

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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Committee on Anti-Dumping Practices

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**QUESTIONS SUBMITTED BY THE UNITED STATES
ON THE LEGISLATION OF MEXICO**

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The following communication, dated 26 April 1994, has been received from the Office of the United States Trade Representative.

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1. Article 46.I.A. refers to "The cost of indirect materials and components". What might these costs be other than energy, fuels and equipment, which are covered by Articles 46.I.C, D? What is covered by Article 46.I.E that is not covered by Articles 46.I.A-D?
 2. Please explain why Article 46.II refers to "research and development and depreciation of assets not related to production" (emphasis added).
 3. Article 59 states "In conformity with the civil legislation, the investigating authority shall under no circumstances determine the existence of injury." What authority makes injury determinations? What does the relevant civil legislation say?
 4. Article 75 states that a request or petition for compensatory duties must satisfy the requirements prescribed by Article 50 of the Act. Article 50 of the Act refers to arguments (by petitioner) that must be presented in writing and under oath to the competent authorities. Please describe the nature of this oath. Are there sanctions of any kind in cases where this oath is violated?
 5. In addition to the Article 50 requirement described above, does SECOFI also verify the accuracy of information and documents that support petitioner's allegations? If SECOFI does conduct such verifications, does SECOFI check petitioner's allegations with respect to both dumping (or subsidization) and injury?
 6. Does Article 76 refer to the consecutive six-month period immediately preceding commencement of the investigation, or does Article 76 refer to any six-month period preceding commencement of the investigation?
 7. Please explain what Article 82.II means.
 8. Article 85 refers to "the administrative records of the case". Is there more than one administrative record?

9. Article 89 states, "Countervailing duties applied to imports from foreign exporters who, after, having been granted the opportunity to defend themselves, have not participated in the investigation, shall be fixed according to the margins of price discrimination known to the Ministry." Please describe the set of "margins of price discrimination known to the Ministry".

10. Article 92 contains a reference to "a surcharge". Is this surcharge accrued interest? If not, what is it?

11. Article 93.III refers to "...any document that it deems necessary to resolve the matter (emphasis added)." Are Article 93 requests in the nature of administrative appeals? If not, please describe the nature of Article 93 requests.

12. Do Articles 166 and 168 permit parties to cross-examine one another? If so, what is the nature of this cross-examination and what limits, if any, are imposed?

13. Article 172 refers to "a period of pleading during which the interested parties may submit in writing their conclusions on the substance or the matters arising in the course of the proceedings." Why is there a reference to more than one proceeding? Are parties permitted in this period of pleading to present evidence or make arguments not previously seen or made during the proceeding?

14. Article 173.VIII refers to verification and search reports that the foreign producer (or exporter or legal counsel) must sign. Why is the foreign producer's signature needed? What are the consequences, if any, if a foreign producer does not sign the reports?