

**GENERAL AGREEMENT  
ON TARIFFS AND TRADE**

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**Committee on Anti-Dumping Practices**

SUGGESTED MINIMUM INFORMATION FOR REPORTS UNDER ARTICLE 14:4  
OF THE AGREEMENT FOR ALL PRELIMINARY OR FINAL ANTI-DUMPING ACTIONS

Note by the Chairman

Members of the Committee will recall that at the April 1993 meeting of the Committee on Anti-Dumping Practices, Mr. Armando Ortega, the previous Chairman of the Committee, had reported on his consultations regarding semi-annual reports under Article 14:4 of the Agreement. In his report, he had stated, inter alia, that some Parties had expressed the concern that though Article 14:4 of the Agreement also obliged the Parties to report their preliminary or final anti-dumping actions, many Parties did not comply with the requirement. Particularly in view of the possible difficulties in submitting the required report by countries whose official language was not a GATT language, I consulted members of the Committee on the basis of a format which I suggested for such reports. As it is essential that all Parties bear an equivalent obligation with respect to the requirements, I emphasized during my consultations that the suggested format for making the reports under Article 14:4 represented a minimum standard for the information required to be notified by all Parties. Though the Agreement does not set forth precisely what information must be included in the reports, the necessity of a certain minimum quantum of information from all signatories is implied by the provision in Article 14:4 that "[s]uch reports will be available in the GATT secretariat for inspection by government representatives."

During my consultations, it was generally acknowledged by the Parties that there was a need to provide some guidelines for making the reports under Article 14:4 on preliminary or final anti-dumping actions. Some Parties noted that they submitted the public notices of their anti-dumping actions as the report under Article 14:4, and these notices provided more information than that mentioned in the format suggested by me. A suggestion was to have the coverage of the report broad enough to capture all the relevant information including the adjustments made in price comparison. A few Parties expressed the need for including reviews and refund in the report. Some Parties questioned whether there was a need for the information on the type(s) of injury and on the factors to be considered in a determination of injury to domestic industry to be provided in the reports.

In the ANNEX to this note, I suggest the minimum information that reports under Article 14:4 on all preliminary or final anti-dumping actions must contain. In the ANNEX, I do not suggest a standard form for providing the reports because I do not believe that such a standard form is required or needs to be imposed. What is needed is an agreement by the Committee on the minimum information that should be provided in the reports, and the ANNEX to this note contains my suggestions in that regard. My suggestion is provided on the understanding that Parties are free to submit the required information in any form, and should not be discouraged from providing additional information if they are in a position to do so. Accordingly, I suggest that the Parties submit their reports in the manner they find most convenient and appropriate, provided their reports contain all the required information in an official language of the GATT (as with any notification or other official document lodged with the GATT, the minimum information in the reports under Article 14:4 must be provided in an official language of the GATT).

Though the minimum information suggested in the ANNEX is based on the "Recommendation concerning transparency of anti-dumping proceedings" (BISD 30S/24), I wish to clarify that this list does not express a view, whether explicit or implied, regarding the nature or type of information required for public notices as provided in Article 8:5 of the Agreement.

Another point which is not clear in the Agreement is the time period within which the reports under Article 14:4 on preliminary or final anti-dumping actions should be provided. Parties have suggested two alternative time periods in this context, namely the reports being provided within 30 days or 60 days of the action being taken. The Committee should take a decision on this issue also, bearing in mind the requirement in Article 14:4 of the Agreement that such reports shall be provided to the Committee without delay.

ANNEX

SUGGESTED MINIMUM INFORMATION FOR REPORTS UNDER ARTICLE 14:4  
OF THE AGREEMENT FOR ALL PRELIMINARY OR FINAL ANTI-DUMPING ACTIONS

1. Title of the public notice regarding the action.
2. Date and place of publication.
3. Investigation (Regulation) Number and other notices relating to the same investigation (e.g., for initiation, provisional measure).
4. Margin(s) of dumping found and the basis of calculation.
5. Where anti-dumping measures are imposed, the product (including customs classification), origin (country/customs territory/firm), rate of duty and the effective date for each source of imports.
6. Where an undertaking is involved, the product, country/customs territory/firm, and effective date of the undertaking.
7. The period of investigation (dumping, injury).
8. Date of the dumping determination.
9. Date of the injury determination.
10. Type of injury found (material injury, threat, material retardation).
11. Volume and import penetration of dumped imports.
12. Effect on domestic prices of the like product (whether there was significant price undercutting/price suppression or depression).
13. Evidence on the impact on the domestic industry (i.e. the factors mentioned in Article 3:3 of the Agreement which were the basis for the finding regarding the impact on the domestic industry).
14. Evidence of causation of injury to domestic industry (the basis for determining the causation of injury, and other factors which might at the same time be causing injury to the domestic industry).