our support team at [itrade@wto.org](mailto:itrade@wto.org)

*Note:* Access reserved to government officials

WTO/AIR/ADP/10

17 OCTOBER 2016

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - INFORMAL GROUP ON ANTI-CIRCUMVENTION - MEETING TO BE HELD ON 27 OCTOBER 2016

1. THE INFORMAL GROUP ON ANTI-CIRCUMVENTION WILL HOLD A MEETING ON THURSDAY, 27 OCTOBER 2016 COMMENCING AT 10.00 A.M. IN THE CENTRE WILLIAM RAPPARD.
2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION, IN ACCORDANCE WITH THE AGREED FRAMEWORK FOR CONTINUED DISCUSSION (G/ADP/M/10, PARA. 110):
  - WHAT CONSTITUTES CIRCUMVENTION?
  - WHAT IS BEING DONE BY MEMBERS CONFRONTED WITH WHAT THEY CONSIDER TO BE CIRCUMVENTION?
  - TO WHAT EXTENT CAN CIRCUMVENTION BE DEALT WITH UNDER THE RELEVANT WTO RULES? TO WHAT EXTENT CAN IT NOT? AND WHAT OTHER OPTIONS MAY BE DEEMED NECESSARY?
3. ATTENTION IS DRAWN TO THE FOLLOWING RELEVANT DOCUMENT:

RD/ADP/IG/1/REV.1 (PAPER FROM THE UNITED STATES REGARDING THE ENFORCE AND PROTECT ACT OF 2015)
4. 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.
5. 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



WTO/AIR/ADP/11

17 OCTOBER 2016

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - REGULAR MEETING TO BE HELD ON 27 OCTOBER 2016

1. THE COMMITTEE ON ANTI-DUMPING PRACTICES WILL HOLD A REGULAR MEETING ON THURSDAY, 27 OCTOBER 2016 IN THE CENTRE WILLIAM RAPPARD. THE MEETING WILL START IMMEDIATELY AFTER THE MEETING OF THE INFORMAL GROUP ON ANTI-CIRCUMVENTION (WTO/AIR/ADP/10) WHICH WILL BEGIN AT 10.00 A.M.

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

#### **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 CANADA**

(G/ADP/N/1/CAN/4/SUPPL.1-G/SCM/N/1/CAN/4/SUPPL.1)

- G/ADP/Q1/CAN/16-G/SCM/Q1/CAN/16 - QUESTIONS FROM THE UNITED STATES
- G/ADP/Q1/CAN/17-G/SCM/Q1/CAN/17 - REPLIES TO THE UNITED STATES

##### **1.1.2 KAZAKHSTAN**

(G/ADP/N/1/KAZ/1/REV.1-G/SCM/N/1/KAZ/1/REV.1-G/SG/N/1/KAZ/1/REV.1) & (G/ADP/N/1/KAZ/1/REV.1/CORR.1-G/SCM/N/1/KAZ/1/REV.1/CORR.1-G/SG/N/1/KAZ/1/REV.1/CORR.1)

- G/ADP/Q1/KAZ/1-G/SCM/Q1/KAZ/1-G/SG/Q1/KAZ/1 - QUESTIONS FROM THE UNITED STATES

**1.1.3 KUWAIT, STATE OF**

(G/ADP/N/1/KWT/1/SUPPL.1-G/SCM/N/1/KWT/1/SUPPL.1-G/SG/N/1/KWT/1/SUPPL.1) & (G/ADP/N/1/KWT/1/SUPPL.1/CORR.1-G/SCM/N/1/KWT/1/SUPPL.1/CORR.1-G/SG/N/1/KWT/1/SUPPL.1/CORR.1)

**1.1.4 QATAR**

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

**1.1.5 RUSSIAN FEDERATION**

(G/ADP/N/1/RUS/2-G/SCM/N/1/RUS/2-G/SG/N/1/RUS/2)

- G/ADP/Q1/RUS/7-G/SCM/Q1/RUS/7-G/SG/Q1/RUS/7 - QUESTIONS FROM THE UNITED STATES

**1.1.6 UNITED STATES**

(G/ADP/N/1/USA/1/SUPPL.23-G/SCM/N/1/USA/1/SUPPL.23)

(G/ADP/N/1/USA/1/SUPPL.24)

- G/ADP/Q1/USA/29-G/SCM/Q1/USA/29 - QUESTIONS FROM MEXICO
- G/ADP/Q1/USA/30-G/SCM/Q1/USA/30 - QUESTIONS FROM THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
- G/ADP/Q1/USA/31-G/SCM/Q1/USA/31 - REPLIES TO THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

(G/ADP/N/1/USA/1/SUPPL.25-G/SCM/N/1/USA/1/SUPPL.24) & (G/ADP/N/1/USA/1/SUPPL.25/CORR.1-G/SCM/N/1/USA/1/SUPPL.24/CORR.1)

**1.1.7 VANUATU**

(G/ADP/N/1/VUT/1-G/SCM/N/1/VUT/1-G/SG/N/1/VUT/1)

**1.2 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS WITH OUTSTANDING WRITTEN QUESTIONS**

**1.2.1 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 NATIONAL LEGISLATION - CONTINUING REVIEW OF LEGISLATIVE NOTIFICATIONS PREVIOUSLY REVIEWED BY THE COMMITTEE**

2.1 BAHRAIN, KINGDOM OF; OMAN; SAUDI ARABIA, KINGDOM OF (G/ADP/N/1/BHR/3/SUPPL.1- G/SCM/N/1/BHR/2/SUPPL.1- G/SG/N/1/BHR/3/SUPPL.1 & G/ADP/N/1/OMN/3/SUPPL.1- G/SCM/N/1/OMN/3/SUPPL.1- G/SG/N/1/OMN/3/SUPPL.1 & G/ADP/N/1/SAU/2/SUPPL.1- G/SCM/N/1/SAU/2/SUPPL.1- G/SG/N/1/SAU/2/SUPPL.1)

- G/ADP/Q1/BHR/11-G/SCM/Q1/BHR/11-G/SG/Q1/BHR/13 & G/ADP/Q1/OMN/3-G/SCM/Q1/OMN/3-G/SG/Q1/OMN/3 & G/ADP/Q1/SAU/5-G/SCM/Q1/SAU/5-G/SG/Q1/SAU/7 - FOLLOW-UP QUESTION FROM THE UNITED STATES
- G/ADP/Q1/BHR/12-G/SCM/Q1/BHR/12-G/SG/Q1/BHR/14 & G/ADP/Q1/OMN/4-G/SCM/Q1/OMN/4-G/SG/Q1/OMN/4 & G/ADP/Q1/SAU/6-G/SCM/Q1/SAU/6-G/SG/Q1/SAU/8 - REPLY TO THE UNITED STATES

2.2 COLOMBIA (G/ADP/N/1/COL/4)

- G/ADP/Q1/COL/8-G/SCM/Q1/COL/8 - FOLLOW-UP QUESTION FROM THE UNITED STATES
- G/ADP/Q1/COL/9-G/SCM/Q1/COL/9 - REPLY TO THE UNITED STATES

2.3 DOMINICAN REPUBLIC (G/ADP/N/1/DOM/3/SUPPL.2- G/SCM/N/1/DOM/2/SUPPL.2-G/SG/N/1/DOM/2/SUPPL.2)

- G/ADP/Q1/DOM/9-G/SCM/Q1/DOM/9-G/SG/Q1/DOM/9 - FOLLOW-UP QUESTION FROM THE UNITED STATES
- G/ADP/Q1/DOM/10-G/SCM/Q1/DOM/10-G/SG/Q1/DOM/10 - REPLY TO THE UNITED STATES

2.4 PAKISTAN (G/ADP/N/1/PAK/3-G/SCM/N/1/PAK/3)

- G/ADP/Q1/PAK/11-G/SCM/Q1/PAK/11 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/ADP/Q1/PAK/12-G/SCM/Q1/PAK/12 - REPLIES TO THE UNITED STATES

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

- REVIEW OF SEMI-ANNUAL REPORTS COVERING THE PERIOD JANUARY - JUNE 2016 (G/ADP/N/286/...)
- WRITTEN ANSWERS TO WRITTEN QUESTIONS PERTAINING TO SEMI-ANNUAL REPORTS:

- G/ADP/Q2/PAK/3 - QUESTIONS FROM UKRAINE
- G/ADP/Q2/PAK/4 - REPLIES TO UKRAINE

- O G/ADP/Q2/RUS/2 - QUESTIONS FROM UKRAINE
- O G/ADP/Q2/RUS/3 - REPLIES TO UKRAINE

**4 PRELIMINARY AND FINAL ANTI-DUMPING ACTIONS: NOTIFICATIONS**

- REVIEW OF NOTIFICATIONS (G/ADP/N/285, G/ADP/N/287, G/ADP/N/288, G/ADP/N/289, G/ADP/N/290 AND G/ADP/N/291)

**5 CHAIRPERSON'S REPORT ON MEETING OF INFORMAL GROUP ON ANTI-CIRCUMVENTION**

**6 CHAIRPERSON'S REPORT ON MEETING OF WORKING GROUP ON IMPLEMENTATION**

**7 ANTI-DUMPING LEGISLATION OF EL-SALVADOR - ITEM REQUESTED BY THE UNITED STATES**

**8 OTHER BUSINESS**

**9 DATE OF NEXT REGULAR MEETING**

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

3. 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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**Rules**

**UNOFFICIAL ROOM DOCUMENT<sup>1</sup>**

**TECHNICAL GROUP OF THE NEGOTIATING GROUP ON RULES**

MEETING TO BE HELD ON 28 OCTOBER 2016

*Detailed Agenda*

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**Règles**

**DOCUMENT DE SÉANCE NON OFFICIEL<sup>1</sup>**

**TECHNICAL GROUP OF THE NEGOTIATING GROUP ON RULES**

MEETING TO BE HELD ON 28 OCTOBER 2016

*Detailed Agenda*

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**Normas**

**DOCUMENTO DE SALA NO OFICIAL<sup>1</sup>**

**TECHNICAL GROUP OF THE NEGOTIATING GROUP ON RULES**

MEETING TO BE HELD ON 28 OCTOBER 2016

*Detailed Agenda*

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

<sup>1</sup> Documents issued in the RD series are not official WTO documents. They usually appear in their language of submission and will not be translated systematically into the working languages of the WTO. They are intended for use in WTO meeting rooms and are attributed an unofficial symbol for archiving purposes only.

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**TECHNICAL GROUP OF THE NEGOTIATING GROUP ON RULES  
MEETING ON FRIDAY, 29 OCTOBER 2016**

DETAILED AGENDA<sup>2</sup>

As announced in my fax of 28 July, we will at our next Technical Group discuss the use of **alternative methods for determining normal value**, and in particular the use of third country export prices and construction of normal value. As I indicated in my fax, I am now providing a more detailed agenda regarding the issue for discussion. As you will see from my outline, this is a highly technical but critically important topic that can have fundamental implications for the calculation, or even existence, of margins of dumping. Thus, I hope that you will all ensure the presence of your technical experts for this discussion.

First, and as I mentioned in my previous fax, the starting point for the discussion is once a decision has been made to resort to an alternative method; in other words, **we will not be talking about the circumstances when one could or could not use alternative methods**, such as "NME" methodologies or "particular market situation". Nor will we address the treatment of "distorted input prices" under Article 2.2.1.1, because this controversial topic is currently in dispute settlement.

Our discussion will begin with the **choice between alternative methodologies**. Do you use third country export price, or CNV, or perhaps some other alternative, when you cannot use home market prices? Do you always use one or the other of these alternative methodologies, or can you choose case-by-case? If the latter, do you have a preference or hierarchy between alternatives? What factors do you take into account in choosing between them? Where the investigation involves multiple models, might you use different methodologies for different models? At what point in the investigation do you seek detailed information on cost of production and third country export prices? Do you seek all that information in your primary questionnaire or do you only seek that information once you have decided that you cannot use home market prices?

We could next discuss the **use of third country export prices**. How do you decide which country to use, taking into account the tests of "appropriateness" and "representativeness" in the ADA? Do you consider the volume of sales, the ordinary course of trade test, how prices vary between third country markets, or any differences between products, transactions, levels of trade, etc.? Do you collect data regarding more than one third country before choosing the third country and, if so, what data do you collect and for what purposes? Once a third country is chosen, what is your source of data? Do you rely upon the exporter's pricing data, or do you also seek corroborating information from the importers or other parties in the third country? Do you ever undertake verification in the third country? How do you deal with lack of information or non-cooperation from parties in the third country? What do you do if the exporter is related to the importer in the third country?

Turning to the **construction of normal values**, do you routinely ask for cost information necessary to construct a normal value, or only when the applicant so requests? How do you distinguish between costs associated with the domestic like product for which you are constructing normal value, costs associated with a product other than the domestic like product, and costs not associated with any specific product? What evidence do you consider and who bears the burden of establishing these links? Do you routinely check whether records are kept consistent with GAAP? Under what circumstances has your authority considered that cost allocations in the producer's records are not consistent with GAAP? How do you address situations where nothing in the producer's records speaks to how a particular allocation should be made?

Regarding **production costs**, what do you do if inputs are purchased from a related supplier? Do you distinguish between "direct" (or variable) and "indirect" (fixed, overhead) production costs? How do you distinguish any such "indirect" manufacturing costs from SG&A? How do you allocate production costs over different products? Do you allocate costs on the basis of volume, value, production capacity or some other method? How do you deal with costs that should be allocated

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<sup>2</sup> This detailed agenda was originally circulated via fax by Hannes Welge, Chairman of the Technical Group, on 29 August 2016.

over a period longer than the dumping POI? Do you rely upon the average useful life of assets, upon evidence of allocations from the company's records, or some other means? What is your approach where the producer, or the production, is in the start-up phase? When costs differ between the exported goods and those sold in the home market, which do you use?

Regarding **selling, general and administrative expenses**, what types of expenses do you include in the SG&A calculation? Under what circumstances might you consider that SG&A cannot be determined on the basis of an exporter's SG&A? In such cases, what alternative bases do you use to calculate SG&A? Do you treat research and/or development costs as SG&A or as production costs, and why? How do you allocate SG&A to the like product? How do you deal with claims of differentiated selling expenses between the domestic and export market? How do address financial expenses, particularly in cases where those expenses are not product-specific?

Regarding the **amount for profit**, in what circumstances do you decline to consider the actual data associated with the sale of the like product for a particular exporter or producer? In such cases, on what basis do you determine an amount for profit? Do you have a preference for profits of the same producer for similar products, for profits of different producers for the like product, or some other approach? Or do you proceed on a case by case basis? Are any such preferences reflected in your law, regulations or guidelines, or are they a reflection of practice?

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