LANGUAGE AND TRANSLATIONS IN CONNECTION WITH ANTI-DUMPING AND COUNTERVAILING INVESTIGATIONS

In anti-dumping and countervailing investigations the complaint with supporting evidence is naturally drawn up in the national language of the applicant and of the investigating authority.

The supporting evidence is often voluminous and of a highly technical character. Further documentation of a similar nature is produced in the course of the investigation.

All the documentation and evidence, which is not of a confidential character shall be put at the disposal of the other parties of the investigation, mainly the enterprises(s) subject to the investigation, which in most cases are not familiar with the national language of the complainant or of the investigating authority, unless that language is a world language.

In such cases arises the question of translating the material of the investigation into a language comprehensible to all parties involved and the question who is responsible for undertaking the translation.

That question can be of considerable importance and several aspects are involved:

- the safeguarding of the parties’ legal and commercial interests,
- the time-table of the investigation, as the translation can be time consuming and the investigated enterprises are supposed to reply within 30 days of having received the complaint with supporting evidence (see document ADP/19 of 29 November 1983, Recommendation concerning the time limits given to respondents to anti-dumping questionnaires),
- costs.
As regards the responsibility of translating the material into a world language, comprehensible to the investigated enterprise(s) three possibilities could be envisaged:

- the complainant shall provide the translation,
- the investigating authority shall have it made at that authority's expense, or
- the investigated enterprise(s) shall have the translation made.

If the complainant or the investigating authority shall have the translation made arises the question which world language should be allowed. Would any of the official GATT languages be acceptable?

The question set out above has arisen in recent anti-dumping investigations made by Finnish authorities. For that reason the Finnish Delegation would appreciate having a clear and definite position of the Committees on Anti-Dumping Practices and on Subsidies and Countervailing Measures. The Finnish Delegation proposes to raise the matter under agenda item "Other business" in the meetings of those Committees in the week of 30 May 1988.