QUESTIONS SUBMITTED BY BRAZIL CONCERNING
THE GUIDELINES LAID DOWN BY THE EEC COMMISSION
FOR THE REIMBURSEMENT OF ANTI-DUMPING DUTIES
(ADP/1/Add.1/Suppl.4)

1. Item II ("Merits"), 2(b), of the Commission note concerning the
reimbursement of anti-dumping duties (86/C/266/02) states that
"Calculations will be based as far as possible on the same method applied
during the original investigation..." The expression "as far as possible"
leads the Brazilian authorities to believe that there would be others
methods to be applied. Which could be these methods?

2. Item II, 2(c), states that "... any reimbursement, in total or in
part, of anti-dumping duties paid on shipments imported by an importer
which is associated with the exporter concerned will only be granted under
the following circumstance, all other factors remaining equal:

Where the products in question were resold to the first
independent buyer on a duty unpaid basis, a reimbursement will be
granted to the company which paid the duty, of the resale price has
been increased by the amount of the dumping margin or a part
thereof..."

What would happen if the resale price has not been increased? Does
the company which paid the duty forfeit its right to reimbursement? If
yes, how does this provision comply with Article 8.3 of the Anti-Dumping
Code?