

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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Committee on Anti-Dumping Practices

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QUESTIONS SUBMITTED BY CANADA
ON THE LEGISLATION OF ROMANIA

(ADP/1/Add.9/Rev.1)

The following communication, dated 18 January 1994, has been received from the Permanent Mission of Canada.

Government Decision No. 228/7 May 1992

Question 1

Articles 2 and 3 of the Decision provide for the imposition of dumping and countervail duties without any reference to an injury or causality test. This, if read independently of Joint Order No. 128 that provides for the appropriate injury and causality tests, is clearly contrary to the GATT and the Code. What is the relationship of the Decision with the Joint Order? Can the Decision be used to apply anti-dumping duties without reference to the provisions of the Joint Order?

Question 2

Article 9 appears to require domestic firms to set contract terms with foreign partners to ensure they reflect "the level of prices in the normal commercial transactions in the domestic and international market". Given that neither the GATT nor the Code prohibit dumping, what is the legislative intent of the Article?

Question 3

Articles 10 and 11 elaborate on the role of the Price Office. What is the purpose of the list of ruling prices referred in both Articles? Is it meant for information purposes only or is it binding? How is the information for this list to be collected?

Order No. 127/20 August 1992

Question 4

In Chapter I, are the two "experts" in the panel which carries out the preliminary investigation to be government officials? If not, will they be sworn not to violate the confidentiality of the information they come across? Will penalties be applicable if they breach the confidentiality of proceedings?

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Joint Order No. 128/24 August 1992

Question 5

Article 5 establishes the process to be carried out before a complaint is officially initiated. It does not, however, require the Commission to verify that the complainant represents a major proportion of the industry. Will the Commission verify the standing of complainants?

Question 6

The Joint Order makes numerous references to the term "interested parties". Who is considered an interested party? Does the definition cover foreign producers of the good under investigation?