



4 July 2023

(23-4539)

Page: 1/5

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

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS**

JAPAN

Supplement

The following communication, dated and received on 3 July 2023, is being circulated at the request of the delegation of Japan.

Pursuant to Article 32.6 of the Agreement on Subsidies and Countervailing Measures and 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 to the Committees the relevant provisions of the Guidelines for Procedures Relating to Countervailing Duty and Anti-Dumping Duty, with regard to the amendments of the guidelines which entered into force on 1 April 2023.

I. THE GUIDELINES FOR PROCEDURES RELATING TO COUNTERVAILING DUTY

Subparagraphs (4) (ii) and (5) of Paragraph 4, and Subparagraphs (5) (i) of Paragraph 5 of the Guidelines were amended and replaced by the following.

[Provisional Translation]

4. Request for the Imposition of Duty, etc. (excerpt)

- (4) Sample of Items and Manners of Description in the Request for the Imposition of Duty, etc., Sample Form for Submission of Evidence, and Sample Manners of Summarization of Confidential Evidence, etc.

(Cabinet Order: Article 4, paragraphs 1 to 6; Article 7, paragraphs 1 and 5.)

- (ii) The sample form for submission of evidence as provided for in paragraph 1 of Article 7 of the Cabinet Order shall be Attachment 4. In addition, if Appended Sheet 1 ("Document stating the facts to be proved by evidence") in Attachment 4 with necessary information is not attached, it is permissible for the Minister of Finance to deem that the document stating the facts to be proved by the evidence prescribed in the same paragraph has not been submitted and to decide not to accept such evidence. The sample manners of summarization of confidential evidence, etc. shall be Attachment 3; provided that the evidence to be submitted in connection with matters pertaining to the amount of subsidy shall follow Article 6 hereof.

(5) Offices for Consultation

(Law: Article 7, paragraphs 5, 13, 18 and 23.)

The following offices are in charge of consultation in connection with the request for the imposition of anti-dumping duty, etc:

- Tariff Policy and Legal Division of the Customs and Tariff Bureau, Ministry of Finance
3-1-1 Kasumigaseki, Chiyoda-ku, Tokyo, 100-8940 Japan
Telephone number: +81-3-3581-8236
Email address: anti.dumping@mof.go.jp
- Office for Trade Remedy Investigations of the Trade Control Department of the Trade and Economic Cooperation Bureau, Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku, Tokyo, 100-8901 Japan
Telephone number: +81-3-3501-3462
Email address: bzl-qgfcbk@meti.go.jp

5. Initiation of Investigation, etc. (excerpt)

(5) Standard Period of Investigation

(Law: Article 7, paragraph 6. Cabinet Order: Article 5, subparagraph 7 of paragraph 1; Article 7, paragraph 1; Article 9, paragraph 1; Article 10, paragraph 1; Article 10-2; Article 12; Article 13; paragraphs 1 and 2.)

- (i) In the initiation of an investigation as provided for in paragraph 6 of Article 7 of the Law, in principle, the due date for submission of the evidence, etc. to be indicated in a public notice pursuant to subparagraph 7 of paragraph 1 of Article 5 of the Cabinet Order shall be established in or around the following period. The due date for submission of evidence requested pursuant to paragraph 2 of Article 7 of the Cabinet Order (the due date for the response to the questionnaire) is as set forth in paragraph (1) of Article 7 hereof.

Paragraph 7 of the Guidelines was amended by adding the following after Subparagraph (3).

[Provisional Translation]

7. Request for Submission of Evidence, etc. (excerpt)

(Cabinet Order: Article 5, subparagraph 7 of paragraph 1; Article 7, paragraph 2; Article 9, paragraph 2; Article 10, paragraph 2. ASCM: Article 12, paragraph 1, subparagraph 1.)

- (4) In principle, the due date for the response to the questionnaire in paragraph (1) of Article 7 hereof shall be set by the final day in the 37-day period after the day on which the notice for the request for submission of evidence, etc., is issued, and if it is found that there are special reasons why the submission cannot be made by the due date, it shall be extended by up to 14 days depending on the reasons, etc.

II. THE GUIDELINE FOR PROCEDURES RELATING TO ANTI-DUMPING DUTY

Subparagraphs (4) (ii) and (5) of Paragraph 5, and Subparagraphs (5) (i) of Paragraph 6 of the Guidelines were amended and replaced by the following.

[Provisional Translation]

5. Request for the Imposition of Duty, etc. (excerpt)

- (4) Sample of Items and Manners of Description in the Request for the Imposition of Duty, etc., Sample Form for Submission of Evidence, and Sample Manners of Summarization of Confidential Evidence, etc.

(Cabinet Order: Article 7, paragraphs 1 to 6; Article 10, paragraphs 1 and 5.)

- (ii) The sample form for submission of evidence as provided for in paragraph 1 of Article 10 of the Cabinet Order shall be Attachment 4. In addition, if Appended Sheet 1 ("Document stating the facts to be proved by evidence") in Attachment 4 with necessary information is not attached, it is permissible for the Minister of Finance to deem that the document stating the facts to be proved by the evidence prescribed in the same paragraph has not been submitted and to decide not to accept such evidence. The sample manners of summarization of confidential evidence, etc. shall be Attachment 3; provided that the evidence to be submitted in connection with matters pertaining to the margin of dumping shall follow Article 7 hereof.

(5) Offices for Consultation

(Law: Article 8, paragraphs 4, 12, 21 and 26.)

The following offices are in charge of consultation in connection with the request for the imposition of anti-dumping duty, etc:

- Tariff Policy and Legal Division of the Customs and Tariff Bureau, Ministry of Finance
3-1-1 Kasumigaseki, Chiyoda-ku, Tokyo, 100-8940 Japan
Telephone number: +81-3-3581-8236
Email address: anti.dumping@mof.go.jp
- Office for Trade Remedy Investigations of the Trade Control Department of the Trade and Economic Cooperation Bureau, Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku, Tokyo, 100-8901 Japan
Telephone number: +81-3-3501-3462
Email address: bzl-qgfcbk@meti.go.jp

6. Initiation of Investigation, etc. (excerpt)

(5) Standard Period of Investigation

(Law: Article 8, paragraph 5. Cabinet Order: Article 8, subparagraph 7 of paragraph 1; Article 10, paragraph 1; Article 10-2, paragraph 1; Article 12, paragraph 1; Article 12-2, paragraph 1; Article 13, paragraph 1; Article 13-2; Article 15; Article 16, paragraphs 1 and 2.)

- (i) In the initiation of an investigation as provided for in paragraph 5 of Article 8 of the Law, in principle, the due date for submission of the evidence, etc. to be indicated in a public notice pursuant to subparagraph 7 of paragraph 1 of Article 8 of the Cabinet Order shall be established in or around the following period. The due date for submission of evidence requested pursuant to paragraph 2 of Article 10 or paragraph 2 of Article 10-2 of the Cabinet Order (the due date for the response to the questionnaire) is as set forth in paragraph (1) of Article 8 hereof.

Paragraph 8 of the Guidelines was amended by adding the following after Subparagraph (3).

[Provisional Translation]

8. Request for Submission of Evidence, etc. (excerpt)

(Cabinet Order: Article 8, subparagraph 7 of paragraph 1; Article 10, paragraph 2, Article 10-2, paragraph 2; Article 12-2, paragraph 2; Article 13, paragraph 2. ADA: Article 6, paragraph 1, subparagraph 1.)

- (4) In principle, the due date for the response to the questionnaire in paragraph (1) of Article 8 hereof shall be set by the final day in the 37-day period after the day on which the notice for the request for submission of evidence, etc., is issued, and if it is found that there are special reasons why the submission cannot be made by the due date, it shall be extended by up to 14 days depending on the reasons, etc.
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