QUESTIONS SUBMITTED BY CANADA REGARDING THE ANTI-DUMPING REGULATIONS OF BRAZIL

1. The resolution contains no reference to time-limits for the various stages of the investigative process undertaken by the Customs Policy Commission (CPA). How would such an investigation be structured under the new regulation?

2. Article 14 requires that respondents to dumping or subsidy investigations reply to questionnaires within 40 days. Can the response period be extended under certain circumstances, for example, when a case proves complex, and if so, under which provisions?

3. Article 20 reads that "in case the petitioner requests the termination of a proceeding, the Customs Policy commission may use its own discretion to terminate or continue the investigation". Under what circumstances would the Customs Policy Commission decide not to accept the petitioner's request to terminate the proceedings?

4. Article 37 reads that "the decisions of the Customs Policy Commission on the imposition of an anti-dumping or countervailing duty ... shall be reviewed entirely or partially solely after a period of 1 (one) year and provided that "new fact" justifies reinitiation of the investigation". Some signatories have included a "sunset" clause in their review provisions such that anti-dumping or countervailing measures are automatically rescinded if no review has been undertaken after a number of years. Is it the intention of the Brazilian authorities to employ a similar approach?

5. Do importers or other interested parties have a right of appeal under other provisions of Brazilian law with respect to decisions taken by the Customs Policy Commission regarding the imposition of anti-dumping or countervailing measures?