QUESTIONS SUBMITTED BY HONG KONG ON
THE LEGISLATION OF HUNGARY

(ADP/1/Add.14/Rev.1)

The following communication, dated 5 October 1994, has been received from the Permanent Mission of Hong Kong.

Decree No. 69/1994 (V.4) of the Government on the rules relating to anti-dumping and countervailing duties

Article 7

It is noted that particular reference is made to the "environmental effects" of the product in the determination of "like product". Would the Hungarian authorities elaborate further as to what these "environmental effects" refer to? For instance, do they refer to the environmental effects of the product themselves or do they also refer to the environmental effects of their manufacturing process? By reference to the environmental effects will packaging be a factor of consideration in determining "like products"?

Article 9.2

Article 2.6 of the Anti-Dumping Code in effect makes it an obligation of the investigating authorities to make due allowance for differences affecting price comparability. Therefore, investigating authorities should initiate the adjustments on their own or upon request by interested parties. Would Article 9.2 of the Decree make it a sole responsibility of the relevant parties including exporters to request for adjustments?

Article 10(e)

Would it go against the spirit of fair comparison as required in Article 2.6 of the Anti-Dumping Code if adjustments less than 0.5 per cent of the price or value of the transactions concerned are disregarded, bearing in mind that the cumulative effect of all "insignificant" adjustments might well be non-negligible?
Article 16.1

Does the term "domestic industry" as defined in Article 16.1 for the purpose of determination of injury exclude domestic producers themselves importers of allegedly dumped product, as stipulated in Article 4.1(i) of the Anti-Dumping Code?

Article 18

Question 1

The Anti-Dumping Code (Article 4.1 and footnote 9 refer) provides that the definition of "domestic industry" in relation to the determination of injury is also applicable in determining the standing of the applicant for initiation of investigation. Is the definition of "domestic industry" given in Article 16 of the Decree equally applicable in defining the "industry" mentioned in Article 18 of the Decree?

Question 2

Can the Hungarian Ministry of International Economic Relations or any other Hungarian authorities initiate investigation on its own initiative in the absence of a request from the "industry or its representative"?

Article 30.2

Is this Article equally applicable to the acceptance of price undertaking?