

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 18.5 OF THE AGREEMENT**

REPUBLIC OF KOREA

The following communication, dated 18 March 2011, is being circulated at the request of the Delegation of the Republic of Korea.

Pursuant to Article 18.5 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement), the Government of Korea wishes to notify the revised Customs Act and its sub-regulations concerning anti-dumping measures, which is in force as of the date of the notification.

THE CUSTOMS ACT

Article 51 (Subjects of Anti-dumping Duty)

In cases where the request for imposition has been made by a person prescribed in the Presidential Decree and having interest in the domestic industry, or the Minister of relevant authorities, and where it is confirmed through an investigation that importation of foreign products at a price lower than the normal value (hereinafter referred to as "dumping") results in any of the following Sub-paragraphs (hereinafter referred to as "material injury, etc."), and it is deemed necessary to protect the domestic industry concerned, a duty in an amount not more than the difference between the normal value and the dumping price (hereinafter referred to as the "dumping margin") of such products (hereinafter referred to as "anti-dumping duty") may be additionally imposed on such products, by designating the products and supplier or supplying country through the Ordinance of the Minister of Strategy and Finance.

- (1) material injury to a domestic industry is caused or threatened;
- (2) material retardation of the establishment of a domestic industry is caused.

Article 52 (Investigation of Dumping and Material Injury, etc.)

1. Investigation of dumping and material injury, etc. provided in Article 51 shall be conducted according to the Presidential Decree.
2. If it is deemed necessary to consider the competitiveness of the relevant industry, price stabilization, and trade co-operation in imposing of anti-dumping duty, the Minister of Strategy and Finance may reflect such factors through investigation on them.

Article 53 (Provisional Measures prior to Imposition of Anti-dumping Duty)

1. Where an investigation has been initiated to determine whether or not an anti-dumping duty is to be imposed, and any of the requirements provided in the following Sub-paragraphs is met, the Minister of Strategy and Finance may, even before the investigation is concluded, order a measure to additionally impose a provisional anti-dumping duty, which is not greater than the amount equivalent to the dumping margin estimated provisionally, or to provide a security by designating the products, supplier or supplying country and period (hereinafter referred to as "provisional measures" in this Section) as prescribed in the Presidential Decree to prevent the injury caused during the period of investigation;

- (1) where there is sufficient evidence to presume that there has been the fact of dumping and material injury, etc., caused thereby;
- (2) where the undertakings as referred to in Article 54 are violated, or a demand for materials on the fulfilment of the undertakings and a demand to allow the verification of the materials presented is not complied, and there is the best information available.

2. The provisional anti-dumping duty paid shall be refunded, or the security provided shall be released, as prescribed in the Presidential Decree, in any cases as referred to in the following Sub-paragraphs:

- (1) The request for the imposition of an anti-dumping duty on the products subject to provisional measures is withdrawn, and the investigation is terminated accordingly;
- (2) Whether or not the anti-dumping duty is to be imposed on the products subject to provisional measures is determined; and
- (3) The undertaking under the provisions of Article 54 is accepted.

3. Notwithstanding the provisions in Paragraph 2, if the amount of the anti-dumping duty is higher than that of the provisional anti-dumping duty, the difference shall not be collected, and if the amount of the anti-dumping duty is lower than that of the provisional anti-dumping duty, the difference shall be refunded, in any cases as referred to in the following Sub-paragraphs:

- (1) The undertakings referred to in Article 54 were accepted after it was determined that there was a fact of dumping and material injury, etc. caused thereby as the result of investigation thereon; and
- (2) The anti-dumping duty is applied retroactively to the products according to the provision of the proviso to Article 55.

Article 54 (Proposal of Undertakings Related to the Anti-dumping Duty)

1. When it is determined that there was a fact of dumping and material injury, etc. caused thereby through the preliminary investigation with the objective of determining whether to impose anti-dumping duty, the exporter of the products concerned or the Minister of Strategy and Finance may propose undertakings to revise the price or to cease exports at the dumping price to the extent that the injury caused by the dumping could be eliminated, in accordance with the Presidential Decree.

2. If the undertakings, as referred to in Paragraph 1, are accepted, the Minister of Strategy and Finance shall have the investigation suspended or terminated without taking any provisional measures

or imposing any anti-dumping duty. However, if the Minister of Strategy and Finance deems the investigation to be necessary, or the exporter requests to continue the investigation, the investigation may be continued.

Article 55 (Timing for Imposition of the Anti-dumping Duty)

The imposition of the anti-dumping duty and the provisional measures shall be applied to the products imported after such measures are taken respectively. However, if an international agreement or the Presidential Decree provides otherwise with regard to the products to which provisional measures has been applied, the anti-dumping duty may be imposed on such products.

Article 56 (Review on the Imposition of the Anti-dumping Duty, etc.)

1. The Minister of Strategy and Finance may, if necessary, conduct a review on the imposition of the anti-dumping duty, and on the undertakings according to the provision of Article 54, pursuant to the Presidential Decree, and take measures which are necessary for the imposition of the anti-dumping duty, modification of the contents of the undertakings, refund, etc., as a result of such a review.

2. Except in cases where the expiry date is determined separately by the Ordinance of the Minister of Strategy and Finance, the imposition of the anti-dumping duty or the undertakings accepted under the provisions of Article 54, shall lose its effect after five years from the imposition of the anti-dumping duty or the implementation of the undertakings, and if its contents are modified as a result of the review of dumping and industrial injury, as referred to in Paragraph 1, it shall lose its effect after five years from the date of implementation of such a modification except the cases where the imposition period is provided separately by the Ordinance of the Minister of Strategy and Finance.

3. Matters concerning the imposition of the anti-dumping duty and its enforcement as referred to in Paragraph 1 and 2, and Articles 51 through 54 shall be determined by the Presidential Decree.

**ENFORCEMENT DECREE OF THE CUSTOMS ACT
(PRESIDENTIAL DECREE)**

Article 58 (Comparison between the Normal Value and the Dumping Price)

1. For the purpose of Article 51 of the Act, the term "normal value" means the price of the like product in the ordinary course of trade which is consumed in the country that supplies the product. However, if the like product is not traded, or if it is impossible to apply the price used in the ordinary course of trade in such a country because of the particular market situation, etc., then a comparable price which is representative of the export prices of the like product from such a country to third countries, or a price that includes the cost of production in the country of origin, combining with a reasonable amount for administrative and selling costs, and profits (hereinafter referred to as the "constructed value") shall be considered the normal value.

2. If the product is imported through a third country and not directly from the country of origin, the price used in the ordinary course of trade in the third country shall be considered the normal value. However, if the product is simply shipped through or no actual production of the like product takes place or there is no price that is recognized as the price used in the ordinary course of trade in the third country, then the price used in the ordinary course of trade in the country of origin shall be considered the normal value.

3. Notwithstanding the provisions of Paragraphs 1 and 2, if the product concerned is imported from a country in which the state controls the economy and a market economy system is not

established, the normal value is considered to be one of the following prices. However, if the country, which does not have the market economy system, is in the transition process to a market economy system, as provided in the Ordinance of the Minister of Strategy and Finance, then the price in the ordinary course of trade, etc., as prescribed in Paragraphs 1 and 2, may be considered the normal value:

- (1) the price of the like product consumed in the ordinary course of trade in market economy countries other than Korea; and
- (2) the export price from the market economy countries other than Korea to third countries including Korea, or the constructed value.

4. For the purpose of Article 51 of the Act, the term "dumping price" means the price actually paid or to be paid for a product into which an investigation is initiated, as prescribed in Article 60. However, if it is impossible to establish a dumping price on the basis of the price actually paid or to be paid because of special relationship or compensatory arrangements between the supplier and the importer or a third person under the provision of Article 23, Paragraph 1, then it can be any of the following prices:

- (1) the price as determined by the Ordinance of the Minister of Strategy and Finance based on the resale price at which the imported product is resold for the first time to a purchaser who has no such special relationship, or compensatory arrangement;
- (2) the price based on such reasonable criteria as determined by the Ordinance of the Minister of Strategy and Finance when the product is not resold to a purchaser who has no such special relationship or compensatory arrangement, or when the product is not resold in the condition that they were imported.

5. A comparison between the normal value and the dumping price shall be made at the same time and level (normally at the ex-factory level) of trade as possible. In this case, if any physical characteristics, quantity and condition of sales, difference in taxation, levels of trade, changes in exchange rates, etc., of the product concerned affect the price comparability, the normal value and the dumping price shall be adjusted as prescribed by the Ordinance of the Minister of Strategy and Finance, and the period subject to investigation on the dumping rate shall be six months or longer.

6. If any interested party demands price adjustments referred to in Paragraph 5 because of a difference in physical characteristics or quantity and condition of sales, he/she shall establish the fact that the difference directly affects the market price or the manufacturing costs.

Article 59 (Request for Imposition of Anti-Dumping Duty)

1. Any interested party to the domestic industry suffering material injury, etc. as prescribed in Article 51 of the Act (hereinafter referred to as "material injury, etc."), or the Minister of the competent Ministry in charge of such an industry, may request to the Minister of Strategy and Finance to impose an anti-dumping duty, in accordance with the Ordinance of the Minister of Strategy and Finance. Such a request is substituted by the request for an investigation to the Trade Commission (hereinafter referred to as "the Trade Commission") which is prescribed in Article 27 of the Act on the Investigation of Unfair International Trade Practices and Remedy against Injury to Industry required for imposing such an anti-dumping duty.

2. In applying the provisions of Article 51 of the Act, a domestic industry means the total domestic production business producing the like product of the product imported at a price lower than its normal value (a production business managed by a producer who has such special relationship with

suppliers or importers of the product as prescribed in Article 23, Paragraph 1 and a production business managed by such a producer who is an importer of the imported product concerned as prescribed by the Ordinance of the Minister of Strategy and Finance may be excluded; hereinafter the same shall be applied in this Paragraph) or the domestic production business which accounts for a considerable portion of the total domestic production of the like product.

3. For the purpose of Paragraph 1, the term "an interested party to the domestic industry" means a domestic producer belonging to the domestic industry that is affected by material injury, etc., and an association, an organisation or an individual of which the domestic producers are members or which represents the interest of such a domestic producer and who is the person prescribed by the Ordinance of the Minister of Strategy and Finance.

4. Any person who wishes to request an investigation under the provision of Paragraph 1 shall submit to the Trade Commission the following documents. In this case, the Trade Commission shall notify the Minister of Strategy and Finance, the heads of related administrative agencies and the government of the supplying country of the product concerned that it has received the request for investigation:

- (1) a written request including the following matters in triplicate:
 - (a) names of items, dimensions, characteristics, uses, names of producers, and production quantity of the product concerned;
 - (b) supplying country and suppliers, actual export record, possibility of exportation, and importers, actual import record, possibility of importation in Korea of the product concerned;
 - (c) the ex-factory price and the market price of the product concerned in the supplying country, and the export price to Korea and third countries;
 - (d) names of items, dimensions, characteristics, uses, names of producers, production quantity, ex-factory and market prices, and the cost calculation for the like product in Korea;
 - (e) matters pertaining to the material injury, etc., of the domestic industry caused by the importation of the product concerned;
 - (f) the degree of support for the application of investigation expressed by the domestic producers of the like product;
 - (g) If it is required to treat matters stated in and material appended to the written request confidentially, the reason therefor; and
 - (h) other matters as deemed necessary by the Minister of Strategy and Finance.
- (2) sufficient documentary evidence attesting to the fact that the dumped product has been imported and that the material injury etc., has been caused by the import of such a product in triplicate.

Article 60 (Initiation of the Investigation on Dumping and Material Injury, etc.)

1. The Trade Commission shall, upon receiving the request for an investigation as prescribed in Article 59, Paragraph 1, determine whether or not it will initiate an investigation on dumping and

material injury, etc., and notify the Minister of Strategy and Finance within two months of receiving such a request of the result of the determination thereof and the following matters:

- (1) products subject to an investigation (in cases where many products are subject to the investigation, products selected according to the Ordinance of the Minister of Strategy and Finance);
- (2) period subject to the investigation; and
- (3) suppliers subject to the investigation (in cases where many suppliers are subject to the investigation, suppliers selected according to the Ordinance of the Minister of Strategy and Finance)

2. In determining whether or not to initiate an investigation in accordance with Paragraph 1, the Trade Commission shall reject such a request if the request for the investigation falls under any of the following sub-paragraphs:

- (1) In case that a person who has filed the written request is ineligible for imposition request under the provision of Article 59, Paragraph 1;
- (2) In case that sufficient documentary evidence on dumping and material injury, etc., is not submitted;
- (3) In case that the dumping margin or the import quantity of the dumped product is below the standard set by the Ordinance of the Minister of Strategy and Finance, or in case that material injury etc., is deemed to be insignificant;
- (4) In case that the total production by domestic producers who have expressed consent to the application for the investigation does not satisfy the standard set by the Ordinance of the Minister of Strategy and Finance; and
- (5) In case that it becomes unnecessary to initiate the investigation, e.g., a measure has been taken prior to the initiation of the investigation to eliminate any adverse effect on the domestic industry.

3. When the Trade Commission has determined the initiation of an investigation according to the provision of Paragraph 1, it shall notify the person requesting the investigation, the government of the supplying country and the suppliers of such a product and other interested parties of the matters concerning the determination on the initiation of the investigation and shall publish them in the official gazette, within 10 days after the determination.

Article 61 (Investigation on Dumping and Material Injury, etc.)

1. The Trade Commission takes charge of an investigation on dumping and material injury, etc., under the provision of Article 52 of the Act. In this case, the Trade Commission may, if it is deemed necessary, have public officials of related administrative agencies or concerned experts participate in the investigation.

2. The Trade Commission shall complete a preliminary investigation on whether or not there is sufficient evidence to presume the existence of dumping and material injury, etc., and shall submit the results of the investigation to the Minister of Strategy and Finance within three months after the matters concerning the determination on the initiation of the investigation are published in the official gazette under the provision of Article 60, Paragraph 3.

3. The Minister of Strategy and Finance shall decide whether or not it is required to take such measures as prescribed in Article 53, Paragraph 1 of the Act and decide on the matters concerning the contents thereof within one month of the submission of the results of a preliminary investigation in accordance with the provision of Paragraph 2. However, if it is deemed necessary, the period for such a decision may be extended for a maximum of 20 days.

4. In case that the dumping margin or the import quantity of a dumped product is below the standard set by the Ordinance of the Minister of Strategy and Finance or material injury, etc., is deemed insignificant after a preliminary investigation prescribed in Paragraph 2, the Trade Commission shall terminate the final investigation under the provision of Paragraph 5. In this occasion, the Minister of Strategy and Finance shall publish the termination of the final investigation in the official gazette.

5. Unless there exist any special reasons prescribed by the Ordinance of the Minister of Strategy and Finance, the Trade Commission shall initiate a final investigation on the day after it submits the results of the preliminary investigation prescribed in Paragraph 2 and shall submit the results of the final investigation to the Minister of Strategy and Finance within three months of the day on which the final investigation is initiated.

6. If it is necessary to extend the investigation period in connection with the investigations based on the provision of Paragraphs 2 and 5, or if an interested party requests an extension of the investigation period with justifiable reasons, then the Trade Commission may extend it for a maximum of two months.

7. Within one month and 20 days of the submission of the results of the final investigation, as prescribed in Paragraph 5, the Minister of Strategy and Finance shall determine whether or not the anti-dumping duty is to be imposed, and the particulars thereof, and take measures to impose the anti-dumping duty under the provision of Article 51 of the Act.

8. The Minister of Strategy and Finance shall take measures to impose the anti-dumping duty, according to the provision of Paragraph 7, within a year of the publication date of the official gazette prescribed in Article 60, Paragraph 3. However, if it is determined that a special reason exists, such a measure may be taken within 18 months of the publication date of the official gazette, notwithstanding the provisions of Articles 60, Paragraph 1, and Article 61, Paragraph 2, and 5 to 7.

9. The Trade Commission, if it is deemed necessary, may suggest that the Minister of Strategy and Finance do the followings, in a case where the results of the investigation is submitted based on the provisions of Paragraphs 2 and 5:

- (1) to impose the anti-dumping duty prescribed in Article 51 of the Act
- (2) to take preliminary measures prescribed in Article 53, Paragraph 1 of the Act
- (3) to propose the undertakings prescribed in Article 54, Paragraph 1 of the Act

10. The additional procedures required for investigations which are not stipulated in this Decree will be notified by the Trade Commission after consultation with the Minister of Strategy and Finance.

Article 62 (Withdrawal of the Application for Imposition of Anti-Dumping Duty)

1. If an applicant for an investigation under the provision of Article 59, Paragraph 1 wishes to withdraw the application, he/she shall submit the intention in writing to the Trade Commission. In this case, if the Trade Commission receives such a withdrawal before it submits the results of the

preliminary investigation prescribed in Article 61, Paragraph 2, it may cease contemplating to determine whether or not to initiate an investigation based on the provision of Article 60, Paragraph 1 or terminate the preliminary investigation prescribed in Article 61, Paragraph 2 after consulting with the Minister of Strategy and Finance and the head of the administrative agencies concerned, and if it receives such a withdrawal after it submits the results of the preliminary investigation referred to in Article 61, Paragraph 2, then it shall notify it to the Minister of Strategy and Finance.

2. Upon receiving the notification according to the provision of Paragraph 1, the Minister of Strategy and Finance may have the investigations prescribed in Article 61 terminated, and withdraw the measures, if any provisional measures have been taken under the provision of Article 53, Paragraph 1 of the Act, after consulting with the Trade Commission and the heads of the administrative agencies concerned.

3. If the Minister of Strategy and Finance withdraws any provisional measures based on the provision of the second sentence of Paragraph 2, he/she shall refund the provisional anti-dumping duty paid, or release any security provided pursuant to such a provisional measure.

Article 63 (Determination on Material Injury, etc.)

1. In cases where the Trade Commission investigates and determines material injury, etc., as prescribed in Article 61, the investigation and the determination shall be based on the substantial evidence including the followings:

- (1) import quantity of the dumped product (including whether or not the importation of such a product has increased significantly in absolute terms or in relative terms compared to the domestic production or consumption of the product);
- (2) price of the dumped product (including whether or not such a price has decreased significantly in comparison with the price of the domestic like product);
- (3) degree of the dumping margin (including whether or not the import price of the dumped product has declined significantly in comparison with the normal value established in the exporting country);
- (4) output, operating rate, inventories, sale quantity, market share, prices (including the effect of lowering prices or of suppressing price increases), profits, productivity, return on investments, cash flow, employment, wage, growth, capital supply, investment capacity, and technology development of the domestic industry; and
- (5) actual or potential impact of such matters as referred to in sub-paragraphs (1) and (2) on the domestic industry.

2. In case of an investigation and determination of material injury, etc., pursuant to the provision of Paragraph 1, the determination on the threat of material injury shall be made on the basis of the facts including the following matters in addition to the matters referred to in sub-paragraphs of Paragraph 1 and injury by the dumped product shall be clearly foreseen and imminent;

- (1) a significant rate of increase in the dumped product that indicates a likelihood of a substantial increase in the importation;
- (2) a substantial increase in the production capacity indicating the likelihood of substantial increase of the dumped exports to Korea (taking into account the availability of other export markets to absorb);

- (3) whether or not the price of the dumped product is likely to decrease or to prevent the increase of the price of the like product and the likelihood of an increase in the demand for more imports; and
- (4) the inventory of the dumped product and of the like product.

3. With regard to the investigation and determination of material injury, etc., under the provisions of Paragraph 1, the Trade Commission may assess the injury cumulatively when the products imported from more than two countries are simultaneously subject to the investigation and when:

- (1) the dumping margin and the quantity of imports satisfy the standard set by the Ordinance of the Minister of Strategy and Finance; and
- (2) the dumped products compete with each other and with the domestic like product.

4. The Trade Commission shall investigate factors other than the dumped imports which have caused injury to the domestic industry and shall not consider the industrial injury, etc. caused by these factors as caused by the dumped imports.

Article 64 (Request for Providing Data by Interested Parties)

1. If it is deemed necessary for the investigation or for the determination of whether or not an anti-dumping duty is to be imposed under the provision of Article 52 of the Act, the Minister of Strategy and Finance or the Trade Commission may request for the cooperation, such as provision of relevant data, etc., to the relevant authorities, domestic producers, suppliers, importers, or interested parties. However, when asking questions to suppliers for an investigation on the fact of dumping, a period of 40 days or longer from the dispatched date of the questions shall be given to the suppliers for submitting the answers, and in case that the suppliers request to extend the period with reasons thereof, contemplation shall be properly made thereon.

2. The Minister of Strategy and Finance or the Trade Commission shall not disclose materials provided according to the provisions of Paragraph 1 and Article 59, Paragraph 4, for which confidential treatment is deemed to be proper because of the nature of the material, or material requested by the applicant of the investigation or by the interested parties to be treated in confidence for a justifiable reason, without the express consent of the person who has provided the material.

3. The Minister of Strategy and Finance or the Trade Commission may demand the person, who has provided confidential material pursuant to the provision of Paragraph 2, to submit a non-confidential summary of such material. In this case, if the person is unable to submit such a summary, he/she shall submit a document stating the reason thereof.

4. In cases where the person, who has provided material, refuses to make the material public although the request for a confidential treatment prescribed in Paragraph 2 is deemed unwarranted or where he/she refuses to submit the non-confidential summary based on the provision of Paragraph 3, without a justifiable reason, the Minister of Strategy and Finance or the Trade Commission may not refer to such material unless the accuracy of the material has been sufficiently demonstrated.

5. In conducting an investigation referred to in Article 52 of the Act and determining whether or not the anti-dumping duty is to be imposed, if it is difficult to conduct the investigation or to verify the material for the reason that an interested party does not provide related material or refuses or impedes the investigation by the Trade Commission, or for other reasons, the Minister of Strategy and

Finance or the Trade Commission may decide whether or not to take any measures for anti-dumping on the basis of the facts available.

6. The Minister of Strategy and Finance and the Trade Commission may not use any information and material acquired, and facts acknowledged from the interested parties in connection with imposition proceedings of the anti-dumping duty for other purposes.

7. In a case where an interested party makes a request for reading related documentary evidence submitted in compliance with the provision of Article 59, Paragraph 4 and material submitted or informed under the provision of Paragraphs 1 and Article 68 other than those treated confidentially, the Minister of Strategy and Finance and the Trade Commission shall accept such a request unless there is a particular reason for denying the request. In this case, the request of the interested parties for reading the material shall be made in writing, stating the reasons thereof and a list of the material requested.

8. The Minister of Strategy and Finance or the Trade Commission may give the interested parties an opportunity to state their opinion through a public hearing, etc., or to consult with interested parties of opposing interests if it is deemed necessary or there is a request of any interested party.

Article 65 (Imposition of Anti-Dumping Duty)

1. The anti-dumping duty prescribed in Article 51 of the Act shall be imposed by means of setting anti-dumping duty rates or base import prices determined for each supplier or supplying country to the extent necessary to remove material injury. With respect to those suppliers, however, on whom it is difficult to conduct an investigation or to verify material for the reason that they fail to submit the material referred to in Article 64, or refuse to make the material public without a justifiable reason, or for other reasons, the anti-dumping duty may be imposed by means of setting a single anti-dumping duty rate or a single base import price.

2. With respect to suppliers not selected as the subject of an investigation under the provision of Article 60, Paragraph 1, the anti-dumping duty shall be imposed by means of setting an anti-dumping duty rate or a base import price calculated by a weighted average of anti-dumping duty rates or base import prices applied to the suppliers selected for the investigation as prescribed by the Ordinance of the Minister of Strategy and Finance. However, with respect to those who have submitted the materials in accordance with the provision of Article 64 among the suppliers who exported during the period subject to the investigation but were not selected for the investigation, the provision of Paragraph 1 shall be applied.

3. In a case where the anti-dumping duty is imposed by designating a supplying country under the provision of Article 51 of the Act, if a new supplier of the supplying country concerned, who exports after the period subject to the investigation prescribed in Article 60, Paragraph 1, has a special relationship, prescribed in Article 23, Paragraph 1, with a supplier who is subject to the anti-dumping duty prescribed in Paragraph 1, an anti-dumping duty shall be imposed on the basis of the anti-dumping duty rate or the base import price applied to the supplier. However, if such a new supplier demonstrates that he/she does not have such special relationship, the anti-dumping duty may be imposed by means of setting a separate anti-dumping duty rate or base import price calculated through an investigation. In this case, the method, procedure, etc., of the investigation may be different from those applied to the persons who were already subject to the investigation as prescribed by the Ordinance of the Minister of Strategy and Finance.

4. Under the proviso to Paragraph 3, in a case where investigation into a new supplier is initiated, Customs Collector may suspend the imposition of the anti-dumping duty on the products

supplied by the new supplier until the investigation is completed on condition of receiving security provided by the importer of the product.

5. Anti-dumping duty rates or base import prices determined by the proviso to Paragraph 3 shall apply from the first day of the investigation.

6. Article 68, Paragraph 1 to 3, 5 and 6 shall apply with respect to the undertakings on price revision or ceasing exports by a new supplier into whom an investigation is initiated under the proviso to Paragraph 3. In this case, the first sentence of Article 68, Paragraph 1, "a final determination in accordance with the results of the final investigation prescribed in Article 61, Paragraph 5" shall be regarded as "the termination of the investigation in accordance with the proviso to Article 65, Paragraph 3."

7. The base import price, prescribed in Paragraphs 1 to 3, shall be determined within the range calculated by adding the import-related expenses to the normal value of the supplying country, which is adjusted according to Article 58, Paragraph 5.

Article 66 (Application of Provisional Measures)

1. The provisional measures prescribed in Article 53, Paragraph 1 of the Act may be applied to a case where it is determined that there is sufficient evidence to presume a fact of dumping and material injury, etc., thereby as a result of a preliminary investigation conducted under the provision of Article 61, Paragraph 2, after at least 60 days have passed since the initiation of the investigation.

2. The application duration of the provisional measures prescribed in Article 61, Paragraph 3 shall not exceed four months. However, if a supplier of significant importance in the trade of the product concerned requests, such application duration may be extended to a maximum of six months.

3. Notwithstanding the provision of Paragraph 2, if it is deemed necessary, the Minister of Strategy and Finance may prolong application duration of the provisional measures in accordance with international agreements.

4. The security provided based on the provision of Article 53, Paragraph 1 of the Act falls under any of Sub-paragraphs (1) to (4) and (7) of Article 24, Paragraph 1 of the Act and shall be equivalent to the provisional anti-dumping duty in value.

Article 67 (Liquidation of Provisional Anti-Dumping Duty Amount, etc.)

1. In a case which falls under the provision of Article 69, Paragraph 1 and where the amount of the anti-dumping duty, which was imposed on a product imported during the period, in which provisional measures were applied in accordance with the provision of Article 53, Paragraph 3 of the Act, is equal to or more than that of the provisional anti-dumping duty, the amount of the anti-dumping duty shall be the same as that of the provisional anti-dumping duty and the difference shall not be charged, and when the anti-dumping duty is lower than the provisional anti-dumping duty, the provisional anti-dumping duty paid, equal to the amount of the difference, shall be refunded.

2. In a case where any security was provided under the provision of Article 53, Paragraph 1 of the Act, and which falls under the provision of Article 69, Paragraph 1, the amount of the anti-dumping duty to be imposed retroactively during the period, in which the provisional measures were applied, shall not exceed that of the provisional anti-dumping duty.

3. In a case where the undertaking under the provision of Article 68, Paragraph 1 is accepted after the determination that a dumping and material injury, etc. thereby exist is made through the final

investigation under Article 61, Paragraph 5, if the definitive dumping rate is same or higher than the provisional anti-dumping duty rate, the amount of the difference shall not be charged, and if the former is lower than the latter, the provisional anti-dumping duty, equal to the amount of the difference shall be refunded.

Article 68 (Undertakings to Revise Price or to Cease Export, etc.)

1. If an exporter of the product, for which an investigation has been initiated in order to determine whether or not the anti-dumping duty is to be imposed, wishes to propose the undertaking pursuant to the provision of Article 54, Paragraph 1 of the Act or wishes to request the continuation of the injury investigation under the proviso of Article 54, Paragraph 2 of the Act, he/she shall submit such a request in writing to the Trade Commission before the Trade Commission makes the final determination in accordance with the results of the final investigation prescribed in Article 61, Paragraph 5. In this case, the Trade Commission shall send the original documents submitted, to the Minister of Strategy and Finance immediately thereafter.

2. If the undertaking proposed according to the provision of Paragraph 1 contains particulars to the effect that the price is to be revised immediately or the export is to discontinue within six months, then the Minister of Strategy and Finance may accept the undertaking. However, if it is deemed difficult to secure the fulfilment of the undertaking as prescribed by the Ordinance of the Minister of Strategy and Finance, he/she does not need to accept such an undertaking.

3. The Minister of Strategy and Finance, if it is deemed necessary, may propose an undertaking based on the provision of Article 54, Paragraph 1 of the Act, by designating exporters.

4. The Minister of Strategy and Finance may not accept an undertaking prescribed in Paragraph 2 or propose an undertaking prescribed in Paragraph 3 before a determination is made that there is sufficient evidence presuming a fact of dumping and material injury, etc. caused thereby, as a result of the preliminary investigation under the provision of Article 61, Paragraph 2.

5. If the exporter fails to fulfil the undertakings accepted in accordance with the provision of Article 54, Paragraph 2 of the Act, the Minister of Strategy and Finance may promptly take anti-dumping measures, such as provisional measures based on the best information available.

6. If it is ascertained, through a continuous investigation under the proviso to Article 54, Paragraph 2 of the Act, that there exists no material injury, etc. or that there exists no dumping margin, the Minister of Strategy and Finance shall deem the effect of the undertaking as nullified. However, if the non-existence of material injury etc. or dumping margin is deemed to have been generated by the undertaking, he/she may have the undertaking continued for an adequately set period, and if the exporter refuses to fulfil the undertaking, the Minister of Strategy and Finance may promptly take anti-dumping measures, such as provisional measures based on the best information available.

Article 69 (Retroactive Imposition of Anti-Dumping Duty)

1. The following products to which provisional measures have been applied under the proviso to Article 55 of the Act are subject to anti-dumping duty:

- (1) A product imported during the period in which provisional measures have been applied, in a case where the final decision of material injury, etc. was made, or where, although the final decision of a threat of material injury, etc. was made, it was deemed that the final decision of material injury would have been made in the absence of provisional measures;

- (2) A product imported not more than 90 days prior to the date of the application of provisional measures, in those cases where it is necessary to retroactively impose the anti-dumping duty to prevent a recurrence of material injury, etc., caused by the massive importation of a product in a relatively short period of time, and the product has been dumped and caused material injury, etc. in the past or where the importer was or could have been aware of the fact of a dumping and a material injury, etc. caused thereby;
- (3) A product imported not more than 90 days prior to the date of the application of provisional measures in the case where it was admitted that material injury, etc. was caused by the importation of a product to which provisional measures were applied because of the violation of the undertaking prescribed in Article 54, Paragraph 1 of the Act. In this case, a product imported prior to the violation of the undertaking is excluded; and
- (4) Other products imported during such a period as determined by the Minister of Strategy and Finance under conditions prescribed by international agreements.

2. Any interested parties in the domestic industry, prescribed in Article 59, may request imposition of the anti-dumping duty under the proviso to Article 55 of the Act by submitting evidence that the product concerned falls under any of the sub-paragraphs of Paragraph 1 within seven days of the receipt of the final decision according to the conclusion of the final investigation prescribed in Article 61, Paragraph 5.

Article 70 (Review on the Anti-Dumping Duty and Undertaking)

1. If it is deemed necessary, or if any interested party or the competent Minister in charge of the industry concerned files a request for a review along with documentary evidence related to a case which falls under the following sub-paragraphs, the Minister of Strategy and Finance shall determine whether or not the review prescribed in Article 56, Paragraph 1 of the Act is to be conducted with respect to the product on which the anti-dumping duty is imposed or for which an undertaking is carried out:

- (1) where circumstances have changed substantially enough to modify the anti-dumping duty or the undertaking after enforcement of those measures;
- (2) the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury;
- (3) where the anti-dumping duty has been paid in excess of the actual dumping margin.

2. A request for a review based on the provision of Paragraph 1 may be made after a year has passed since the date which the anti-dumping duty was imposed on or the undertaking was carried out, and it shall be made before six months prior to the expiration of the anti-dumping duty or the undertaking. In this case, the Minister of Strategy and Finance shall determine whether or not a review is necessary within two months of receiving the request for the review, and he/she shall notify the determination on the initiation of the review to the person requesting the review, the government of the supplying country and the suppliers of such a product and other interested parties, and he/she shall publish the decision in the official gazette within 10 days after the determination.

3. In addition to the review conducted in accordance with the provision of Paragraph 1, the Minister of Strategy and Finance may conduct a review on the appropriateness of the rate of the anti-dumping duty imposed or the undertaking in force and to this end he/she shall conduct an annual

examination of the dumping price in connection with the contents of the anti-dumping duty or the undertaking (including the contents changed as a result of the review) in the month under which the date of the enforcement thereof falls.

4. In determining the necessity of a review prescribed in Paragraph 1 or 3, the Minister of Strategy and Finance may consult heads of related administrative agencies and the Trade Commission, and when it is determined that a review is necessary, the Trade Commission shall carry out an investigation thereon. In this case, the Trade Commission may conduct an investigation limited just to those parts that fall under the reasons for conducting such a review.

5. The Trade Commission shall finish an investigation prescribed in Paragraph 4 and submit the results to the Minister of Strategy and Finance within six months of the initiation of a review. However, if it is necessary to extend the investigation period or interested parties request an extension of the period by submitting justifiable reasons, the Trade Commission may extend the investigation period to a maximum of four months.

6. In a case where the measures based on the provision of Article 56, Paragraph 1 of the Act are necessary, the Minister of Strategy and Finance shall take measures within one month and 20 days of receiving the results of the investigation prescribed in Paragraph 5.

7. In a case where a review is conducted for reasons stated in Sub-paragraph (2) of Paragraph 1, an anti-dumping measure shall remain in force during the review period even though the effective period of the measure expires during the review.

8. The amount of the anti-dumping duty continuously imposed on products during the review period in accordance with Paragraph 7 may be assessed according to the example of Article 67, Paragraph 1 and 3, in a case where the Minister of Strategy and Finance carries out the undertakings of imposing new anti-dumping duties or price revision or ceasing exports according to Article 56, Paragraph 1 of the Act.

9. If it is deemed that an undertaking has lost, or might lose its effectiveness as a result of a review under the provision of Paragraphs 1 or 3, the Minister of Strategy and Finance may demand that an exporter carrying out such an undertaking revise the undertaking and if the exporter refuses to revise the undertaking, the Minister of Strategy and Finance may take anti-dumping measure on the basis of the information available.

10. The Minister of Strategy and Finance may order the Commissioner of the Customs Service to investigate and report the matters prescribed by the Ordinance of the Minister of Strategy and Finance in order to conduct a review under the provisions of Paragraph 1 or 3.

11. With respect to a request for providing data required for an investigation in accordance with Paragraph 4, Article 64 shall apply and in reference to the imposition of the anti-dumping duties among measures by the Minister of Strategy and Finance resulting from a review in compliance with Article 56, Paragraph 1, Article 65 shall apply. When it comes to the undertakings of price revision or ceasing exports, the first sentence of Article 68, Paragraph 1, and Paragraph 2, 3 and 6 shall apply. In this case, "a final determination in accordance with the results of the final investigation under the provision of Article 61, Paragraph 5," prescribed in the first sentence of Article 68, Paragraph 1, shall be regarded as "the termination of the investigation according to Article 70, Paragraph 5," and "the Trade Commission" shall be regarded as "the Minister of Strategy and Finance."

Article 71 (Notification to the Interested Parties and Public Notice, etc.)

1. In the following cases, the Minister of Strategy and Finance shall publish the details thereof in the official gazette, and notify the interested parties of the details in writing:

- (1) where he has determined to take a measure prescribed in Article 51 and Article 53, Paragraph 1 of the Act or not to take such a measure;
- (2) where he suspends or terminates an investigation by accepting an undertaking prescribed in Article 54, Paragraph 1 of the Act, or continues the investigation;
- (3) where he modifies the contents of anti-dumping measures as a result of such a review prescribed in Article 56, Paragraph 1 of the Act; and
- (4) where the period of effect of anti-dumping measure is extended under the provisions of Article 70, Paragraph 7.

2. In the following cases, the Minister of Strategy and Finance or the Trade Commission shall notify the interested parties of the details thereof:

- (1) where a request for an investigation is rejected under the provision of Article 60, Paragraph 2, or the investigation is terminated in accordance with the provision of Article 61, Paragraph 4;
- (2) where the preliminary determination is made according to the preliminary investigation prescribed in Article 61, Paragraph 2;
- (3) where the final determination is made according to the final investigation prescribed in Article 61, Paragraph 5.
- (4) where the period of investigation is extended pursuant to the proviso to Article 61, Paragraph 6 and Article 70, Paragraph 5;
- (5) where the period is extended under the provision of Article 61, Paragraph 8;
- (6) where the request for imposition of the anti-dumping duty is withdrawn based on the provision of Article 62, thereby suspending the determination to initiate or to terminate the investigation;
- (7) where the application period of the provisional measure is extended under the provision of Article 66, Paragraph 2 or 3; and
- (8) where the Minister of Strategy and Finance proposes undertakings according to the provision of Article 68, Paragraph 3.

3. When there is a written request made by the interested parties with regard to the investigation prescribed in Article 61, in the course of the investigation, the Minister of Strategy and Finance or the Trade Commission shall notify them of the details of the investigation in progress.

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Article 10 (Comparison between the Normal Value and the Dumping Price)

1. In calculating the prices in the ordinary course of trade, as prescribed in the first sentence of Article 58, Paragraph 1 of the Decree, and the export prices to third countries in the proviso to that Paragraph, the sale prices may not be used as a basis if the sales of the like product fall under any of the following cases:

- (1) where volume of sales during the period subject to the investigation made at prices below the cost of production plus the selling, general and administrative costs of reasonable amount (hereinafter, "costs" in this Article) represents not less than 20 per cent of the transactions under consideration for the determination of the normal value, or the weighted average sales prices of the products in the transactions under consideration for determination of the normal value are below the weighted average costs in such transactions and sales below its cost cannot provide for recovery of the costs within a reasonable period of time (If the prices below costs at the time of sale are above the weighted average costs for the period subject to the investigation, such prices shall be considered to provide for recovery of costs);
- (2) where the sales price between specially related parties as prescribed in Article 23, Paragraph 1 of the Decree was affected by such a relationship.

2. The particular market situation, etc., as prescribed in the proviso to Article 58, Paragraph 1 of the Decree, shall be interpreted as including the cases in which the sales in the supplying country amount to less than five per cent of the imports from such a supplying country, and it is improper to calculate the normal value on the basis of such sales, except in the case where the evidence demonstrates that the sales in the supplying country less than five per cent can be used as the basis of comparison for the dumping price.

3. With regard to the calculation of the constructed value as prescribed in the proviso to Article 58, Paragraph 1 of the Decree, the amounts for selling, general and administrative costs and the profits shall be based on actual data pertaining to production and sales in the ordinary course of trade of the like product by the supplier subject to the investigation. In this case, costs shall be adjusted appropriately for those non-recurring items of costs which benefit current or future production or for circumstances in which costs during the period of investigation are affected by start-up operations.

4. When the constructed value cannot be determined based on actual data as prescribed in Paragraph 3, the value may be determined on the basis of the following data:

- (1) the actual amounts incurred and realised by the supplier subject to investigation in respect of production and sales in the domestic market of the country of origin of the same general category of products;
- (2) the weighted average of the actual amounts incurred and realised by other suppliers subject to investigation in respect of production and sales of the like product in the domestic market of the country of origin;
- (3) any other reasonable method, provided that the amount for profit so established shall not exceed the profit normally realised by other suppliers on sales of products of the same general category in the country of origin.

5. In applying the first sentence of the text of Article 58, Paragraph 3 of the Decree, the market economy country, in principle, shall be the country that is similar to the supplying country of such a product in terms of its level of economic development, production technology of the product, etc.

6. The term "provided in the Ordinance of the Minister of Strategy and Finance", as used in the proviso to the text of Article 58, Paragraph 3 of the Decree, means the cases in which the production and sales of the products are based on the market economy principles.

7. The price based on the resale price as prescribed in Sub-paragraph (1) of Article 58, Paragraph 4 of the Decree shall be interpreted as referring to the price subtracted with the costs incurred from import to resale of products, and profits thereby, and the price based on reasonable criteria, as prescribed in Sub-paragraph (2) of Article 58, Paragraph 4, shall be interpreted as referring to the price calculated after considering the import price of the product concerned, the costs incurred for the importation or during the period from the importation to the resale, and appropriate profits.

8. The comparison between the normal value and the dumping price under the provision of the first sentence of Article 58, Paragraph 5 of the Decree, shall, in principle, be made by means of average prices which are weighted by trade volume. In this case, weighted average prices of the entire individual dumping price, including the case in which the individual dumping price is higher than the normal value, shall be regarded as a dumping price.

9. In a case where a comparison is made between the normal value and the dumping price in accordance with the first sentence of Article 58, Paragraph 5 of the Decree, in principle, the exchange rate on the trading date of the product shall be used as the applying exchange rate. Provided that the trade of such a product is directly related to forward exchange transaction, its agreed exchange rate may apply.

10. The price adjustment due to a difference in physical characteristics prescribed in the second sentence of Article 58, Paragraph 5 of the Decree shall be based on the impact of such physical characteristics on the market price of the supplying country. Provided that materials on the market price of the supplying country are not available or are improper for the purpose of price comparison, the adjustment may be based on the difference in the costs of production due to a difference in the physical characteristics.

11. The price adjustment due to a difference in the quantities of sale prescribed in the second sentence of Article 58, Paragraph 5 of the Decree shall be confined to the cases where there exists a saving in the costs of production due to massive production or where there exists a discount due to a massive sale offered to all the purchasers in the ordinary course of trade.

12. The price adjustment due to a difference in the conditions of sale prescribed in the second sentence of Article 58, Paragraph 5 of the Decree shall be confined to the case where such conditions of sale have such a direct relationship to the sale price as to give an impact thereon.

13. The price adjustment due to changes in exchange rates prescribed in the second sentence of Article 58, Paragraph 5 of the Decree shall be confined to the case where exchange rates move in the same direction and are sustained during the period of investigation into dumping rates. The suppliers subject to the investigation shall be allowed to apply the adjusted prices for 60 days after the fluctuation in exchange rates.

Article 11 (Requests for Imposition of Anti-Dumping Duty)

1. The term "like product", as referred to in Article 59, Paragraph 2 of the Decree means a product that is identical in all respects, including physical characteristics, quality, recognition by the

users, etc., (including products altered insignificantly in appearance), or a product, in the absence of such a product, that has the function, characteristics and constituent parts that closely resemble such an imported product.

2. The term "a producer who is an importer of the imported product as prescribed by the Ordinance of the Minister of Strategy and Finance", as referred to in Article 59, Paragraph 2 of the Decree, means a producer who imports the imported product, but the term excludes:

- (1) a producer who imported six months prior to the date of receipt of the application as prescribed in Article 59, Paragraph 4 of the Decree; and
- (2) a producer whose import quantity is insignificant.

3. In determining producers who have special relationship prescribed in Article 59, Paragraph 2 of the Decree, if a producer of the like product and the imported product sells the product at a price and with conditions that are the same with, or similar to the price and conditions of the product sold by the person who does not have special relationship as prescribed in Article 23, Paragraph 1 of the Decree, such a producer may be excluded from being defined as a producer who has special relationship.

4. The term "the person prescribed by the Ordinance of the Minister of Strategy and Finance", as referred to in Article 59, Paragraph 3 of the Decree, means an association, union, etc., composed of domestic producers.

Article 12 (Initiation of Investigation on Dumping and Material Injury, etc.)

1. In selecting the products and suppliers subject to investigation, as prescribed in Sub-paragraphs (1) and (3) of Article 60, Paragraph 1 of the Decree, the sampling method that is statistically valid on the basis of available material (including the method to select the number of suppliers or products in the order of the percentage of import volume) shall be used in principle.

2. The term "the standard set by the Ordinance of the Minister of Strategy and Finance", as referred to in Sub-paragraph (3) of Articles 60, Paragraph 2 of the Decree, shall satisfy all requirements provided in the following sub-paragraphs:

- (1) the dumping margin: not less than 2% of the dumping price; and
- (2) the import volume of the dumped product: where the total volume of imports from the supplying countries, which individually accounts for less than three per cent of the imported volume of the like product, exceeds seven per cent of such an imported volume.

3. The term "the standard set by the Ordinance of the Minister of Strategy and Finance", as referred to in Sub-paragraph (4) of Article 60, Paragraph 2 of the Decree, means any of the following sub-paragraphs:

- (1) where the collective production of the like product produced by domestic producers having expressed support for the request for imposition under Article 59, Paragraph 1 of the Decree is not more than 50 per cent of the total production of such products produced by the domestic producers having expressed either support or opposition;

- (2) where the collective production of domestic producers having expressed support for the request for imposition under Article 59, Paragraph 1 of the Decree is less than 25 per cent of the total domestic production of the like product.

Article 13 (Termination of Final Investigation and Calculation of Injury for Imposition of Anti-Dumping Duty)

The term "the standard set by the Ordinance of the Minister of Strategy and Finance", as referred to in Article 61, Paragraph 4 and Sub-paragraph (1) of Article 63, Paragraph 3 of the Decree, shall satisfy all requirements provided Sub-paragraphs of Article 12, Paragraph 2.

Article 14 (Withdrawal of the Application for Investigation on Imposition of Anti-Dumping Duty)

1. A person who wishes to withdraw the application for investigation under the provision of Article 62, Paragraph 1 of the Decree, shall submit an application of withdrawal stating the reasons thereof and the related materials to the Trade Commission.

2. In cases where the application of withdrawal was made during the period of the preliminary or final investigation, as prescribed in Article 61, Paragraph 2 or 5 of the Decree, respectively, and where the alleged reasons for withdrawal are deemed improper, the Minister of Strategy and Finance or the Trade Commission may defer the determination on whether or not the investigation will be terminated by the application of withdrawal, to the time of conclusion of the preliminary or final investigation.

Article 15 (Confidential Treatment of Materials Relating to Anti-Dumping Measures)

Materials subject to confidential treatment prescribed in Article 64, Paragraph 2 of the Decree shall be limited to the materials relating to any of the following matters, the disclosure of which might cause damage to the interest of the providers or the interested parties:

- (1) cost of production;
- (2) accounting materials which have not been made public;
- (3) name, address and trade volume of the trade partners;
- (4) matters concerning the provider of confidential information; and
- (5) other materials deemed proper to be treated confidentially.

Article 16 (Public Hearing for Imposition of Anti-Dumping Duty)

1. When the Trade Commission holds a public hearing under Article 64, Paragraph 8 of the Decree, it shall notify the Minister of Finance and Economy of the schedule and results thereof.

2. When the Minister of Strategy and Finance or the Trade Commission wants to hold a public hearing, the applicants and interested parties shall be notified individually of the time and places for it, and public notice shall be given by way of appropriate methods including publication in the official gazette, etc. at least 30 days prior to the date of the hearing. However, in cases of urgent matters and investigation schedule requirements, notice in 7 days prior to the date may be given.

3. A person who wishes to participate in the public hearing shall make such an application to the Minister of Strategy and Finance or the Trade Commission at least 7 days prior to the date of the hearing with information attached, including evidence that shows the identity of the applicant or the interested party, summary of statements to be made, related evidential materials, personal information on the representing speaker, etc.
4. The applicant or the interested party may make his own statement in the presence of his representative or have the representative speak on behalf of him.
5. The participant in the public hearing may submit to the Minister of Strategy and Finance and the Trade Commission written materials supplementing his statement made in the hearing within 7 days of the hearing.
6. The applicant or the interested party shall use Korean when making statements in the public hearing.
7. When the participating person is a foreigner, he may bring an interpreter with him. In that case, the statement made by the interpreter is deemed to be made by the foreign participant.

Article 17 (Imposition of Anti-Dumping Duty, etc.)

1. The anti-dumping duty under the provision of Article 51 of the Act shall be imposed according to any of the following methods:
 - (1) where the anti-dumping duty is imposed by the fixed rate method, customs value multiplied by the determined rate which does not exceed the dumping rate that is calculated according to the following formula; and
$$\text{dumping rate} = \frac{\text{adjusted normal value} - \text{adjusted dumping price}}{\text{customs value}} \times 100$$
 - (2) where the anti-dumping duty is imposed by the base import price method, the base import price, in compliance with the provision of Article 65, Paragraph 7 of the Decree, minus customs value.
2. In calculating the weighted average anti-dumping duty rate or the base import price prescribed in Article 65, Paragraph 2 of the Decree, the weight may be placed on each supplier's export volume, when the suppliers are large in number. In this case, the supplier who falls under any of following sub-paragraphs shall be excluded from the calculation:
 - (1) a supplier with no dumping margin or with the dumping margin less than 2 per cent of the dumping price, and
 - (2) a supplier who has calculated dumping margin, etc. in use of facts available according to Article 64, Paragraph 5 of the Decree
3. The Minister of Strategy and Finance shall carry out a swift investigation under Article 61 of the Decree against such a new supplier, according to the proviso of Article 65, Paragraph 3 of the Decree, in a more accelerated manner. In this case, the investigation on material injury, etc., may be substituted by an investigation on material injury, etc., against the supplying country based on the provision of Article 65, Paragraph 3 of the Decree.

Article 18 (Request for Extension of Application Period of Provisional Measures)

A person who wishes to request for extension of the application period of the provisional measures under the proviso to Article 66, Paragraph 2 of the Decree shall make such a request at least 10 days prior to the expiry date of such provisional measures.

Article 19 (Undertakings to Revise Price or Cease Export, etc.)

1. Where an exporter proposes undertakings to the Minister of Strategy and Finance pursuant to Article 68, Paragraph 1 of the Decree, such undertakings shall include the following items:

- (1) the intention that the exporter will increase the export price to a level which may eliminate material injury, etc., or will cease export within such a period as determined after consultation with the Minister of Strategy and Finance.
- (2) information on the products which are contracted or shipped prior to the acceptance of the undertaking;
- (3) the intention that the exporter will not take any action to evade the compliance of the undertaking through a change in type, shape, name, etc., or through a sale of inferior products, etc.;
- (4) the intention that the exporter will not in fact violate the undertaking by a sale through a third country or a third party, etc.;
- (5) the intention that the exporter will periodically report to the Minister of Strategy and Finance with regard to the sales volume and price in the exporting country and export volume and price for the exports to Korea;
- (6) the intention that a verification of the related materials will be allowed; and
- (7) the intention to consult again upon a demand by the Minister of Strategy and Finance in the event of other changes in the circumstances.

2. Before accepting undertakings under the first sentence of Article 68, paragraph 2 of the Decree, the Minister of Strategy and Finance may ask for opinions of the Trade Commission, the head of the administrative agencies concerned and the interested parties.

3. The Minister of Strategy and Finance may refuse to accept an undertaking pursuant to the proviso to Article 68, Paragraph 2 of the Decree in any of the following cases:

- (1) where a person who proposes an undertaking on behalf of a number of exporters fails to prove that an entire agreement among such exporters has been reached;
- (2) where there exists a condition which makes an appropriate confirmation or investigation on the compliance of such undertakings difficult;
- (3) where there exists reasonable grounds to refuse to accept the undertaking, such as a history of violation of undertakings in the past, etc.

4. The exporter who has received the proposal of undertakings from the Minister of Strategy and Finance as referred to in Article 68, Paragraph 3 of the Decree shall notify whether or not such a proposal is accepted, within one month.

Article 20 (Review on Anti-Dumping Duty and Undertakings, etc.)

1. Interested parties that are entitled to propose a review on anti-dumping duty and undertakings under Article 70, Paragraph 1 of the Decree are as follows:

- (1) domestic producers of the like product or their organizations;
- (2) suppliers or importers of the product subject to anti-dumping measures or their organizations; and
- (3) other persons who the Minister of Strategy and Finance recognizes as having an interest.

2. The term "the matters prescribed by the Ordinance of the Minister of Strategy and Finance", as referred to in Article 70, Paragraph 10 of the Decree, means any of the following sub-paragraphs:

- (1) records on import of products subject to anti-dumping measures and collection of anti-dumping duty
 - (2) compliance of undertakings by those who made such undertakings
 - (3) other matters required to review anti-dumping measures
-