(e) **Investigations in exporting countries**

The Group of Experts took note of the practices followed by various countries in carrying out investigations in exporting countries, as summarized in document L/1071.

Some members of the Group pointed out that an investigation by an agent of an importing country in an exporting country might raise delicate problems. However, the Group was unanimous in recognizing that the obligation to impose anti-dumping measures only in cases where all the facts justifying the action and, in particular, where the existence of dumping prices had been clearly established, led in some exceptional cases to the necessity of carrying out investigations in the exporting country concerned. It was duly stressed, however, that such investigations should not be initiated unless there were valid reasons to suspect the existence of dumping practices.

The Group was of the opinion that it would be desirable that a country wishing to carry out such an investigation should first approach the government or some governmental authority in that country for the purpose of informing them in advance. The Group was convinced that the government of the exporting country concerned would generally consider that the investigation would be in the interest of its exporters and would not therefore object to such an investigation being conducted.
The Group stressed that any information gained during an investigation should be treated as strictly confidential and used only for the purposes of the enquiry.

ITEM 6

(f) Governmental or administrative hearings in importing countries

The Group took note of the practices followed as regards hearings in importing countries. Several systems were at present in force: public hearings, private hearings, opportunity afforded to all interested parties to be heard when the results of investigations are submitted to Parliament, etc. Regardless of the system, the Group was of the opinion that it would be desirable not to impose an anti-dumping duty (by way of decrees or ordinances, etc.) unless the interested parties had been afforded an opportunity to be heard by the competent authorities.

ITEM 7

(g) Contacts between governments concerned prior to the imposition of anti-dumping measures

The Group was of the opinion that it would be desirable to establish contact with the government of the interested country before imposing any anti-dumping duty, on the grounds that, in addition to considerations of courtesy between governments such contacts would be likely to limit the number of cases where an anti-dumping duty was effectively levied.

ITEM 8

(h) Imposition of anti-dumping duties on behalf of third countries and opportunity for such countries to take measures to counteract dumping

The Group was of the opinion that the situation of third countries was fully dealt with in Article VI, paragraph 6, which related to cases where countries could levy an anti-dumping duty on behalf of third countries.
These provisions constituted an exception from one of the basic principles of Article VI, paragraph 1, to the extent that the imposition of an anti-dumping duty was not contingent upon the existence of injury caused to the importing country, but upon injury caused or threatened to one or more third countries.

In order to avoid any misunderstanding, the Group wished to stress that a third country, in order to justify a request to an importing country to impose measures against another country, should produce evidence that the practices engaged in by the other country were causing material injury to its domestic industry and not only to the exports of that third country. However, in cases where the importing country granted a request from a third country, anti-dumping measures should not be imposed until and unless the CONTRACTING PARTIES had approved the proposed measure (Article VI, paragraph 6).

The Group, while noting that such cases might be infrequent, thought it desirable to bring the attention of the CONTRACTING PARTIES to the fact that such procedures would be slow and might therefore make the proposed measures ineffective. The Group felt that it should be left to the CONTRACTING PARTIES to determine whether it would be desirable to propose methods to expedite any decision which might have to be taken, for instance, by instituting a panel which could meet at short notice whenever necessary.

In any case, there was no doubt that the initiation of the procedures laid down in Article VI, paragraph 6, should be left to the discretion of the importing country.

Consequently, the Group was of the opinion that where the importing country found it impossible or undesirable to grant the request from a third country which claimed injury, the third country had no alternative but to rely on Articles XXII and XXIII of the General Agreement.