QUESTIONNAIRES USED IN PRICE INVESTIGATIONS

Submissions by Members of the Committee

Addendum

1. At its meeting on 21-23 September 1970 the Committee agreed that its members should describe the procedures used in price investigations in respect of foreign suppliers.

2. Nine replies have been given in documents COM.AD/11 and Addendum 1.

3. The delegation of Norway has submitted the texts reproduced below. The delegation explains that the questionnaires have been worked out in the Secretariat of the Norwegian Anti-Dumping Committee and are used both in the preparation of anti-dumping cases and as information to Norwegian producers who contemplate making a complaint of dumping.

INFORMATION TO BE SUBMITTED WITH AND IN SUPPORT OF AN APPLICATION FOR ANTI-DUMPING ACTION

Information relating to dumping

1. (a) Description of goods alleged to have been dumped.

   (b) The name(s) of the manufacturer(s) if known.

2. (a) The country of origin of the goods and/or the country of consignment if this is not the country of origin.

   (b) The name(s) of the foreign supplier(s) and importer(s), if known.

3. Period during which the alleged dumping has been taking place.

4. The price at which the allegedly dumped goods are being imported (normally the c.i.f. or f.o.b. price) or a price at which they are being sold in the importing country.

5. (a) The price at which it is claimed that comparable goods are being sold or being offered for sale in the country of origin or consignment as the case may be.
(b) The point of sale - e.g. wholesale or retail - and quantities involved.

(c) The source of the information under (a) and (b) - e.g. price lists, specific quotation etc.

6. Any information available with regard to terms and conditions of the sales for which prices have been given and which affect price comparability.

7. (a) If comparable goods are not sold in the market of the country of origin or consignment, either

(i) the price at which it is claimed they are being exported to third countries, or

(ii) the estimated cost of production of the allegedly dumped goods.

(b) The source of the information for (a)(i) or the basis of the estimate for (a)(ii).

Information relating to material injury

8. Particulars of the domestic producers of the goods in question who are supporting an application for anti-dumping action or on whose behalf such an application is being made.

9. Statistics or, where statistics are not available, estimates showing the volume of output, domestic sales and stocks for each of recent years (normally three to five years) in respect of:

(i) all domestic producers of the goods in question;

(ii) the domestic producers of the goods in question who are supporting the application for anti-dumping action or on whose behalf such an application is being made.

10. A statement of the prices of the applicant producers.

11. Statistics or, where statistics are not available, estimates for recent years of the volume of imports of the goods in question from:

(i) all supplying countries;

(ii) each country supplying goods in question at allegedly dumped prices;

(iii) each country other than those in (ii) above supplying significant quantities of the goods in question.
12. Information to be provided by typical producers amongst those supporting the application which they consider demonstrates the materially injurious effect (actual or threatened) of the allegedly dumped imports. This information may be submitted by individual producers directly and in confidence to the authorities concerned and should include:

(i) details of prices over recent years with explanations in regard to the levels of such prices;

(ii) details of the volume of sales over recent years with explanations in regard to the levels of sales;

(iii) any other information relevant to the effect of the allegedly dumped imports; e.g. information relating to employment, surplus capacity, order books and production plans.

QUESTIONNAIRE TO THE NORWEGIAN IMPORTER/REPRESENTATIVE OR THE FOREIGN SUPPLIER APPLICATION FOR ANTI-DUMPING ACTION UNDER INVESTIGATION IN THE ANTI-DUMPING COMMISSION

concerning ...................................................

(product)

from ..........................................................

(country of origin or export)

Name and address of the complainant:

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1. (a) The price of the product in question on the exportation to Norway (preferably the factory price, if not available, the c.i.f. or f.o.b. price).

(b) Documentation on (1a) - e.g. price lists, specific quotations, offers, etc.
2. (a) Comparable price on the corresponding product on sales for home consumption.

(b) Documentation on (2a)

3. (a) If a comparable price on sales for home consumption is not available, the price of the corresponding product on exportation to third countries should be stated. (Preferably the factory price. If not available the c.i.f. or f.o.b. price.)

(b) Documentation on (3a)

4. (a) Any information available with regard to terms and conditions etc. of the sales which may affect the price comparability.

(b) Corrections to be made in order to make the prices comparable.

5. Any information available concerning price or (and) costs of production of the corresponding product produced in Norway.

6. Information on sales of the product by the foreign supplier during recent years:

   (i) to Norway

   (ii) in the domestic market and

   (iii) to third countries (please specify).

7. Does the sale of the product in the domestic market, the export to Norway or to other countries, take place to firms or persons which, from an economic point of view, are independent of and separate from the firm of the foreign supplier?

8. A statement concerning the supply and demand situation and the competition with regard to the allegedly dumped product:

   (i) in Norway

   (ii) in the domestic market

   (iii) in third countries to which the products are exported.

9. Does the foreign supplier produce other goods as well? If so, approximately how great a share of the supplier's total production is composed by the article which is the object of the dumping investigation?
Notes: The Norwegian provisions with regard to dumping are included in paragraph 3 in the introductory provisions of the Norwegian customs tariff. These rules are in conformity with the international provisions given in the General Agreement on Tariffs and Trade (GATT).

Information given to the Anti-Dumping Commission or its Secretariat will be kept confidential pursuant to paragraph 162 c in Law on the Customs Administration.

If it is found desirable to submit information or statements to the counterpart, consent will be obtained in advance.

Section I

As a rule, the investigation will be carried out on the basis of the factory price. Therefore it is important that this price is stated.

Section II

In conformity with the Norwegian provisions, the investigation of the alleged dumping shall in principle be based on a comparison between the price of the commodity on exportation to Norway and "a comparable price on sales of the corresponding commodity" in the producer's/exporter's domestic market.

Section III

In the absence of such domestic price the comparison may be made with "the highest comparable price for the like product for export to any third country in the ordinary course of trade" or with the cost of production of the product in the country of origin with the addition of a reasonable margin for selling cost and profit.

It is important that information on prices is documented.

Section IV

It is also important that the prices which are to be compared, are stated in such a way that they are directly comparable.

The usual reasons for the lack of direct comparability of the prices stated are:

(a) the prices refer to different stages of marketing. The price of the product on exportation to Norway may e.g. apply to sales to the importer or wholesaler, while the domestic price applies to sales to the retailer;

These provisions are reproduced in document L/3204 and in "Anti-Dumping Legislation 1970", pages 79-80.
(b) the domestic price and the export price may comprise different freight costs. As a rule, the determination of dumping is made on the basis of ex-factory price;

(c) prices may include different conditions and terms of sale, e.g. different quantity and/or cash discounts;

(d) on sale in the domestic market, the price of the commodity may include internal charges etc. which are not included in the export price;

(e) the commodity exported to Norway may not be identical with the one sold in the domestic market or exported to a third country. There may be differences in quality etc.

Section V

Any corrections owing to the above mentioned or other circumstances which are considered necessary for the prices being comparable, must be documented.

This is particularly important in such cases where there is no possibility to obtain a relevant basis for the price comparability mentioned in Section II and III. This is often the case in connexion with imports from State-trading countries. In the absence of necessary information, the import price may be determined on the basis of the Norwegian production price of the corresponding commodity.