



9 September 2019

(19-5700)

Page: 1/2

Committee on Anti-Dumping Practices

Original: English

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

JAPAN

Supplement

The following communication, dated 2 September 2019, is being circulated at the request of the Delegation of Japan.

Pursuant to Article 18.5 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (Anti-Dumping Agreement), the Government of Japan wishes to notify the Committee the relevant provisions of the Guideline for Procedures Relating to Anti-Dumping Duty, with regard to the amendments of the guideline which entered into force on 1 April 2019.

THE GUIDELINE FOR PROCEDURES RELATING TO ANTI-DUMPING DUTY

Amendments have been made to Paragraphs (1) and (2), Article 11 of the Guideline; hence, the provisions thereof have been replaced by the following.

[Provisional Translation]

11. Sampling for investigation (excerpt)

(ADA: Articles 6.10, 6.10.1 and 6.10.2.)

(1) In any of the following cases, when the volume of exports from the relevant countries exceeds which can reasonably be investigated in the examination, a sampling method (hereinafter simply referred to as "sampling") may be used for the investigation pursuant to Article 6.10 of ADA:

- (i) Where the number of known suppliers from the exporting country exceeds 20; or
- (ii) Where the number of types of the product under investigation is too large to determine a dumping margin for each known supplier from the exporting country.

In terms of the subparagraph (i), a sampling may still be used for the investigation in the case where the number of known suppliers from the exporting country is 20 or less, if the number of suppliers from the exporting country who have expressed their intention to cooperate with the investigation exceeds the number of those which can reasonably be investigated.

(2) When conducting the sampling, the following procedures shall be followed:

- (i) Send a document to all the known suppliers in the exporting country, asking whether they will cooperate in the investigation or not and the transaction summary (i.e. the information on the product concerned from the exporting country, including the volumes of exports to Japan and third countries, the volume of sales in the domestic market and the volume of production during the period of investigation);
 - (ii) In a case under paragraph (1) of Article 11 hereof, select representative suppliers (hereinafter referred to as "samples") from the ones who have expressed their intention to cooperate with the investigation;
 - (iii) Notify each of the selected suppliers that it will be designated as a sample;
 - (iv) Notify the unselected suppliers who have expressed their intention to cooperate in the investigation that they will not be designated as samples and that the finding will be made by using the data provided by the selected suppliers. The unselected supplier, who have fully responded in time to the questionnaire sent upon the request for submission of evidence, etc. pursuant to Article 8, will nonetheless be included in the list of samples and thereafter notified as such if they express their wish to be selected as samples in a timely manner as long as the investigation proceeds on schedule according to Paragraph (5)(ii), Article 6, ; and
 - (v) Pursuant to the procedures under Paragraph (2), Article 10, the facts available shall apply to suppliers who have not expressed their intention to cooperate in the investigation or who have not responded to the document as referred to in Paragraph (2)(i) of this Article.
-