

GENERAL AGREEMENT ON  
TARIFFS AND TRADERESTRICTED

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Limited DistributionOriginal: English<sup>1</sup>GROUP OF EXPERTS  
ON  
ANTI-DUMPING AND COUNTERVAILING DUTIESReplies received to the Additional Question  
concerning the Collection of Information

The Group of Experts on Anti-dumping and Countervailing Duties in its report of 24 April 1959 (L/978) suggested that because of the importance of the problem attention should be given to the form and the scope of the investigations which are carried out by the governments applying anti-dumping and countervailing duties in order to obtain the necessary evidence on the basis of which they make their decisions regarding the applications of such duties. The Group furthermore suggested that the secretariat should collect the relevant information which could then be studied by the Group of Experts.

Consequent to the adoption of this report by the CONTRACTING PARTIES (SR.14/2, p.11), the secretariat invited the governments in question

Australia  
Belgium  
Canada  
New Zealand  
Federation of Rhodesia and Nyasaland  
South Africa  
Sweden  
United Kingdom and  
United States

to reply to the following questions:

1. What is the form and scope of the investigations carried out in your country in order to obtain the necessary evidence on which decisions in anti-dumping cases are based:

- (a) in the pre-selection stage;
- (b) in the assessment stage?

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<sup>1</sup>The replies received from Belgium and Sweden, however, were transmitted in French.

2. What is the form and scope of the investigations carried out by your officials in a foreign country in order to obtain the necessary evidence on which decisions in anti-dumping cases are based:

- (a) in the pre-selection stage;
- (b) in the assessment stage?

The replies received in response to this request are given on the following pages.

AUSTRALIA

Anti-dumping Duties

1. Collection of Information in Australia

(a) In the pre-selection stage

See answer to question 19 on page 30 of the GATT publication Anti-dumping and Countervailing Duties.

(b) In the assessment stage

There is normally no further investigation as such at the time of assessment. Each individual shipment is assessed at the time of importation to ascertain then and there the actual amount of dumping duty to be collected on the shipment.

The assessing officer is dependent on an analysis of the information supplied by the exporter on a prescribed form of invoice. If the invoiced particulars are deficient in certain material respects further enquiry may be instituted.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

Substantial evidence is sought by personal enquiry from the industry producing the goods concerned in the country of export - not only from an individual exporter - as to:

- (i) the fair market value (section 4);
- (ii) a reasonable price (section 5);
- (iii) the normal rate of freight (section 7).

The form of such enquiry is by personal contact and examination of documentary evidence, and its scope is always as wide and thorough as possible.

A continuing review of the position is made so long as shipments are being received in Australia.

(b) In the assessment stage

Nil - the continuing review mentioned in 2(a) above covers this aspect.

Countervailing Duties

The procedures in the pre-selection and assessment stages follow the same lines as procedures in respect to anti-dumping duties referred to above. A public enquiry by the Tariff Board, however, is not conducted in the case of third country dumping duty or third country countervailing duty.

BELGIUM

Countervailing Duties

Since 1948, the Belgian Government has issued two Royal Orders providing for the application of special duties to imports from State-trading countries. In these cases, the special duties were considered in the same way as countervailing duties.

In regard to about a dozen other requests, submitted since 1948 by domestic producers and relating to subsidized products, no anti-dumping measures were actually taken. The following replies to the questions in the above-mentioned document therefore relate only to countervailing duties.

1. Collection of Information in Belgium

(a) In the pre-selection stage

The investigation procedure is not laid down by law or by implementing orders. The administration usually adopts the following procedure in pre-selecting the products to be affected and in determining the duty:

In regard to measures directed against subsidization, the initiative must come from the industry affected by the harmful practices in question. The administration does not normally take the initiative of investigation in this field, although it may do so if it wishes. The request must be addressed to the Ministry of Economic Affairs, in the case of industrial products, and to the Ministry of Agriculture as regards agricultural products. In principle, the applicant must submit at least a minimum of proof of dumping and of injury caused. The competent services examine the basis for the complaint, collect the necessary supporting data, and submit the case to the Inter-Ministerial Economic Committee, which determines whether or not the existence of subsidies has been established which cause or threaten to cause serious injury to domestic industry. If it is decided to apply safeguard measures in the form of special import duties, the Committee designates the products and fixes the level of duties. The case is then submitted for consultation to the Joint Belgo-Luxembourg Administrative Committee, and for approval to the Council of Ministers.

(b) In the assessment stage

Does not apply.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

Whenever the Ministry of Economic Affairs considers that a request for the application of countervailing duties is justifiable, it seeks the assistance of the Ministry of Foreign Affairs and Foreign Trade,

in order to obtain, through diplomatic channels, exact information regarding the subsidies granted either directly or indirectly by the government of the exporting country.

There are no special rules regarding the scope of such investigations; each is conducted according to the needs of the particular case, and by all the means available to Belgium's diplomatic and consular offices.

(b) In the assessment stage

Does not apply.

CANADA

Anti-dumping Duties

Canada's anti-dumping legislation is set forth in section 6 of the Customs Tariff Act (appendix 1, page 58, GATT publication Anti-dumping and Countervailing Duties).

Sub-section (8) empowers the Minister of National Revenue to make the regulations necessary for the implementation of this legislation. Under this authority, regulation 1 (appendix 3 of the above-mentioned GATT document) stipulates that at least ten per cent of normal Canadian consumption of an article must be made or produced in Canada before such article may be ruled to be subject to anti-dumping duty.

1. Collection of Information in Canada

(a) In the pre-selection stage

Does not apply.

(b) In the assessment stage

Investigations are conducted in Canada continuously into the class or kind status of goods to ascertain whether a particular product is made in Canada in quantities sufficient to fulfil the requirements outlined in the preceding paragraph. Investigation may be requested by a Canadian manufacturer on the one hand, or by an importer on the other. During the enquiry which may be through correspondence or by a Customs officer, interested parties may make submissions. After a decision has been rendered, appeal may be made as outlined in reply to question 28(b) as revised.<sup>1</sup> A review of an existing class or kind ruling may, of course, be requested at any time.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

Does not apply.

(b) In the assessment stage

The investigations made in foreign countries are for the purpose of securing the information necessary to establish the value for regular or ordinary duty purposes in accordance with the requirements of the Customs Act (appendix 2, page 60). These may be conducted

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<sup>1</sup>Alterations in the text of the GATT publication Anti-dumping and Countervailing Duties of July 1958, which have become necessary due to changes in legislation etc. (as in the case of the reply of Canada to question 28(b)), will be published in document MGT(59)122.

by correspondence or, in some cases, by Canadian Customs officers resident abroad.

When it is found that goods of a class or kind made in Canada have been imported at less than the value for duty (fair market value in country of export - appendix 2) anti-dumping duty in the amount of the difference but not in excess of fifty per cent (section 6(2) - appendix 1) is assessed.

NEW ZEALAND

Anti-dumping Duties

The New Zealand legislation provides that, unless decided otherwise by the Minister of Customs in the public interest, anti-dumping duty shall be levied where dumping within the meaning of the legislation is taking place. There is, therefore, no need for any special Official Notification or Decree as authority to levy anti-dumping duty on any particular commodity.

In practice, however, anti-dumping duty is levied only when, after full investigation, the Minister of Customs decides that such action would be in the public interest. The procedure adopted in New Zealand seems therefore to be very close to the pre-selection procedure described in the GATT publication on anti-dumping and countervailing duties.

1. Collection of Information in New Zealand

(a) In the pre-selection stage

Does not apply.

(b) In the assessment stage

Investigations are carried out by the Customs Department. Where, as is normally the case, action is taken under section 11:2(a) of the Customs Amendment Act 1921 the investigation is designed to ascertain whether the goods are of a class or kind made in New Zealand and whether the dumping is causing or threatening damage to a New Zealand industry. The investigation covers the cost structure in New Zealand of the imported and locally produced goods, the extent to which the local industry is able to meet the demand, and any other relevant factors.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

Does not apply.

(b) In the assessment stage

Since the measure of dumping is the difference between the selling price of the goods to an importer in New Zealand and the current domestic value or, as the case may be, the cost of production (including a reasonable profit) investigations are sometimes required overseas in order to verify the facts. Where this is necessary the investigations are carried out by overseas representatives of the New Zealand Customs Department.

Countervailing Duties

Investigations in New Zealand would generally follow the lines described in the paragraphs on anti-dumping duties.

It is usually necessary to make investigations overseas in order to verify the facts.

FEDERATION OF RHODESIA AND NYASALAND

Anti-dumping Duties

1. Investigations in the Federation

(a) In the pre-selection stage

Investigations within the Federation in the pre-selection stage consist of the examination of invoices and other documents relating to importations of the goods concerned and the gathering of such information regarding the domestic value of the goods as may be obtained from the supplier by correspondence. Detriment and public interest are taken into account by the Board of Enquiry.

(b) In the assessment stage

Investigations in the assessment stage are unnecessary if true domestic values have already been obtained in the pre-selection stage. These values are accepted for assessment, unless the supplier shows that there has been a change in his domestic sales policy. If true domestic values have not already been established in the pre-selection stage, the investigations would be as outlined in (a).

2. Investigations in a Foreign Country

(a) In the pre-selection stage

Investigations carried out by Federal officials in foreign countries in the pre-selection stage consist of the questioning of suppliers, the examination of their books if the supplier will allow this, and the obtaining of suppliers' domestic price lists, with a view to ascertaining the true domestic value of the goods concerned.

(b) In the assessment stage

As in 1(b), investigations in the assessment stage are unnecessary if true domestic values have already been obtained in the pre-selection stage. If true domestic values have not already been established in the pre-selection stage, the investigations would be as in 2(a).

Countervailing and Related Duties

As has been mentioned on page 82 of the GATT publication on Anti-dumping and Countervailing Duties, the Federal Customs law does not distinguish between anti-dumping and countervailing duties. Both are known as "dumping duties" but the Federal Bounty, Freight, Exchange and Surcharge dumping duties may be accepted as countervailing duties for the purpose of GATT.

To date no countervailing duties have been imposed in the Federation, but it may be assumed that the investigations required for the imposition and

collection of such duties would generally be similar to those described above, with the following differences:

Freight Dumping Duty

Investigations would be related to shipping documents and freight rates charged by various shipping lines.

Exchange Dumping Duty

Little investigation would be needed, since currency fluctuations are widely publicized.

Surcharge Dumping Duty

Investigations would be related to the values and prices of the materials used in the finished goods as well as to the values and prices of the finished goods themselves.

The Federal legal provisions relating to dumping with one minor exception, have already been given to the GATT organization and have been published in the GATT publication of Anti-dumping and Countervailing Duties. The exception is the recent addition to section 78(1) of the Customs and Excise Act, 1955, of the following proviso:

"(ii) the Governor-General may declare in such notice that any dumping duty imposed in terms of this section shall be levied only on goods imported from or grown, produced or manufactured in a country specified in that notice."

Legal provisions regarding internal investigations are set out in sections 35, 187 and 203 of the Customs and Excise Act, 1955, which read as follows:

"35. For the purposes of ascertaining the nature, quantity, value and origin of any goods imported into the Federation, the Controller may require the production by the importer of an invoice certified by the exporter in such a way and to such effect as may be prescribed."

"187. The Controller may impound or retain any document presented in connexion with any entry or required to be produced under this Act, and the person otherwise entitled to such document shall on application be given in lieu thereof a copy of the document duly certified by the Controller, and the certified copy shall be admissible in evidence at any trial to the same extent and in the same manner as the original would be admissible."

"203(1) Every person carrying on in the Federation any business which involves handling or dealing in goods shall keep or cause to be

kept within the Federation, in the English language, reasonable and proper books of account of all his transactions. Every such person shall, if required at any time within a period of two years after the date of the importation or purchase of any goods, produce the bills of lading, rail notes, invoices, and all other documents containing all particulars regarding those goods, and shall allow such books, accounts and documents aforesaid at all times within such period to be open for inspection by the Controller or an officer so that the same may be attached by him, if necessary."

"203(2) Any person who fails to comply with any provision of this section shall be guilty of an offence."

SOUTH AFRICA

Anti-dumping Duties

1. Collection of Information in South Africa

(a) In the pre-selection stage

The investigation carried out involves scrutiny of invoices (in the standardized form) for imported goods of a class or kind in respect of which dumping is alleged. Where such invoices reflect domestic values in excess of the free-on-board export price there is prima facie evidence on which a decision regarding the imposition of anti-dumping duties can be based. In some cases it may be considered expedient to examine the relative records of the transactions in the books of the importers and/or agents. It is only in exceptional circumstances and when available evidence reasonably justifies it, that a decision based solely on the results of investigations carried out in South Africa for the imposition of a dumping duty is taken.

(b) In the assessment stage

Normally no local investigation is involved in the assessment stage.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

Where sufficient evidence to justify a decision is not obtained from an investigation in South Africa, but dumping in respect of a particular product is nevertheless suspected or alleged, it is usual to refer the relative invoices to the South African representatives overseas for enquiry regarding the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or in the absence of such domestic price, particulars of the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit. A decision as to whether dumping is being resorted to and anti-dumping duties should be imposed would depend on the result of such enquiry.

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<sup>1</sup>The relevant legal provisions of the Union of South Africa were reproduced in the GATT publication Anti-Dumping and Countervailing Duties of July 1958. The amendments which were subsequently effected to this legislation have been brought to the attention of the secretariat. They will be published in document MGT(59)122.

(b) In the assessment stage

Where an anti-dumping duty is in force in respect of a particular product from a specified territory and the comparable domestic price for the like product being exported by individual suppliers is required for the purpose of assessing anti-dumping duty, invoices, from the various exporters in that territory are referred to the South African representatives there for enquiry.

Countervailing Duties

1. Collection of Information in South Africa

Sufficient evidence in the form of copies of laws or enactments and other authoritative literature may be obtained in South Africa to justify a decision for the imposition of a countervailing duty but at the assessment stage investigations in the foreign country may be necessary for the confirmation of the position at that particular date.

2. Collection of Information in Foreign Countries

Investigations are however conducted by the South African representatives overseas in the pre-selection stage to establish the extent of any subsidy granted in respect of the export of a particular product. In the assessment stage further investigations overseas are normally undertaken only for the purpose of confirming the position current at a particular date.

SWEDEN

Anti-dumping Duties

Sweden has already supplied some information on this subject, which appeared in the GATT document L/943, page 9, paragraphs 25 to 27, reading as follows:

"In the Swedish view it is reasonable that the parties accused of dumping should have the right to be heard. It thus appears appropriate and justified that, as a last stage of the investigation, representatives of the enterprises concerned should have an opportunity of presenting their views through the importers. In view of the danger of speculative buying and the possibilities of the exporting country to drag out the proceedings it would, however, in practice often be impossible to give them such an opportunity until after provisional measures have been taken.

"It should be a general aim that, where possible, the collection in the exporting country of information relating to an official investigation should be conducted with the consent of the authorities of that country. In any case, the authorities in the exporting country should be informed when the authorities of the importing country, in order to obtain information on prices etc., enter into direct contact with the enterprise suspected of dumping.

"The questions in this section not being included in the questionnaire of the secretariat, it would be desirable that the countries supplement their answers with information on the current practice in these respects, or on their attitude to these proposals."

There have been no provisions promulgated governing the administrative procedure to be followed to detect whether or not conditions exist which would warrant resorting to anti-dumping and countervailing duties.

The form in which such investigations may be carried out can vary, for instance according to the commodity involved, and no set practice has been established as to the manner in which they are to be performed. A broad idea can be given, however, as to the general character and scope of the procedure followed.

In Sweden, anti-dumping and countervailing duties can only be levied on the strength of a special administrative ordinance promulgated to that effect by the Government. The promulgation of such ordinance is preceded by a thorough investigation with a view to ascertaining whether the criteria required for levying such duties are fulfilled.

1. Collection of Information in Sweden

(a) In the pre-selection stage

In Sweden, the initiative for proceeding with an investigation of this kind may be taken either by the parties concerned or by the authorities. Since the important consideration is to establish that the condition of "injury caused" is fulfilled, it follows as a matter of course that it would generally be the parties claiming to be injured who ask for the investigation.

During the course of the enquiry carried out by the authorities - which enquiry is not public - the various parties concerned may submit their respective viewpoints. Since it is desirable to put a stop to sales of a speculative nature, it may be necessary, in certain cases, to take provisional preventive measures before the exporters may have had an opportunity of expressing their views through the medium of the importers.

Because of the importance attached to the consideration of injury, the enquiry is generally concerned primarily with the question of ascertaining whether injury has actually been caused. If it appears that such is not the case, further investigations may be dispensed with - for instance with regard to differences in prices - by consulting the importers and other interested parties. By proceeding in this sequence, it is in many cases possible to preclude unnecessary disturbances in the market and to avoid consequent speculation.

(b) In the assessment stage

After an ordinance, based on the results of the enquiry and authorizing the levying of an anti-dumping duty, has been promulgated, further enquiries may be made, if necessary, in connexion with imports of the articles concerned. By resorting to a system of "basic prices" authorizing the importation of products without anti-dumping duties, if their prices are higher than the comparable prices set by the ordinance ("basic prices"), further enquiries may be found necessary in cases where the importer concerned denies dumping, although the products were imported at a price lower than the "basic price". Since the "injury" aspect of the problem has already been looked into during the preliminary enquiry, subsequent enquiries are only concerned with the question of price; in other words, it is only a matter of ascertaining whether the "normal value" of the commodity involved is lower than the basic price. The main task at this stage, therefore, consists in controlling the documents submitted by the importer.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

The extent to which it may be necessary to proceed to a study of conditions prevailing in the exporting country largely depends upon the nature of the commodity involved. Conditions may be very different when it is a case, for instance, of similar raw materials on which information is being regularly issued by professional organizations, or when the commodities involved are finished products of various types and qualities. In the latter case, a decision may be made to obtain additional information regarding conditions of production and prices through diplomatic channels, by entering into negotiations with the parties concerned in the exporting country.

(b) In the assessment stage

(See index 1(b))

UNITED KINGDOM  
Anti-dumping Duties

1. Collection of Information in the United Kingdom

(a) In the pre-selection stage

As soon as the Board of Trade have been satisfied by the applicants for an anti-dumping duty on a specified product imported from a specified country or countries that there is a prima facie case of dumping and of resultant injury to an industry in the United Kingdom, they normally (although not invariably) publish a Press Notice to the effect that they are considering the application and invite any interested party to submit representations for or against it within a stipulated time. A few days prior to the issue of this Press Notice the Board will have informed the government of the country concerned of the action being taken.

It is open to the overseas manufacturer and exporter, as well as to the importer of the product concerned, to offer the Board of Trade any evidence relevant to an anti-dumping application and to express objections to it. Similarly consumers and users of the imported product may express their opinion since the Board finally have to determine whether the imposition of a duty is in the national interest. The Board have no statutory power to compel any person to furnish information, but they point out that it is in the interest of all parties that a decision should only be reached in the light of a knowledge of all the relevant facts and considerations.

Representations may be made orally or in writing to the Board. To facilitate these representations, a summary of the application is given on a confidential basis to all parties who have a bona fide interest in the case. There are no public hearings and normally no confrontation of the opposing parties.

In order to assist them in determining whether or not there is material injury or threat of material injury as a result of dumping the Board of Trade require the applicants to furnish details of the United Kingdom industry's production, sales, stocks, prices, profits, costs and labour position. This information is then related to the volume and price of dumped imports. When the Board of Trade have collected all the relevant evidence and views they make their decision as to whether or not there is dumping. If they are satisfied that there is, they then decide whether this is causing or threatening material injury to the United Kingdom industry. Finally, if both the previous criteria are satisfied, they decide whether the imposition of a duty would be in the national interest.

If an application is rejected, notice of rejection will be published in the Press if the original application was so publicized. In the event of a positive decision to impose a duty the relevant

Statutory Order comes into force without notice. The amount of anti-dumping duty, normally calculated as the difference between the ascertained "fair market" and export prices (or less than this difference) is fixed in the Order. Any such Order has to be approved within a stipulated period by an Affirmative Resolution of the House of Commons and the grounds for the Order may therefore be publicly debated when the Resolution is moved. Apart from this there is no provision for appeal, since all interested parties will already have had opportunity to state their views and to give evidence.

**(b) In the assessment stage**

Once an anti-dumping Order has been made the Customs authorities collect the duty specified in the Order. They do not normally make any investigations, except in relation to the origin of the goods where this is in question.

If an importer of goods subject to an anti-dumping duty can satisfy the Board of Trade that individual consignments of such goods are either not dumped or not dumped to the full extent of the duty the Board must authorize repayment of the duty in whole or part. In deciding an application for relief of duty the Board may require from the importer such information and evidence as they consider necessary for ascertaining the "fair market" and export prices of the consignment of goods in question.

**2. Collection of Information in a Foreign Country**

**(a) In the pre-selection stage**

If there is a conflict of evidence about prices, the Board of Trade may wish to question overseas manufacturers or exporters and to examine original documents in order to determine whether dumping is taking place. This is only done with the consent of the overseas government and industry concerned. Such investigations are frequently the only method of making certain of the facts about prices; and it is clearly desirable that action should not be taken until these facts have been established beyond reasonable doubt.

**(b) In the assessment stage**

Once an anti-dumping duty has been imposed no investigations abroad are normally necessary. The requisite information in support of applications for relief of the duty has to be supplied by the importer in the United Kingdom.

Countervailing Duties

1. Collection of Information in the United Kingdom

(a) In the pre-selection stage

The procedure followed by the Board of Trade in the case of applications for countervailing duties is broadly similar to that for anti-dumping applications. Since, however, the overseas government may be expected to be more directly concerned with a subsidy than it is with commercial dumping, the Board of Trade normally do not publicize the fact that they are examining a subsidy case until they have discussed the matter with the government concerned. If the subsidy is not withdrawn or modified as a result of this discussion, the Board of Trade normally advertise the application, as in the case of an anti-dumping application. Their enquiries concerning material injury are the same in respect of subsidization as they are in respect of dumping.

(b) In the assessment stage

Once a countervailing duty has been imposed in the relevant Statutory Order, the Customs authorities collect that duty without further enquiry. If, however, the importer of the goods concerned can satisfy the Board of Trade that a particular consignment has not been subsidized, or not subsidized to the extent of the duty, the Board must authorize repayment of the duty in whole or part.

2. Collection of Information in a Foreign Country

(a) In the pre-selection stage

In the case of applications for countervailing duties, it is not normally necessary for investigations to be carried out overseas, although there may be discussions with the government or authority giving the subsidy.

(b) In the assessment stage

No enquiries are normally carried out abroad in the assessment stage. Applications for relief of countervailing duties are settled on the basis of information supplied by the importer in the United Kingdom.

UNITED STATES

Anti-dumping Duties

1. Investigations carried out in the United States

(a) In the pre-selection stage

Information is obtained from Customs offices at the various ports of importation as to the price at which the merchandise is being imported into the United States and the nature and amount of any charges included in the price or added thereto. These offices are also asked to supply any information in their possession as to the price at which the merchandise is sold for home consumption in the country of exportation.

In the event that the Secretary of the Treasury determines that imported merchandise is being, or is likely to be, sold at less than fair value, an investigation is made by the Tariff Commission to determine whether an industry in the United States is being, or is likely to be, injured.

(b) In the assessment stage

Investigations are not made in the assessment stage except with respect to possible revocation of dumping findings, upon the receipt of information indicating that the merchandise is no longer being sold at less than fair value. In such cases information is obtained from Customs offices at the ports of importation as to the current price of the merchandise for export to the United States.

2. Investigations carried out in a Foreign Country

(a) In the pre-selection stage

When information is received by the Secretary of the Treasury indicating a possibility that imported merchandise is being sold in the United States at less than its fair value, and the investigation described under 1(a) is not sufficient to permit the Secretary to reach a conclusion, information is requested from the exporter. If the information submitted by the exporter is insufficient or requires clarification, permission is requested for a visit to the exporter by the nearest United States Customs representative, who obtains the necessary additional information and submits it directly to the Bureau of Customs, Washington, D.C.

(b) In the assessment stage

Investigations abroad during the assessment stage are normally confined to the securing of current information as to the foreign market value in the country of exportation, in order that dumping duties may be properly and equitably assessed. Investigations are

also conducted in connexion with the possible revocation of existing dumping findings, when the circumstances indicate the desirability of such an investigation.

#### Countervailing Duties

Investigations pertaining to countervailing duties follow the same pattern, in that information is sought initially from the ports of entry in the United States. However, as sufficient information to permit disposition of the case is not ordinarily available from this source, it is usually necessary to obtain further information from the country of exportation. Such information is sometimes obtained directly from the foreign exporter or foreign government concerned. However, in the more difficult or complex cases, it is generally necessary to obtain permission for our nearest Customs representative to secure the information required for final disposition of the case. As in the case of dumping, investigations in the assessment stage are generally limited to those instances in which it is necessary to secure current information as to the amount of countervailing duties which should be assessed, or when it appears that the situation which gave rise to the assessment of countervailing duties may no longer exist. Since the countervailing duty statute does not contain an injury requirement, no investigation as to injury is conducted in these cases.