

GENERAL AGREEMENT ON TARIFFS AND TRADE

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

Revision

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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 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.

The Committee notes that although the Anti-Dumping Code recognizes the right of the investigating authorities to carry out investigations in the exporting country in order to verify information provided or to obtain further details, 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).

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The Committee recommends that in order to overcome these problems:

- (a) a specific notification of the proposed visit to the authorities of the country in question should be made separately from the advise or initiation of an investigation and in sufficient time to enable them to object to it;
- [(a1) a request for on-the-spot investigation should be addressed at the same time to the authorities of the exporting country and to the firm in question;]
- (b) 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];
- (c) it should be standard practice to obtain the explicit agreement of the producers and exporters in the exporting country before the visit is finally scheduled;

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- (d) sufficient advance notice should be given to the firms in question before the visit is made;
- [(d1) in cases where there is a need for explanation of the questionnaire the authorities of the importing country may place themselves at the disposal of any firm who would like an explanatory visit; such a visit may only be made, provided the authorities of the importing country notify the representatives of the country in question and unless the latter object to the visit;]
- (e) [as the Anti-Dumping Code envisages that the main purpose of the visit is to verify information provided or to obtain further details, it should be carried out after the response to the questionnaire has been received [unless the firm agrees to the contrary]; further] it should be standard practice to advise, prior to the visit, the firms concerned of the general nature 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;]
- (g) [reasonable] enquiries or questions put by the authorities or firms of the exporting countries and essential to a successful on-the-spot investigation should be answered before [or at the time] the visit is made, whenever possible.
- [(h) on-the-spot investigations may be carried out at the site of the firm in question or [in accordance with national legislation of the exporting country] at other appropriate places.]