

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Committee on Anti-Dumping Practices

Ad-Hoc Group on the Implementation
of the Anti-Dumping Code

DRAFT RECOMMENDATIONS OF THE COMMITTEE CONCERNING PROCEDURES FOR AN ON-THE-SPOT INVESTIGATION

I

The Committee notes that although the Anti-Dumping Code recognizes the right of the investigating authorities to carry out investigations in the exporting country, there is a requirement to obtain the prior agreement of the firms concerned and to notify the authorities of the country to be visited, who may object to the visit (Article 6:5).

The Committee is aware that some difficulties have arisen in this area which have been caused mainly by the failure of the investigating authorities to advise the exporting firms of the proposed date of the visit and the purpose of the investigation. It should be borne in mind that the firms will normally require time to prepare for the visit. There have also been instances where the authorities of the exporting country have not been specifically informed of the proposed visit.

II

The Committee recommends that in order to overcome these problems

- (a) a notification of the proposed visit to the authorities of the country in question should be made separately from the advice of initiation and in sufficient time to enable them to object to it;
- (b) it should be standard practice to obtain the express agreement of the producers and exporters in the exporting country before the visit is planned;
- (c) in order to enable the authorities to verify that the firms have agreed to the visit, the names and addresses of the firms to be visited should be given in the notification together with the dates proposed;
- (d) as much advance notice as possible should be given to the firms in question before the visit is made;
- (e) as the Anti-Dumping Code envisages that the main purpose of the visit is to verify information provided, it should be standard practice to advise, prior to the visit, the firms concerned of the information to be verified

and of any further information which needs to be provided, though this should not preclude requests to be made on the spot for further details to be provided in the light of information obtained;

- (f) in order to avoid decisions from being taken on incomplete information, the authorities of the countries to be visited should only withhold their consent to a proposed visit in exceptional circumstances and both they and the firms concerned should co-operate with the investigators.