

GENERAL AGREEMENT ON

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RESTRICTED

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REPLIES BY THE REPUBLIC OF KOREA TO QUESTIONS RAISED BY HONG KONG

The following replies by the Republic of Korea to certain questions raised by Hong Kong in document ADP/W/332 regarding Article 4:5(2) of the Presidential Decree (ADP/1/Add.13/Rev.1/Suppl.2), were received on 17 May 1993.

Question a: What kind of assistance do the Korean authorities expect from pertinent experts?

Answer: The objective of participation by pertinent experts in an anti-dumping investigation is to utilize their highly specialized professional knowledge and skills. Such experts could include a certified public accountant to analyze production costs and other expenses, an engineering technician to give advice regarding specific production processes and products, and a computer programmer to analyze computerized documents.

Question b: At what stage of the investigation would pertinent experts be called in for assistance?

Answer: Pertinent experts may participate in the preliminary and final investigation of dumped imports and the injuries they cause to domestic industries. The experts are limited to fact finding activities only and are not allowed to get involved in the judgement process, preliminary or final, following the investigation.

Question c: What are the criteria for the selection of pertinent experts?

Answer: First, it must be determined what kind of experts are necessary for the particular anti-dumping investigation. Experts are then selected based on such criteria as experience, profession, education and other certified qualifications.

Question d: Would pertinent experts come from the industry filing the complaint?

Answer: No. Since the investigative activities of pertinent experts need to be based on the public interests and fairness. The experts must be impartial.

Question e: Would pertinent experts have access to all information submitted to the investigating authorities?

Answer: A pertinent expert is allowed to use information necessary to conduct the investigation at hand. He is not allowed to see any information exceeding the area of his activity.

Question f: Would exporters subject to the investigation have the right to request that certain information submitted to the investigating authorities should not be disclosed to pertinent experts?

Answer: The pertinent experts participating in an investigation are asked to make an oath not to disclose the information acquired by them during the investigation and not to use it for any objectives other than the investigation at hand. Thus, there is no difference between government officials and pertinent experts in the way they handle the information provided to them. However, if the exporters insist that certain information not be disclosed to experts, then, the investigating authorities may in certain circumstances disregard the information provided that the provisions of Article 6:4 of the Anti-dumping Code are met.