

FEDERAL LAW
NO. 165-FZ OF DECEMBER 8, 2003
ON SPECIAL PROTECTIVE, ANTIDUMPING AND COMPENSATORY MEASURES
RELATING TO THE IMPORTATION OF GOODS

Adopted by the State Duma on November 18, 2003
Approved by the Federation Council on November 26, 2003

<u>Chapter 1. General Provisions</u>	<u>(Articles 1 - 5)</u>
<u>Chapter 2. Special Protective Measures</u>	<u>(Articles 6 - 10)</u>
<u>Chapter 3. Antidumping Measures</u>	<u>(Articles 11 - 17)</u>
<u>Chapter 4. Compensatory Measures</u>	<u>(Articles 18 - 24)</u>
<u>Chapter 5. Conducting an Investigation</u>	<u>(Articles 25 - 35)</u>
<u>Chapter 6. Concluding Provisions</u>	<u>(Articles 36 - 40)</u>

Chapter 1. General Provisions

Article 1. The Goal and Applicability of the Present Federal Law

1. The goal of the present Federal Law is the protection of the economic interests of Russian manufacturers of goods in connection with the growth in the imports, the dumping of imports or subsidised imports into the territory of the Russian Federation.

The present Federal Law establishes a procedure for instituting and applying special protective, antidumping and compensatory measures relating to the importation of goods.

2. The present Federal Law shall be applicable to legal relationships emerging in connection with the investigations preceding the introduction of import-related special protective, antidumping or compensatory measures, for the conduct of which applications have been registered after the entry into force of the present Federal Law.

3. The present Federal Law shall not regulate relationships connected with the provision of services, performance of works, transfer of exclusive rights to intellectual property items or the granting of a right to use intellectual property items, the making of investments and exercising currency control.

Article 2. The Basic Notions Used in the Present Federal Law

The following basic notions are used for the purposes of the present Federal Law:

1) **"similar goods"** meaning goods which are completely identical to goods which are or can become the subject matter of an investigation, or if there are no such goods, meaning another goods having characteristics close to the characteristics of the goods which are or can become the subject matter of an investigation;

2) **"antidumping duty"** meaning a duty applicable when an antidumping measure is introduced, this duty being levied by the customs bodies of the Russian Federation irrespective of the levying of import customs duty;

3) **"antidumping measure"** meaning a measure for counteracting dumping imports which is applicable under a decision of the Government of the Russian Federation by means of introducing an antidumping duty, in particular, a preliminary antidumping duty or approval of price obligations assumed by an exporter;

4) **"dumping margin"** meaning the ratio, in percentage points, of the normal value of goods less the export price of such goods to the export price of the good;

5) **"dumping import"** meaning the import of goods into the customs territory of the Russian Federation at a price below the normal value of such goods;

6) **"import quota"** meaning a limitation on the import of goods in terms of its quantity and/or value;

7) **"compensatory duty"** meaning a duty which is applicable when a compensatory measure is introduced and which is levied by the customs bodies of the Russian Federation irrespectively of the levying of import customs duty;

8) **"compensatory measure"** meaning a measure for neutralising the effects of a specific subsidy of a foreign state (union of foreign states) on a branch of the Russian economy which is applicable under a decision of the Government of the Russian Federation by means of introduction of a compensatory duty, in particular, a preliminary compensatory duty, or approval of the obligations assumed by the authorised body of the foreign state (the union of foreign states) providing the subsidy or by an exporter;

9) **"material losses to a branch of the Russian economy"** meaning a proven deterioration in the state of a branch of the Russian economy due to dumping of imports or subsidised imports as in particular manifesting itself as a reduction in the output of similar goods in the Russian Federation and the sales thereof in the market of the Russian Federation, a reduction in the cost-efficiency of the manufacture of such goods, a negative effect on stocks, employment, wages level in the branch of the Russian economy, the level of investments in the branch of the Russian economy;

10) **"minimum admissible dumping margin"** meaning a dumping margin of two per cent;

11) **"directly competitive goods"** meaning goods which are completely identical to goods which are or can become the subject matter of an investigation, or which are comparable with goods which are or can become the subject matter of an investigation in terms of its intended purpose, applicability, quality and technical characteristics and also other basic properties so that the buyer replaces or is ready to replace it in consumption with the goods which are or can become the subject matter of an investigation;

12) **"normal value of goods"** meaning the price of similars goods in ordinary trading;

13) **"ordinary trading"** meaning the purchase/sale of similar goods in the market of a foreign state where the manufacture or from where the exportation is effected of goods being the subject matter of an investigation, at a price above the mean weighted cost of similar goods assessed on the basis of mean weighted costs of production and mean weighted costs of sale, administration as well as general costs;

14) **"branch of the Russian economy"** meaning all Russian manufacturers of similar goods (for the purposes of an investigation preceding the introduction of an antidumping measure or a compensatory measure) or of directly competing goods (for the purposes of an investigation preceding the introduction of a special protective measure) of those of them whose share in the Russian Federation of the total production output of similar goods or directly competing goods respectively makes up the largest part;

15) **"preceding period"** meaning the three years which directly precede the day when the application for an investigation is filed and for which the necessary statistical information is available;

16) **"serious losses to a branch of the Russian economy"** meaning a significant deterioration in the production, trade and financial state of a branch of the Russian economy which is due to an increase in imports and which manifests itself as a general deterioration of the situation relating to the production of directly competing goods in the Russian Federation;

17) **"making a special protective measure softer"** meaning an increase in an import quota or a cut in the rate of a special duty as implemented under a decision of the Government of the Russian Federation;

18) **"special duty"** meaning a duty which is applicable when a special protective measure is introduced and which is levied by the customs bodies of the Russian Federation irrespectively of the levying of import customs duty;

19) **"special protective measure"** meaning a measure for limiting an increase in imports into the customs territory of the Russian Federation which is applicable under a decision of the Government of the Russian Federation by means of introducing an import quota or a special duty, in particular, a preliminary special duty;

20) **"specific subsidy of a foreign state (union of foreign states)"** meaning a restricted-access subsidy which is granted to a specific manufacturer and/or exporter or a specific union (association) of manufacturers and/or a union (association) of exporters or a specific branch of

the economy or which is aimed at stimulating the export of goods or replacing the import of goods;

21) "**subsidised import**" meaning the import into the customs territory of the Russian Federation of goods in the production, exportation or transportation of which a specific subsidy of a foreign state (union of foreign states) has been used;

22) "**subsidy of a foreign state (union of foreign states)**" meaning financial assistance rendered directly by the government or another state body of a foreign state (union of foreign states) or through a non-state organisation on behalf of the government of the foreign state (union of foreign states) which gives an additional advantage to the beneficiary of the subsidy and which is rendered within the territory of a foreign state (union of foreign states) as a direct remittance of funds (in particular, in the form of grants, loans, purchase of shares) or an obligation to remit such funds (in particular, in the form of guarantees on loans); a refusal to collect or non-collection of payments which should have become revenues of a state (in particular, by means of providing tax credits), except for the cases of relieving exported goods from taxes or duties levied on similar goods intended for domestic consumption or refund of such taxes or duties in amounts not exceeding the amounts of money actually paid; a privileged or gratuitous provision of goods or services intended for supporting and developing the general infrastructure, i.e. infrastructure not relating to a specific manufacturer and/or exporter; a privileged purchase of goods; other support to incomes or prices when the direct or indirect result of such support is an increase in the export of goods from a foreign state (union of foreign states) or a reduction in the import of goods into such a foreign state (union of foreign states);

23) "**threat of infliction of material losses to a branch of the Russian economy**" meaning a proven imminence of infliction of material losses to a branch of the Russian economy;

24) "**threat of infliction of serious losses to a branch of the Russian economy**" meaning a proven imminence of infliction of serious losses to a branch of the Russian economy;

25) "**export price of goods**" meaning the price at which goods are imported into the customs territory of the Russian Federation.

Article 3. Investigation

1. The introduction of a special protective measure, antidumping measure or compensatory measure in the event of import of goods shall be preceded by an investigation conducted in keeping with the provisions of the present Federal Law.

2. The investigation mentioned in Part 1 of the present article shall be conducted for the purpose of establishing the existence of imports into the customs territory of the Russian Federation that have arisen and resulting serious losses to a branch of the Russian economy or a threat of infliction of serious losses to a branch of the Russian economy and also for the purpose of establishing the existence of dumping imports or subsidised imports and resulting material losses to a branch of the Russian economy, a threat of infliction of material losses to a branch of the Russian economy or a significant slow-down of the formation of a branch of the Russian economy.

Article 4. The Federal Executive Governmental Body Charged with the Conduct of Investigations

1. The Government of the Russian Federation shall designate an executive governmental body which will be charged with the conduct of investigations (hereinafter referred to as "the body in charge of investigations").

2. According to the results of the investigation the body specified in Part 1 shall file a report with the Government of the Russian Federation as containing proposals concerning the feasibility of introduction, application, revision or revocation of a special protective measure, antidumping measure or compensatory measure together with an appropriate draft decision of the Government of the Russian Federation.

3. In the cases envisaged by the present Federal Law specified in Part 2 of the present article a report may be filed before the completion of the investigation.

Article 5. The Taking of a Decision on the Results of an Investigation

Within 14 calendar days after the registration of a report filed by the body in charge of investigations containing proposals as to the feasibility of introduction, application, revision or revocation of a special protective measure, antidumping measure or compensatory measure the Government of the Russian Federation shall adopt a decision on the introduction, application, revision or revocation of such a measure or on the non-application thereof in compliance with the provisions of [Article 37](#) of the present Federal Law.

Chapter 2. Special Protective Measures

Article 6. The General Principles of Application of a Special Protective Measure

1. A [special protective measure](#) may be applied to goods if, according to the results of an investigation completed by the body in charge of investigations, it has been established that the import of the good into the customs territory of the Russian Federation is being done in such increased quantities (in absolute or relative terms relating to the general output or consumption in the Russian Federation of [directly competing goods](#)) and on such terms that it is inflicting serious losses to a [branch of the Russian economy](#) or is creating the [threat of inflicting serious losses to a branch of the Russian Federation](#).

2. A special protective measure is applicable to goods imported into the customs territory of the Russian Federation under [Part 1](#) of the present article, irrespective of the country of origin of the goods, except for goods originating from a developing country using the preferential treatment system of the Russian Federation if the share of import of the goods from such a country does not exceed three per cent of the total amount of import of the goods into the customs territory of the Russian Federation on the condition that the aggregate share of import of these goods from the developing countries each of which is accounting for up to three per cent of the total amount of import of the goods into the customs territory of the Russian Federation does not exceed nine per cent of the total amount of import of the goods into the customs territory of the Russian Federation.

Article 7. Establishing Serious Losses to a Branch of the Russian Economy or a Threat of Infliction of Serious Losses on a Branch of the Russian Economy

1. For the purpose of establishing [serious losses to a branch of the Russian economy](#) or a [threat of infliction of serious losses on a branch of the Russian economy](#) as the result of increased imports into the customs territory of the Russian Federation the body in charge of investigations shall assess, in the course of an investigation conducted in keeping with [Articles 26](#) and [27](#) of the present Federal Law, objective factors which can be expressed in quantitative terms and which affect the economic state of the branch of the Russian economy, in particular the following:

the growth rate and volume of import of the goods being the subject matter of the investigation into the customs territory of the Russian Federation in absolute and relative terms relating to the output or consumption in the Russian Federation of directly competing goods;

the level of prices for the imported goods being the subject matter of the investigation in comparison with the price of a directly competing goods manufactured in the Russian Federation;

variation in the sales of a directly competing goods manufactured in the Russian Federation in the market of the Russian Federation;

variation in the output of directly competing goods, productivity, production facility load, profits and losses, as well as the level of employment in the branch of the Russian economy;

the share of the imported goods being the subject matter of the investigation in the total sales of the goods and directly competing goods in the market of the Russian Federation.

2. Serious losses to a branch of the Russian economy or a threat of infliction of serious losses on a branch of the Russian economy as the result of increased imports shall be established on the basis of results of analysis of all proof and information relating to the case the body in charge of

investigations has on hand.

Apart from increased imports the body in charge of investigations shall analyse the other known factors causing the infliction of losses on the branch of the Russian economy during the same period of time. The said losses to the branch of the Russian economy shall not be classified by the body in charge of investigations as "serious losses to a branch of the Russian economy due to increased imports into the customs territory of the Russian Federation".

Article 8. The Introduction of a Preliminary Special Duty

1. If, before the completion of an investigation by the body in charge of investigations, it is established that a delay in the application of a [special protective measure](#) would cause serious losses to a branch of the Russian economy which cannot be easily eliminated later on, the Government of the Russian Federation acting on the basis of a report prepared in compliance with [Article 4](#) of the present Federal Law containing a preliminary statement of the body in charge of investigations on the establishment of a causal link between increased imports into the customs territory of the Russian Federation and the serious losses to the branch of the Russian economy or a threat of infliction of the serious losses on the branch of the Russian economy a decision shall be made to apply a special protective measure by means of introducing a preliminary [special duty](#) on the condition that the investigation is to continue simultaneously in order to obtain a final statement.

2. Simultaneously with the filing of the report specified in [Part 1](#) of the present article with the Government of the Russian Federation, the body in charge of investigations shall serve a written notice to the empowered body of the foreign state (union of foreign states) from which the goods being the subject matter of the investigation are exported and also to the other persons concerned it knows about the possible introduction of the preliminary special duty. At a request of the empowered body of the foreign state (union of foreign states) to hold consultations on the issue of introduction of the preliminary special duty such consultations must be started after the Government of the Russian Federation adopts its decision on the introduction of the preliminary special duty.

3. The effective term of a preliminary special duty shall not exceed 200 days.

4. A preliminary special duty shall be paid in compliance with the provisions of the [customs legislation](#) of the Russian Federation governing customs payments into a deposit of the federal executive governmental body in charge of customs affairs. The amounts of [preliminary customs duty](#) shall not be remitted to the federal budget before the adoption of a decision on application of a special protective measure according to the results of the investigation conducted in compliance with [Articles 26](#) and [27](#) of the present Federal Law.

5. If, according to the results of the investigation conducted in compliance with [Articles 26](#) and [27](#) of the present Federal Law, it has been established that the grounds specified in [Part 1 of Article 6](#) of the present Federal Law exist, the amounts of preliminary special duty shall be remitted to the federal budget.

6. If, according to the results of the investigation conducted in compliance with [Articles 26](#) and [27](#) of the present Federal Law, it has been established that the grounds specified in [Part 1 of Article 6](#) of the present Federal Law do not exist, the amounts of preliminary special duty shall be refundable for the benefit of the payer in the procedure established by the [customs legislation](#) of the Russian Federation for customs payment refund.

7. If, according to the results of the investigation conducted in compliance with [Articles 26](#) and [27](#) of the present Federal Law, an [import quota](#) or a special duty is being introduced, the amounts of preliminary special duty shall be remitted to the federal budget.

If, according to the results of the investigation conducted in compliance with [Articles 26](#) and [27](#) of the present Federal Law, it has been established that the grounds specified in [Part 1 of Article 6](#) of the present Federal Law exist and that it is feasible to introduce a rate of special duty lower than that of the preliminary special duty the difference between the rate of preliminary special duty and the rate of special duty shall be refundable to the payer in the procedure established by the [customs legislation](#) of the Russian Federation for customs payment refunds. The balance of preliminary special duty amounts shall be remitted to the federal budget.

If the rate of special duty is higher than that of preliminary special duty the difference between the rate of special duty and the rate of preliminary special duty shall not be collected from the payer.

8. If, according to the results of the investigation conducted in compliance with [Articles 26](#) and [27](#) of the present Federal Law, a decision has been made to apply a special protective measure the effective term of the preliminary special duty shall be accepted as setting off the total effective term of the special protective measure.

Article 9. The Application of a Special Protective Measure

1. A special protective measure shall be applied by a decision of the Government of the Russian Federation at the rate and during the term required to eliminate serious losses on a [branch of the Russian economy](#) or a [threat of infliction of serious losses to a branch of the Russian economy](#) and to alleviate the process of adapting the branch of the Russian economy to the changing economic conditions.

2. If a [special protective measure](#) is being applied by means of instituting an import quota the level of such an import quota shall not be below the mean annual level (in terms of quantity and value) of imports of the goods being the subject matter of the investigation in the [preceding period of time](#), except for cases when it is necessary to set a lower import quota level for eliminating serious losses to a branch of the Russian economy or a threat of infliction of serious losses to a branch of the Russian economy.

3. In the distribution of an import quota among the foreign states (unions of foreign states) from which the goods being the subject matter of an investigation are exported a proposal may be made to the foreign states (unions of foreign states) interested in exporting the goods into the customs territory of the Russian Federation to hold consultations on the issue of distribution of the import quota among them.

If no consultation can be held on the issue of distribution of the import quota or if no agreement has been reached on such a distribution in such consultations the [import quota](#) shall be distributed among the foreign states (unions of foreign states) interested in exporting into the customs territory of the Russian Federation the goods being the subject matter of the investigation pro rata to the shares prevailing in the import of the goods from these foreign states (unions of foreign states) in the preceding period, on the basis of total goods imports in terms of quantity or value. If, in percentage points the import of the goods being the subject matter of the investigation from some foreign states (unions of foreign states) has disproportionately grown in relation to the total growth of import of the goods in the preceding period the Government of the Russian Federation may distribute the import quota among such foreign states (unions of foreign states) with the account being taken of the absolute and relative growth indicators concerning the import of the good into the customs territory of the Russian Federation from these foreign states (unions of foreign states).

4. The import into the customs territory of the Russian Federation of goods in respect of which a decision has been made to establish an import quota as a special protective measure shall be carried out under a licence issued in the procedure established by the legislation of the Russian Federation for the goods subject to quantitative limitations.

Article 10. The Effective Term and Revision of a Special Protective Measure

1. The effective term of a special protective measure shall not exceed four years except for the case of prolongation of the effective term of such a measure in compliance with [Part 2](#) of the present article.

2. The effective term of a special protective measure specified in [Part 1](#) of the present article may be extended by a decision of the Government of the Russian Federation if, according to the results of a repeated investigation completed by the body in charge of investigations, it has been established that prolongation of the effective term of the special protective measure is required to eliminate [serious losses to a branch of the Russian economy](#) or a [threat of infliction of serious losses on a branch of the Russian economy](#), and that proof exists that the branch of the Russian economy concerned is taking measures to adapt the branch to the changing economic conditions.

When the Government of the Russian Federation adopts a decision to extend the effective term of a special protective measure such a measure shall not have a more restrictive character than the special protective measure in effect as of the date of the decision on prolongation of the effective term of the special protective measure.

3. If the effective term of a special protective measure exceeds one year the body in charge of investigations shall present a report to the Government of the Russian Federation within the effective term of the special protective measure on the results of application of the measure so that the possibility of [relaxing the special protective measure](#) can be assessed.

If the effective term of a special protective measure exceeds three years the body in charge of investigations shall conduct a repeated investigation not later than upon the expiry of half of the effective term of the measure, with the special protective measure being preserved, relaxed or revoked as the result of the investigation.

4. The total effective term of the special protective measure, in particular, the effective term of the preliminary special duty and the period of time by which the effective term of the special protective measure is prolonged shall not exceed eight years.

Goods which were earlier subjected to a special protective measure shall not be subject to a repeated imposition of a special protective measure during a term equal to the effective term of the first special protective measure. Here, the term during which no special protective measure is applied shall not be shorter than two years.

A special protective measure with an effective term of 180 days and less, notwithstanding the provisions of [Paragraph 2](#) of the present part, may be applied again to one and the same goods if at least one year has elapsed since the date of introduction of the preceding special protective measure and if a special protective measure was applied to the goods more than twice in the five-year term directly preceding the date of introduction of the new protective measure.

On introducing a temporal special duty on goods imported into the customs territory of the Russian Federation see:

[Decision](#) of the Government of the Russian Federation No. 778 of December 24, 2003

[Decision](#) of the Government of the Russian Federation No. 778 of December 24, 2003

[Decision](#) of the Government of the Russian Federation No. 465 of June 26, 2002

[Decision](#) of the Government of the Russian Federation No. 883 of December 21, 2001

[Decision](#) of the Government of the Russian Federation No. 494 of July 5, 2001

[Decision](#) of the Government of the Russian Federation No. 284 of April 11, 2001

[Decision](#) of the Government of the Russian Federation No. 209 of March 10, 2000

[Decision](#) of the Government of the Russian Federation No. 90 of August 5, 1999

Chapter 3. Antidumping Measures

Article 11. Grounds for Applying an Antidumping Measure

An antidumping measure may be applied to goods being a [dumping import](#) item if, according to the results of an investigation completed by the body in charge of investigations it has been established that the import of such goods into the customs territory of the Russian Federation is inflicting [material losses to a branch of the Russian economy](#), posing a [threat of infliction of material losses to a branch of the Russian economy](#) or significantly slowing down the creation of a branch of the Russian economy.

Article 12. Establishing the Fact of Dumping Import

1. Goods shall be deemed a dumping import item if the [export price](#) of the goods is below the comparable price of [similar goods](#) prevailing in the [ordinary course of trading](#) in the similar goods in the market of the foreign state from which the goods are exported.

2. If there are no transactions of purchase/sale of similar goods in the ordinary course of trading in the market of the foreign state from which the goods being a dumping import item is exported or if,

due to a low sales of similar goods in the ordinary course of trading or due to a special situation in the market of the foreign state from which the goods being a dumping import item is exported, it is impossible to draw an appropriate comparison between the export price of the goods and the price of similar goods then the export price of the goods shall be compared either with the comparable price of similar goods exported from said foreign state to a third country, provided the price of the similar goods is representative, or with the production cost of the goods in the country of its origin with account taken of the necessary administrative, trading and general costs as well as profit.

The amount of sales of similar goods in the ordinary course of trading in the market of the foreign state from which the goods being a dumping import item is exported shall be considered as sufficient for assessing the normal value of the goods if this amount makes up at least five per cent of the total exports of the goods being the dumping import item into the customs territory of the Russian Federation from said foreign state. Lower sales of similar goods in the ordinary course of trading shall be deemed acceptable for the purposes of assessing the normal value of the goods if there is proof that such an amount of sales is sufficient for ensuring an appropriate comparison between the export price of the goods being the dumping import item and the price of similar goods in the ordinary course of trading.

The sale of similar goods in the market of the foreign state from which the goods being the dumping import item are exported, or from the said foreign state to a third country at prices below production costs (permanent or variable ones) per unit of goods with account taken of administrative, trading and general costs may be considered as not complying with the ordinary course of trading and may be neglected in the assessment of the normal value of the goods only if the body in charge of investigations has established that such a sale of similar goods has been performed for at least a six-month term in a significant amount at prices which do not ensure compensation of all costs in this period of time. If the price of similar goods, which at the time of sale thereof is below production cost per unit of goods with the account taken of administrative, trading and general costs, exceeds the mean weighed production cost per unit of goods with account taken of administrative, trading and general costs in the period of time under investigation such a price shall be considered as ensuring compensation of all costs in a period of time of at least six months.

The sale of similar goods at prices below production cost per unit of goods with account taken of administrative, trading and general costs shall be considered as feasible in a significant amount if the body in charge of investigations has established that the mean weighted price of similar goods under the transactions taken into account in assessment of the normal value of the goods is below the mean weighted production cost per unit of goods with account taken of administrative, trading and general costs and the amount of sales at prices below such cost per unit of goods makes up at least 20 per cent of sales under the transactions taken into account in assessment of the normal value of the goods.

Production cost per unit of goods with account taken of administrative, trading and general costs shall be calculated on the basis of record documents of the foreign exporter or foreign manufacturer of the goods being the subject matter of the investigation, provided these documents comply with the generally acceptable accounting and reporting principles and rules in the foreign state concerned and reflect the costs relating to the manufacture and sale of the goods. The body in charge of investigations shall take into account all the evidence of appropriateness of production, administrative, trading and general cost distribution it has on hand, provided such cost distribution is normally practiced by the foreign exporter or foreign manufacturer of the goods being the subject matter of the investigation, in particular, in as much as it concerns establishing an appropriate depreciation term, investment deductions and the coverage of other production development expenses. In production, administrative, trading and general cost distribution in keeping with the present paragraph such costs shall be adjusted with account taken of the non-periodical expenses intended for production development purposes or circumstances in which during the period under investigation costs are affected by the transactions accomplished during the production organisation period. The said production, administrative, trading and general cost adjustment relating to their exposure to the effects of transactions accomplished during the production organisation period shall reflect costs at the end of the production organisation period or if this period extends beyond the term

under investigation the latest costs which are taken into account by the body in charge of investigations when the necessary grounds exist.

The aggregate quantitative indicators of administrative, trading and general costs as well as profit are assessed on the basis of general information on the production and sale of [similar goods](#) in the [ordinary course of trading](#) provided by the foreign exporter or foreign manufacturer of the goods being the subject matter of the investigation. If such aggregate quantitative indicators cannot be obtained in the said way they may be assessed on the basis of the following:

the actual amounts of money received and spent by the foreign exporter or foreign manufacturer of the good being the subject matter of the investigation, in connection with the production and sale of the same category of goods in the market of the country of origin of the goods being the subject matter of the investigation;

the mean weighted actual amounts of money received and spent in connection with the production and sale of similar goods in the country of origin of the goods being the subject matter of the investigation by other foreign exporters or foreign manufacturers of the goods;

another method, provided the profit amount established by such a method does not exceed the profit normally received by other foreign exporters or foreign manufacturers of the same category of goods when sold in the market of the country of origin.

3. In the event of [dumping imports](#) from a country in which prices in the market are regulated directly by the state or where a state foreign trade monopoly exists the normal price of the goods may be assessed on the basis of the price or calculated value of similar goods in an appropriate third country (comparable with the first country for investigation purposes) or the price of similar goods when it delivered from such a third country to other countries, in particular, the Russian Federation. If the normal price of goods cannot be assessed in keeping with the provisions of the present part the normal value of the goods may be assessed on the basis of the price paid or payable for similar goods in the Russian Federation as adjusted with account taken of profit.

For the purposes of the present part, when the normal price of goods is being assessed, a country may be deemed a country with market prices directly regulated by the state or a country with state foreign trade monopoly in particular according to the criteria below:

the degree of convertibility in international currency markets of the currency of the foreign state from which the goods being the subject matter of the investigation is exported;

the degree of interference by the state in the decision-making of the foreign exporters or foreign manufacturers of the goods being the subject matter of the investigation concerning similar goods pricing, production cost assessment, product output, the acquisition of raw materials, the use of technologies and also the level of investment;

the degree of interference by the state in the decision-making of the foreign exporters of the goods being the subject matter of the investigation concerning the setting of export prices and amount of export deliveries of the goods;

the degree of interference by the state in setting the level of wages/salaries by the foreign exporters or foreign manufacturers of the goods being the subject matter of the investigation;

the degree of the state's influence on the activity of juridical persons with foreign stakes or on the investments of foreign juridical persons in the territory of the foreign state from which the goods being the subject matter of the investigation are exported;

the fact that the foreign exporters or foreign manufacturers of the goods being the subject matter of the investigation have a uniform accounting system which is used for any purposes and which complies with the generally acceptable accounting and reporting principles and rules.

4. The normal value of goods being a dumping import item shall be assessed by the body in charge of investigations on the basis of information it has on hand.

5. If no information is available on the [export price of goods](#) being a dumping import item or if the body in charge of investigations has doubts as to the reliability of information on the export price of these goods because there is a link between the exporter and importer of the goods, including, by virtue of each of them having a relation with a third person or because of restrictive business practices in the form of collusion concerning the export price of the goods, the calculation of its export price may be done on the basis of the price at which the imported goods are re-sold for the first time

to an independent buyer or otherwise as may be decided by the body in charge of investigations if the imported goods are not re-sold to an independent buyer or not re-sold in the same appearance as they were imported into the customs territory of the Russian Federation.

For the purposes of the present part as well as [Part 2 of Article 33](#) of the present Federal Law exporters, importers, Russian manufacturers and other persons shall be deemed as having a connection between them if they are deemed affiliated persons under the [antimonopoly legislation](#) of the Russian Federation.

6. The comparison of the export price of goods and their normal value is done at one and the same stage of a trade transaction, among other things, if possible in respect of cases of sale of the goods which occurred simultaneously.

When comparison is made of the export price of goods and their normal value it shall be adjusted with account being taken of the differences affecting price comparability, in particular, differences in the terms and characteristics of delivery, taxation, trade transaction stages, quantitative indicators, physical characteristics as well as any other differences proven to have effect on price comparability. In the cases specified in [Part 3](#) of the present article one shall take account of expenses, in particular, the duties and taxes paid during the period of time between the import and the resale of the goods and also the profit received. The body in charge of investigations is entitled to request the provision of information by the persons concerned that may be required for ensuring an appropriate comparison between the export price of the goods and their normal value.

If in the comparison of the export price of goods and their normal price it is necessary to translate them from one currency into another such a translation shall be done at the currency exchange [rate](#) as of the date of sale of the goods. If the sale of foreign currency was directly related to the export delivery of the goods concerned and if it was effected for a certain term one shall apply the currency exchange rate used in the sale of currency for the certain term. The body in charge of investigations shall not take into account currency exchange rate fluctuation and it shall provide the exporters in the course of an investigation with at least 60 calendar days to adjust their export prices with the account taken of steady variation in the currency exchange rate during the period of time covered by the investigation.

The existence of a [dumping margin](#) during an investigation shall be established on the basis of a comparison between the mean [normal value of the goods](#) and the mean weighted prices of all comparable export deliveries of the goods or a comparison between the normal value of the goods and the export price of each comparable export delivery of the goods. The mean normal value of the goods may be compared with the prices of specific export deliveries of the goods if the body in charge of investigations has established that the export prices of the goods differ significantly depending on the buyer, region or period of delivery of the goods, and if grounds exist for such differences not being appropriately taken into account when a comparison is made between the mean weighted normal price of the goods and the mean weighted prices of all comparable export deliveries of the goods or a comparison between the normal value of the goods with the export price of each comparable export delivery of the goods.

7. If goods being a [dumping import](#) item are not imported directly from the country of origin but are imported into the customs territory of the Russian Federation from a third country the export price of such goods shall be compared with the comparable price of [similar goods](#) in the foreign state from which the goods being the dumping import item are exported.

Comparison between the export price of goods being a dumping import item may be made with the comparable price of similar goods in the country of their origin if these goods are only re-shipped via the foreign state from which they are exported into the customs territory of the Russian Federation or if the production of these goods is not performed in this foreign state or if the comparable price of similar goods is not available in this foreign state.

Article 13. Establishing the Losses to a Branch of the Russian Economy Resulting from Dumping Imports

1. Losses to a [branch of the Russian economy](#) due to dumping imports shall be established

according to the results of analysing the following: dumping import amount, the effects of the dumping imports on the prices of similar goods in the market of the Russian Federation and the effects of the import on the Russian manufacturers of similar goods.

2. Except as otherwise defined, in the present chapter and also in [Chapter 5](#) of the present Federal Law the "losses to a branch of the Russian economy" means [material losses to a branch of the Russian economy](#), a threat of infliction of material losses on a branch of the Russian economy or a significant slow-down in the creation of a branch of the Russian economy.

3. In the analysis of dumping import amounts the body in charge of investigations shall find out if an increase has occurred in the dumping import of given goods (as absolute indicators or in relation to output or consumption of similar goods in the Russian Federation).

In the analysis of effects of dumping imports on the prices of similar goods in the market of the Russian Federation the body in charge of investigations shall establish:

if the prices of the goods being the dumping export item were below the prices of similar goods in the market of the Russian Federation;

if the dumping imports have led to a decrease in the prices of similar goods in the market of the Russian Federation;

if the dumping imports have impeded the growth of prices of similar goods in the market of the Russian Federation which would have occurred if there were no dumping imports.

4. If the import of goods into the customs territory of the Russian Federation from more than one foreign state is the subject matter of investigation conducted simultaneously the body in charge of investigations may assess the aggregate effect of such imports only if it has established that:

the [dumping margin](#) assessed in respect of the import of the goods from each foreign state exceeds the [minimal admissible dumping margin](#) and the amount of imports of the goods from each foreign state is not insignificant with due regard to the provisions of [Paragraph 2 of Part 5 of Article 29](#) of the present Federal Law;

assessment of the aggregate effect of the import of the goods is possible with account taken of the conditions of competition between imported goods and the conditions of competition between the imported goods and similar Russian goods.

5. The analysis of the effects of [dumping imports](#) on a branch of the Russian economy means an assessment of the economic factors relating to the state of the branch of the Russian economy, in particular the following:

the degree to which the economic state of the branch of the Russian Federation has recovered after it was exposed to the effects of the dumping imports or subsidised imports which existed earlier;

the reduction in the output and sales of the goods which has occurred or which could occur in future, the share thereof in the market of the Russian Federation, profit, productivity of labour, incomes from investments raised or from the use of production facilities;

the factors affecting the prices of the goods in the market of the Russian Federation;

[dumping margin](#) value;

actual or would-be negative effects on cash-flow, stocks of the goods, level of unemployment, wages/salaries, the rate of growth of output of the goods, opportunities for raising investments.

6. The effects of dumping imports on a branch of the Russian economy shall be evaluated as applicable to the production of similar goods in the Russian Federation if the information on hand allows judging of the production of similar goods on the basis of such criteria as production process, the sale of the goods by its manufacturers and profit. If the information available on hand does not allow the evaluation of the production of similar goods the effects of the dumping imports on a branch of the Russian economy shall be assessed as applicable to the production of the narrowest group or nomenclature of goods which include [similar goods](#) and about which the necessary information is available.

7. The establishment of losses to a branch of the Russian economy resulting from dumping imports shall be based on an analysis of all evidence and information relating to the case which the body in charge of investigations has on hand. Apart from dumping imports the body in charge of investigations shall analyse the other known factors causing losses to the branch of the Russian economy during the same period of time. The said losses to the branch of the Russian economy shall

not be classified by the body in charge of investigations as losses to the branch of the Russian economy resulting from dumping imports.

8. While establishing a threat of infliction of [material losses on a branch of the Russian economy](#) resulting from dumping imports the body in charge of investigations shall take into account the following factors:

the rate of growth of the dumping exports as testifying to the real possibility of a further increase in such imports;

the fact that the exporter of the goods being the dumping import item has sufficient export capabilities or potential for an obvious imminent increase in them as testifying to the real possibility of an increase in the dumping import of the goods with account taken of the possibility of other export markets to accommodate any additional export of the goods;

the level of prices of the goods being the dumping import item if such a price level may lead to decreasing or curbing the price of similar goods in the market of the Russian Federation and a further increase in demand for the goods being the dumping import item;

the stocks available to the exporter of the goods being the dumping import item.

A decision on the existence of a threat of infliction of material losses on a branch of the Russian economy shall be adopted if during an investigation on the results of an analysis of the factors specified in the present part a conclusion has been drawn by the body in charge of investigations that the continuation of the dumping imports is imminent and that the imports will cause material losses to a branch of the Russian economy unless an [antidumping measure](#) is taken.

Article 14. The Introduction of a Preliminary Antidumping Duty

1. If according to the information received before the completion of an investigation [dumping imports](#) and losses due thereto to a branch of the Russian economy exist the Government of the Russian Federation, acting on the basis of a report drawn up in compliance with the provisions of [Article 4](#) of the present Federal Law containing a preliminary statement of the body in charge of investigations, shall adopt a decision to apply an [antidumping measure](#) by means of introducing a preliminary [antidumping duty](#) for the purpose of averting the losses to a branch of the Russian economy caused by the dumping imports during the investigation.

The decision whereby a preliminary antidumping duty is introduced shall not be taken earlier than 60 calendar days after the commencement of the investigation.

2. The preliminary antidumping duty rate shall not exceed the value of the [dumping margin](#) that has been calculated in advance.

If the rate of a preliminary antidumping duty is equal to the value of the dumping margin calculated in advance, the effective term of the preliminary [antidumping duty](#) shall not exceed four months, except for cases when this term is prolonged to six months at a request of the exporters whose share of the dumping import of the goods being the subject matter of the investigation makes up at least 80 per cent.

If the rate of a preliminary antidumping duty is below the dumping margin calculated in advance the effective term of the antidumping duty shall not exceed six months, except for cases when this term is prolonged to nine months at the request of the exporters whose share of the dumping import of the goods being the subject matter of the investigation makes up at least 80 per cent.

3. Preliminary antidumping duty shall be paid in compliance with the provisions of the [customs legislation](#) of the Russian Federation into a deposit of the federal executive governmental body in charge of customs affairs.

The amounts of preliminary antidumping duty shall not be remitted to the federal budget until the adoption of a final decision on the application of the antidumping measure according to the results of the investigation conducted in keeping with [Articles 26 - 29](#) of the present Federal Law. If, as a price obligation is being assumed by the exporter of the goods being the subject matter of an investigation, the investigation is continued under [Part 6 of Article 15](#) of the present Federal Law the amounts of preliminary antidumping duty shall not be remitted to the federal budget until the adoption of a decision on the results of the investigation conducted under [Articles 26 - 29](#) of the present Federal

Law.

4. If, according to the results of an investigation conducted under [Articles 26 - 29](#) of the present Federal Law, it is established that the grounds specified in [Article 11](#) of the present Federal Law exist, the amounts of preliminary antidumping duty shall be remitted to the federal budget.

5. If, according to the results of an investigation conducted under [Articles 26 - 29](#) of the present Federal Law, it has been established that the grounds specified in [Article 11](#) of the present Federal Law do not exist the amounts of preliminary antidumping duty shall be refundable to the payer in the procedure established by the [customs legislation](#) of the Russian federation for customs payment refunds. The amounts of preliminary [antidumping duty](#) shall be also refundable to the payer in cases when the exporter of the goods being the subject matter of the investigation has been relieved from price obligations under [Part 6 of Article 15](#) of the present Federal Law.

6. If, according to the results of an investigation conducted under [Articles 26 - 29](#) of the present Federal Law, an antidumping duty is introduced or the obligations specified in [Part 1 of Article 15](#) of the present Federal Law are assumed the amounts of antidumping duty shall be remitted to the federal budget.

If, according to the results of an investigation conducted under [Articles 26 - 29](#) of the present Federal Law, it has been established that the grounds specified in [Article 11](#) of the present Federal Law exist and that it is feasible to introduce a lower rate of antidumping duty than the rate of the preliminary antidumping duty the difference between the rate of preliminary antidumping duty and the rate of antidumping duty shall be refundable to the payer in the procedure established by the [customs legislation](#) of the Russian Federation for customs payment refunds. The balance of amounts of preliminary antidumping duty shall be remitted to the federal budget.

If the rate of antidumping duty exceeds the rate of preliminary antidumping duty the difference between the rate of antidumping duty and the rate of preliminary antidumping duty shall not be collected from the payer.

7. When an [antidumping duty](#) is being applied the provisions of [Article 16](#) of the present Federal Law shall be observed.

Article 15. The Assumption by the Exporter of Goods Being the Subject Matter of an Investigation of Obligations in Respect of the Prices of the Goods

1. An investigation may be suspended or terminated by the body in charge of investigations without the introduction of a preliminary antidumping duty or a final antidumping duty if the body has received voluntary obligations in writing from the exporter of the goods being the subject matter of the investigation whereby the exporter undertakes to review the prices he sets for the goods or to terminate the export of the goods into the customs territory of the Russian Federation at prices below the normal value of the goods (and if the exporter has affiliated persons in the Russian Federation - a statement on the support of these exporter's obligations by his affiliated persons) if as a result of analysis of these obligations the body in charge of investigations has come to a conclusion that the assumption of these obligations will eliminate the unfavourable consequences of dumping imports, and if the Government of the Russian Federation takes a decision to approve these obligations. According to these obligations the level of prices of the goods being the subject matter of the investigation shall not exceed the level required for eliminating the [dumping margin](#). An increase in the price of the goods being the subject matter of the investigation may be below the dumping margin if such an increase is sufficient for eliminating losses to the [branch of the Russian economy](#).

2. The Government of the Russian Federation shall not make its decision on the approval of the obligations specified in [Part 1](#) of the present article until the time when the body in charge of investigations comes to a preliminary positive conclusion as to the existence of [dumping imports](#) and losses to a branch of the Russian Federation caused thereby.

3. The Government of the Russian Federation shall not adopt a decision to approve the obligations specified in [Part 1](#) of the present Article if the body in charge of investigations has come to a conclusion that the approval of such obligations is unacceptable due to the large number of actual or potential exporters of the goods being the subject matter of the investigation or due to reasons

connected to the interests of state policy. In such a case, the body in charge of investigations shall notify exporters of the reasons for which approval of their obligations was deemed unacceptable and provide an opportunity to the exporters to file their comments in connection with the unacceptability of approval of their obligations.

4. The body in charge of investigations shall forward a request to each exporter who has assumed the obligations specified in [Part 1](#), asking them to present a non-confidential version so that it can be provided to the persons concerned.

5. The body in charge of investigations may propose to exporters that they assume the obligations specified in [Part 1](#) but it shall not demand that they do so.

6. If the Government of the Russian Federation has approved the obligations specified in [Part 1](#) of the present article the investigation into the availability of dumping import and resulting losses to a branch of the Russian economy may be continued at the request of an exporter of the goods being the subject matter of the investigation or by a decision of the body in charge of investigations. If, according to the final results of the investigation, a statement is made to the effect that no dumping imports exist or no loss to a branch of the Russian economy occurs as a result thereof, an exporter which has assumed the obligations specified in [Part 1](#) of the present article shall be relieved from the obligations, except from cases when the statement made is primarily a result of performance of these obligations. In this case the body in charge of investigations may demand from the exporter of the goods being the subject matter of the investigation that the exporter's obligations specified in [Part 1](#) of the present article remain effective during the necessary period of time. If, according to the results of an investigation conducted under [Articles 26 - 29](#) of the present Federal Law, the body in charge of investigations comes to a conclusion that dumping imports and resulting losses to a branch of the Russian economy exist, the obligations specified in [Part 1](#) of the present article which have been assumed by the exporter shall remain effective in compliance with the terms thereof.

7. The body in charge of investigations shall be entitled to request from the exporter, if his obligations specified in [Part 1](#) of the present article have been approved by the Government of the Russian Federation, the provision of information on the exporter's performance of these obligations and also his consent to verification of such information. The non-provision of the information so requested shall be deemed a breach of the obligations assumed by the exporter.

8. In the event of a breach or revocation by the exporter of the obligation specified in [Part 1](#) of the present article the Government of the Russian Federation shall adopt a decision to apply an antidumping measure by means of introducing a preliminary antidumping duty if the investigation has not yet been completed, or a final antidumping duty if according to the final results of the investigation the grounds specified in [Article 11](#) of the present Federal Law exist.

In the event of a breach by the exporter of the obligations specified in [Part 1](#) of the present article the exporter shall be given an opportunity to make his comments in connection with such breach.

9. In the statement on the basis of which the decision to approve the obligations specified in [Part 1](#) of the present article is taken the body in charge of investigations shall set the rate of the preliminary antidumping duty or the final antidumping duty which can be introduced in compliance with the provisions of [Part 8](#) of the present article.

Article 16. Application of Antidumping Duty

1. An antidumping duty shall be applied to goods being delivered by all exporters and being a [dumping import](#) item that causes losses to a branch of the Russian economy, except for goods being delivered by the exporters whose obligations have been approved by the Government of the Russian Federation in keeping with the provisions of [Article 15](#) of the present Federal Law.

2. If the body in charge of investigations has assessed an individual [dumping margin](#) in compliance with the provisions of [Part 2 of Article 29](#) of the present Federal Law, an antidumping duty shall be applied individually to each known foreign exporter or foreign manufacturer of the goods being a dumping import item.

If the body in charge of investigations has assessed a uniform dumping margin in keeping with the provisions of [Part 3 of Article 29](#) of the present Federal Law, an antidumping duty shall be applied

on a non-discriminatory basis to all known foreign exporters or foreign manufacturers of the goods being a dumping import item.

3. The rate of [antidumping duty](#) shall not exceed the rate of the dumping margin.

Article 17. The Effective Term and Revision of an Antidumping Measure

1. An antidumping measure shall be applied by a decision of the Government of the Russian Federation at the rate and during the term required to eliminate the loss to a [branch of the Russian economy](#) resulting from dumping imports.

2. The need for continuation of application of an antidumping duty or revision of the rate thereof or the need for continuation of the effective term of the obligations specified in [Part 1 of Article 15](#) of the present Federal Law or revision of the terms on which such obligations are effective shall be determined by the Government of the Russian Federation on the basis of a report filed in keeping with the provisions of [Article 4](#) of the present Federal Law containing a statement by the body in charge of investigations on the results of a repeated investigation completed on this body's initiative or at the request of persons concerned after the provision of information to such persons which confirm the need for revision of the antidumping measure.

The persons concerned shall be entitled to apply to the body in charge of investigations asking for consideration of the need for continuation of application of the antidumping measure in order to eliminate the losses to a branch of the Russian economy resulting from dumping imports, and also of the probability of resumption of infliction of losses to the branch of the Russian economy if the antidumping measure is lifted or if its rate is changed.

If, according to the results of a repeated investigation conducted in compliance with the provisions of the present part, it has been established that prolongation of the effective term of the antidumping measure is not justified the Government of the Russian Federation, acting on the basis of a report filed in compliance with the provisions of [Article 4](#) of the present Federal Law containing a statement of the body in charge of investigations, shall adopt a decision to lift the [antidumping measure](#).

A repeated investigation aimed at reviewing an antidumping measure shall not be commenced earlier than one year after the date when this measure was applied.

3. The effective term of an antidumping measure, notwithstanding the provisions established by [Parts 1](#) and [2](#) of the present article, shall not exceed five years after the date of commencement of application of the measure or the date of last revision of the antidumping measure.

4. A repeated investigation aimed at reviewing an antidumping measure shall be completed within 12 months after the date of commencement of the repeated investigation.

Chapter 4. Compensatory Measures

Article 18. The General Principles of Application of a Compensatory Measure

1. A [compensatory measure](#) may be applied to imported goods in the manufacture, export or transportation of which a [specific subsidy of a foreign state \(union of foreign states\)](#) has been used if, according to the results of an investigation completed by the body in charge of investigations, it has been established that the importation of the goods into the customs territory of the Russian Federation is causing [material losses to a branch of the Russian economy](#), a [threat of infliction of material losses on a branch of the Russian economy](#) or a significant slow-down in the creation of a branch of the Russian economy.

2. The procedure for assessing the rate of the specific subsidy of a foreign state (union of foreign states) specified in [Part 1](#) of the present article shall be established by the Government of the Russian Federation.

Article 19. The Concept of Classifying a Subsidy of a Foreign State (Union of Foreign States) as a Specific Subsidy

1. The subsidy of a foreign state (union of foreign states) defined in [Article 2](#) of the present Federal Law shall be deemed a specific subsidy if access to the use of the subsidy is only allowed to specific organisations by the subsidising agency or by legislation.

For the purposes of the present article "specific organisations" are a specific manufacturer and/or exporter or a specific branch of economy of a foreign state (union of foreign states) or a group (union, association) of manufacturers and/or exporters or branches of economy of a foreign state (union of foreign states).

2. In any case a [subsidy of a foreign state \(union of foreign states\)](#) shall be deemed a specific subsidy if the provision of such a subsidy is accompanied by:

a limit on the number of the specific organisations which have access to the use of the subsidy;

the subsidy's being used primarily by specific organisations;

the provision of disproportionately large amounts of the subsidy to specific organisations;

the selection by the subsidising body of a privileged (preferential) method of provision of the subsidy to specific organisations.

A subsidy of a foreign state (union of foreign states) shall be deemed a specific subsidy if the number of the specific organisations to which access to the use of the subsidy is granted is limited by the organisations located in a defined geographic area.

Any subsidy of a foreign state (union of foreign states) shall be deemed a specific subsidy if:

the subsidy under legislation or actually as a sole condition or one of several conditions relates to the results of export of goods. A subsidy shall be deemed actually tied to the results of export of goods if the provision of a subsidy which is legally not connected to the results of export of the goods is connected with the export of the goods, past or possible in future, or is connected in practice with export proceeds;

the subsidy is tied under legislation or actually, as a sole condition or one of several conditions, with the use of locally manufactured goods in place of imported goods.

3. A subsidy of a foreign state (union of foreign states) shall not be deemed a specific subsidy if the subsidising body or legislation has established objective criteria or conditions which define an unconditional right to obtain the subsidy and the size of the subsidy (in particular, depending on the number of the employees engaged in the manufacture of the product, product output) and which are being strictly observed.

Article 20. Establishing Losses to a Branch of the Russian Economy Resulting from Subsidised Imports

1. Losses to a branch of the Russian economy resulting from [subsidised imports](#) shall be assessed on the basis of the results of analysis of subsidised import amount, the effects of the subsidised imports on the prices of [similar goods](#) in the market of the Russian Federation and the effects of such imports on Russian manufacturers of similar goods.

2. In the present chapter and in [Chapter 5](#) of the present Federal Law the "losses to a branch of the Russian economy", except as otherwise stipulated, means [material losses on a branch of the Russian economy](#), a [threat of infliction of material losses to a branch of the Russian economy](#) or a significant slow-down in creation of a branch of the Russian economy.

3. While analysing the amount of subsidised imports, the body in charge of investigations shall find out if an increase has occurred in the subsidised imports (in absolute terms or in relation to the output or consumption of similar goods in the Russian Federation).

While analysing the effects of subsidised imports on the prices of similar goods in the market of the Russian Federation the body in charge of investigations shall find out if:

the prices of the goods being a subsidised import item are below the prices of similar goods in the market of the Russian Federation;

the subsidised imports have led to a decrease in the prices of similar goods in the market of the Russian Federation;

the subsidised imports have impeded a growth in the prices of similar goods in the market of the Russian Federation which would have occurred if there were no such imports.

4. If the import of certain goods into the customs territory of the Russian Federation from more than one foreign state is the subject matter of simultaneous investigations, the body in charge of investigations may assess the aggregate effect of such imports only if it has established that:

the amount of subsidy in each foreign state for the goods makes up over one per cent of the value thereof, and the amount of subsidised import from each of the foreign states is not insignificant;

the assessment of the aggregate effect of the import of the goods is possible with the account taken of the conditions of competition between imported goods and the conditions of competition between the imported goods and similar Russian goods.

5. The analysis of the effects of subsidised imports on a branch of the Russian economy consists of in an assessment of the economic factors relating to the state of the branch of the Russian economy, in particular as follows:

the past or would-be reduction in the output, sales of the goods, the goods' share of the market of the Russian Federation, profit, productivity of labour, incomes from raised investments or from the use of production facilities;

the factors affecting the prices of the goods in the market of the Russian Federation;

the part or would-be negative effects on cash flow, stocks of the goods, level of employment, wages/salaries, production growth rate, the possibility of attracting investments.

6. The effects of subsidised imports on a branch of the Russian Federation shall be assessed as applicable to the manufacture of similar goods in the Russian Federation if the data available allow evaluation of the manufacture of similar goods on the basis of such criteria as production process, the sale of the goods by its manufacturers and profit. If the data available do not allow the evaluation of the manufacture of similar goods, the effects of the subsidised imports on a branch of the Russian economy shall be assessed as applicable to the manufacture of the narrowest group or nomenclature of goods which include similar goods and about which the necessary data are available.

7. The assessment of losses to a branch of the Russian Economy due to subsidised imports shall be based on an analysis of all evidence and information relating to the case and available to the body in charge of investigations. Apart from the subsidised imports, the body in charge of investigations shall analyse the other known factors causing losses to the branch of the Russian economy in the same period. The said losses to the branch of the Russian economy shall not be classified by the body in charge of investigations as losses to a branch of the Russian economy resulting from subsidised imports.

8. While assessing a threat of infliction of material losses on a branch of the Russian economy resulting from subsidised imports, the body in charge of investigations shall taken into account the following factors:

the character, size of the subsidy or subsidies and their possible effects on trade;

the growth rate of the subsidised imports as testifying to a real possibility of a further increase in such imports;

the fact that the exporter of the goods being a subsidised import item has sufficient export capabilities or potential for an obvious imminent growth thereof as testifying to a real possibility of an increase in the subsidised import of these goods, with account taken of the possibility for other export markets to take any additional export of the goods;

the level of prices of the goods being a subsidised import item, if such a level of prices can lead to a decrease or curbing increases in the price of similar goods in the market of the Russian Federation and a further increase in demand for the goods being a subsidised import item;

the stocks held by the exporter of the goods being a subsidised import item.

A decision that a threat exists of infliction of material losses on a branch of the Russian economy shall be taken if, during an investigation on the results of an analysis of the factors specified in this part, the body in charge of investigations has come to a conclusion that it is imminent that the subsidised import is going to be continue inflicting material losses to a branch of the Russian economy, unless a compensatory measure is implemented.

Article 21. The Introduction of a Preliminary Compensatory Duty

1. If information received before the completion of the investigation testifies to the existence of subsidised imports and losses to a branch of the Russian economy resulting from them the Government of the Russian Federation, acting on the basis of a report filed in compliance with the provisions of [Article 4](#) of the present Federal Law containing a preliminary statement of the body in charge of investigations, shall adopt a decision to apply a [compensatory measure](#) by means of introducing a preliminary [compensatory duty](#) for a term of up to four months for the purpose of averting losses to a branch of the Russian economy affected by the subsidised imports during the investigation.

The decision to introduce a preliminary compensatory duty shall not be taken earlier than sixty calendar days after the start of the investigation.

2. A preliminary compensatory duty shall be introduced in the amount equal to the value of subsidy calculated earlier.

3. A preliminary compensatory duty shall be paid in compliance with the provisions of the [customs legislation](#) of the Russian Federation into a deposit of the federal executive governmental body charged with customs affairs.

The amounts of preliminary compensatory duty shall not be remitted to the federal budget until a final decision is made, according to the results of an investigation conducted under [Articles 26 - 28](#) and [30](#) of the present Federal Law, on the application of a [compensatory measure](#). After the Government of the Russian Federation has taken a final decision on a preliminary compensatory duty the provisions envisaged by [Parts 3 - 6 of Article 14](#) of the present Federal Law shall be applied with the account taken of differences that exist.

4. As a preliminary compensatory duty is being applied the provisions of [Article 23](#) of the present Federal Law shall be observed.

Article 22. Assumption of Obligations by a Subsidising Foreign State (Union of Foreign States) or Exporter of the Goods Being the Subject Matter of an Investigation

1. The investigation may be suspended or terminated by the body in charge of investigations without the introduction of a preliminary or final [compensatory duty](#), if the Government of the Russian Federation has taken a decision to approve written obligations voluntarily assumed by the foreign state (union of foreign states) or the exporter and filed with the said body envisaging:

that the foreign state (union of foreign states) from which the goods being the subject matter of the investigation are exported agrees to lift or cut the subsidy or take other appropriate measures to eliminate the consequences of the subsidy;

that the exporter of the goods being the subject matter of the investigation agrees to review the prices of the goods he has established (to ensure support of the exporter's obligation to review the prices by affiliated persons if the exporter has affiliated persons) so that as the result of an analysis of the obligations assumed by the exporter the body in charge of investigations can come to a conclusion that the assumption of such obligations is going to eliminate the unfavourable consequences of the [subsidised imports](#). According to such obligations, the level of prices of the goods being the subject matter of the investigation shall not exceed the level required for neutralising the effects of the subsidy of the foreign state (union of foreign states) on the [branch of the Russian economy](#). Increase in the price of the goods being the subject matter of the investigation may be below the amount of subsidy if such an increase is sufficient to eliminate the losses to the branch of the Russian economy.

2. The Government of the Russian Federation shall not take a decision to approve the obligations specified in [Part 1](#) of the present article until the body in charge of investigations has come to a preliminary positive conclusion as to the existence of subsidised imports and losses to a branch of the Russian economy resulting from them. The Government of the Russian Federation shall not take its decision to approve obligations of the exporter of the goods being the subject matter of the investigation if no consent has been received from the foreign state (union of foreign states) from which the goods are exported to the assumption by exporters of the obligations specified in [Paragraph 3 of Part 1](#) of the present article.

3. The Government of the Russian Federation shall not take its decision to approve the obligations specified in [Part 1](#) of the present article if the body in charge of investigations has come to a conclusion that approval of such obligations is unacceptable due to the large number of actual or potential exporters of the goods being the subject matter of the investigation, or due to reasons related to state policy interests. In such a case the body in charge of investigations shall notify exporters of the reasons for which the adoption by the Government of the Russian Federation of a decision to approve these exporters' obligations has been deemed unacceptable and it shall provide the exporters with an opportunity to file their comments in connection with the unacceptability of adoption of a decision on approval of their obligations by the Government of the Russian Federation.

4. The body in charge of investigations shall forward a request to each exporter and to the empowered body of the foreign state (union of foreign states) which have assumed the obligations specified in [Part 1](#) of the present Article to provide a non-confidential version of such obligations so that it can be presented to persons concerned.

5. The body in charge of investigations may propose that the obligations specified in [Part 1](#) of the present article be assumed but it shall not demand that they be assumed.

6. If the Government of the Russian Federation has adopted a decision to approve the obligations specified in [Part 1](#) of the present article the investigation into the existence of subsidised imports and losses to a branch of the Russian Federation resulting from them may be continued at a request of the foreign state (union of foreign states) from which the goods being the subject matter of the investigation are exported or under a decision of the Government of the Russian Federation.

If, according to the results of the investigation, a final statement has been made that subsidised imports or losses to a branch of the Russian economy resulting from them do not exist the foreign state (union of foreign states) or the exporters which have assumed the obligations specified in [Part 1](#) of the present article shall be relieved from these obligations, except for cases when the statement made is to a significant degree a result of the existence of such obligations. In such a case the Government of the Russian Federation may take a decision to the effect that the obligations specified in [Part 1](#) of the present article are to remain effective during the necessary period of time. If, according to the results of an investigation conducted under [Articles 26 - 28](#) and [30](#) of the present Federal Law, the body in charge of investigations has come to a conclusion that subsidised imports and losses to a branch of the Russian economy resulting from them exist the obligations assumed, which are specified in [Part 1](#) of the present article, shall remain effective in compliance with the terms of such obligations.

7. If the obligations specified in [Part 1](#) of the present article have been approved by the Government of the Russian Federation the body in charge of investigations shall be entitled to ask the foreign state (union of foreign states) or the exporter to provide information on performance of such obligations by the foreign state (union of foreign states) or exporter and also their consent to verification of such information. The non-provision of the information so requested shall be deemed a breach of the obligations assumed by the foreign state (union of foreign states) or exporter.

8. If the foreign state (union of foreign states) or exporter violates or withdraws the obligations assumed, which are specified in [Part 1](#) of the present article, the Government of the Russian Federation shall take a decision to apply a [compensatory measure](#) by means of introducing a preliminary [compensatory duty](#) if the investigation is not yet completed or a final compensatory duty if the final results of the investigation testify to the existence of the grounds specified in [Article 18](#) of the present Federal Law.

If the foreign state (union of foreign states) or exporter violates the obligations specified in [Part 1](#) of the present article a opportunity shall be provided to this foreign state (union of foreign states) to file its comments in connection with this violation.

9. The statement issued by the body in charge of investigations which is used by the Government of the Russian Federation to approve the obligations specified in [Part 1](#) of the present article shall include the rate of preliminary compensatory duty or final compensatory duty which can be introduced in keeping with the provisions of [Part 8](#) of the present article.

Article 23. The Introduction and Application of a Compensatory Duty

1. A [compensatory duty](#) shall be applied after a proposal for holding consultations has been made to the foreign state (union of foreign states) which provides a specific subsidy. Also a compensatory duty shall be applied if said foreign state (union of foreign states) has refused to continue consultations or if no mutually acceptable decision has been reached in the course of such consultations.

The decision to introduce a compensatory duty may be made during the effective term of a [specific subsidy of a foreign state \(union of foreign states\)](#).

2. A compensatory duty shall be applied to goods which are delivered by all exporters and are an item of [subsidised import](#) that is causing losses to a [branch of the Russian economy](#), except for goods delivered by the exporters whose obligations have been approved by the Government of the Russian Federation in keeping with the provisions of [Article 22](#) of the present Federal Law.

3. [Compensatory duty](#) rate shall not exceed the amount of specific subsidy of the foreign state (union of foreign states) calculated per unit of the subsidised and exported goods. If subsidies are granted under various programmes their aggregate amount shall be taken into account.

Compensatory duty rate may be below the amount of specific subsidy of the foreign state (union of foreign states) if such a rate is sufficient for eliminating losses to the branch of the Russian economy.

In the assessment of the rate of a compensatory duty account shall be taken of the opinions filed in writing with the body in charge of investigations by the Russian consumers whose economic interests may be affected by the introduction of the compensatory duty.

Article 24. The Effective Term and Revision of a Compensatory Measure

1. A compensatory measure shall be applied by a decision of the Government of the Russian Federation in the amount and during the term required for eliminating the losses to the branch of the Russian economy resulting from the subsidised imports.

2. The need for continuing the application of a compensatory duty or reviewing the rate thereof or the need for continuing the effect of the obligations specified in [Part 1 of Article 22](#) of the present Federal Law or reviewing the terms on which such obligations are effective shall be determined by the Government of the Russian Federation on the basis of a report filed in keeping with the provisions of [Article 4](#) of the present Federal Law containing a statement of the body in charge of investigations on the results of a repeated investigation completed at the initiative of the body or request of persons concerned after these persons have provided information confirming the need for revising the effect of the compensatory measure.

The persons concerned shall be entitled to apply to the body in charge of investigations, asking for consideration of the need for continuation of application of the compensatory measure in order to eliminate the losses to the branch of the Russian economy resulting from the subsidised imports and also of the probability of resumption of infliction of losses to a branch of the Russian economy if the compensatory measure is lifted or if its rate is changed.

If, according to the results of a repeated investigation conducted in keeping with the provisions of the present part, it is established that a prolongation of the effective term of the [compensatory measure](#) is not justified then the Government of the Russian Federation, acting on the basis of a report filed in compliance with the provisions of [Article 4](#) of the present Federal Law comprising a statement of the body in charge of investigations shall take a decision to lift the compensatory measure.

A repeated investigation for the purpose of reviewing a compensatory measure shall not be started earlier than one year after the date of application of the measure.

3. The effective term of a compensatory measure, notwithstanding the provisions established by [Parts 1](#) and [2](#) of the present article, shall not exceed five years after the day when the application of the measure was commenced or from the date of its last revision.

4. A repeated investigation for the purpose of reviewing a compensatory measure shall be completed within 12 months after the date of commencement of the repeated investigation.

Chapter 5. Conducting an Investigation

Article 25. Grounds for Conducting an Investigation

1. The investigation specified in [Part 1 of Article 3](#) of the present Federal Law, for the purpose of establishing the existence of increased imports and [serious losses to a branch of the Russian economy](#) resulting from them or a threat of infliction of serious losses on a branch of the Russian economy and also for the purpose of establishing the existence of [dumping imports](#) or [subsidised imports](#) and losses to a branch of the Russian economy resulting from them, shall be carried out by the body in charge of investigations, acting on the basis of a written application filed in keeping with the provisions of the present article or at the initiative of the body in charge of investigations.

2. The application specified in [Part 1](#) of the present article shall be filed by:

the Russian manufacturer of [directly competing goods](#) (when an application for a [special protective measure](#) is filed) or similar goods (when an application for an [antidumping measure](#) or a compensatory measure is filed);

an association of Russian manufacturers in which the majority of members manufacture directly competing goods (when an application for a special protective measure is filed) or similar goods (when an application for an antidumping measure or a compensatory measure is filed);

an association of Russian manufacturers which incorporates the manufacturers of over 50 per cent of Russia's total output of directly competing goods (when an application for a special protective measure is filed) or similar goods (when an application for an antidumping measure or a [compensatory measure](#) is filed).

3. The application specified in [Part 1](#) of the present article shall be filed together with evidence of this application's being supported by the Russian manufacturers of directly competing or similar goods.

The following shall be deemed sufficient evidence of a support for such an application:

documents on accession to the application by other Russian manufacturers of [directly competing goods](#) which together with the applicant account for over 50 per cent of Russia's total output of the directly competing goods (when an application for a special protective measure is filed);

documents confirming that the share of production of similar goods by the Russian manufacturers (including the applicant) that have expressed their support of the application makes up at least 25 per cent of Russia's total output of the similar goods, provided the output of the similar goods of the Russian manufacturers (including the applicant) that have expressed their support of the application makes up over 50 per cent of the output of the similar goods of the Russian manufacturers which have expressed their opinion (support or disagreement) in respect of the application (when an application for an [antidumping measure](#) or a compensatory measure is filed).

4. The application specified in [Part 1](#) of the present article shall contain the following:

information on the applicant, on the output, in terms of quantity and value, of directly competing goods (when an application for a special protective measure is filed) or similar goods (in case when an application for an antidumping measure or a compensatory measure is filed) of a [branch of the Russian economy](#) in the [preceding period](#), and also on the output, in terms of quantity and value, of directly competing goods (when an application for a [special protective measure](#) is filed) or similar goods (when an application for an antidumping measure or a compensatory measure is filed) of the Russian manufacturers which have supported the application and their share in Russia's total output of the directly competing goods (when an application for a special protective measure is filed) or similar goods (when an application for an antidumping measure or a compensatory measure is filed);

a description of the goods imported into the customs territory of the Russian Federation which is to be subjected to a special protective measure, antidumping measure or compensatory measure, complete with an indication of a code according to the [Classification of Commodities for Foreign Economic Activities](#) used in the Russian Federation, the name of the country or countries of origin or shipment of the goods according to customs statistical data for foreign trade of the Russian Federation, information on the known foreign manufacturers and/or exporters of the goods and also on the known Russian importers of the goods;

information on variation in the amount of import into the customs territory of the Russian Federation in the preceding period of the goods to be subjected to a special protective measure, antidumping measure or compensatory measure;

information on variation in the amount of export of directly competing goods (when an application for a special protective measure is filed) or similar goods (in case when an application for an antidumping measure or a compensatory measure is filed) from the customs territory of the Russian Federation in the preceding period.

5. Together with the provisions specified in Part 4 of the present article the applicant shall indicate the following, depending on the measure applied for:

evidence of the increased imports of the goods in respect of which a special protective measure is going to be implemented, evidence of serious losses to a branch of the Russian Federation or a threat of infliction of serious losses on a branch of the Russian Federation resulting from increased import of the goods in respect of which a special protective measure is going to be implemented, a proposal for introduction of a special protective measure complete with an indication of the rate and effective term of such a measure, a plan of actions for adapting the branch of the Russian economy to operation under the conditions of foreign competition during the effective term of the special protective measure proposed by the applicant (in an application for a special protective measure);

information on the availability of dumping imports of the goods in respect of which an antidumping measure is going to be introduced, the evidence of losses to a branch of the Russian economy resulting from dumping imports of the goods in respect of which an antidumping measure is going to be introduced, a proposal for introduction of an antidumping measure complete with an indication of the rate and effective term of such a measure (in an application for an antidumping measure);

information on the availability of a specific subsidy of a foreign state (union of foreign states) and if possible on the amount thereof, evidence of the losses to a branch of the Russian economy resulting from subsidised import of the goods in respect of which a compensatory measure is going to be introduced, a proposal for introduction of a compensatory measure complete with an indication of the rate and effective term of such a measure (in an application for a compensatory measure).

6. The date of filing of the application specified in Part 1 of the present article shall be deemed the day when the application is dispatched to the body in charge of investigations.

7. While entering value indicators in the application specified in Part 1 of the present article one shall use, for the purposes of comparability, the monetary unit established for customs statistics purposes for foreign trade of the Russian Federation.

8. The information in the application specified in Part 1 of the present article shall be attested by the heads of the Russian manufacturers which have provided this information and also by their employees responsible for bookkeeping and accounting, in as much as it concerns the data directly relating to these manufacturers.

9. The application specified in Part 1 of the present article together with a non-confidential version (if confidential information is contained in the application) shall be filed with the body in charge of investigations in the Russian language and it shall be subject to registration on the day it arrives to the said body.

10. The application specified in Part 1 of the present article, on the application of a special protective measure, antidumping measure or compensatory measure, may be dismissed on the below grounds:

if the materials specified in Parts 3, 4 and 5 of the present article have not been filed when the application was filed;

if the materials provided by the applicant as required by Parts 3, 4 and 5 of the present article are not reliable.

The application shall not be dismissed on other grounds.

11. The body in charge of investigations shall serve a written notice, before making a decision on commencement of an investigation, to the empowered body of the foreign state (union of foreign states) from which the goods are exported which could become the subject matter of the investigation about the receipt of an application for an antidumping measure or compensatory measure for

consideration.

12. For the purpose of making a decision on commencement of an investigation the body in charge of investigations shall within 30 calendar days after the registration of the application mentioned in [Part 1](#) of the present article study the sufficiency and accuracy of the evidence and information contained in the application, in compliance with the provisions of [Parts 3, 4](#) and [5](#) of the present article. This term may be extended if the body in charge of investigations is in need of additional information from the applicant, but in any case this term shall not exceed 60 calendar days.

13. The application specified in [Part 1](#) of the present article may be withdrawn by the applicant before the commencement of an investigation or during an investigation.

If the application specified in [Part 1](#) of the present article is withdrawn before the commencement of an investigation such an application shall be deemed non-filed.

If the application specified in [Part 1](#) of the present article is withdrawn during an investigation it shall be terminated without the introduction of a special protective measure, antidumping measure or compensatory measure.

14. Until the adoption of a decision on commencement of an investigation the information contained in the application specified in [Part 1](#) of the present article shall not be disclosed to the public.

Article 26. The Commencement and Performance of an Investigation

1. Before expiry of the term specified in [Part 12 of Article 25](#) of the present Federal Law the body in charge of investigations shall adopt its decision to commence or refuse to commence an investigation.

If it is decided to refuse to carry out an investigation, the body in charge of investigations shall notify the applicant of the reasons for the refusal to conduct an investigation in writing within ten calendar days after the date of the decision.

If it is decided to commence an investigation, the body in charge of investigations shall notify in writing the empowered body of the foreign state (union of foreign states) from which the goods are exported that are the subject matter of the investigation, as well as the other persons concerned it knows about the decision made and it shall also arrange within five working days after the date of the decision whereby the investigation is commenced for a publication of a notice of commencement of the investigation in keeping with [Part 1 of Article 35](#) of the present Federal Law. The date of publication of the notice of commencement of an investigation shall be deemed the date of commencement of the investigation.

2. The body in charge of investigations may decide to commence an investigation, in particular at its own initiative, only if it has evidence of increased imports and resulting serious losses to a [branch of the Russian economy](#) or a [threat of infliction of serious losses on a branch of the Russian economy](#) or the availability of [dumping imports](#) or [subsidised imports](#) and resulting losses to a branch of the Russian economy.

The insufficiency of such evidence shall be deemed grounds for making a decision to refuse to conduct an investigation.

3. The persons concerned shall be entitled to express in writing their intention to take part in the investigation. The said persons shall be deemed participants in the investigation starting from the day when the application is filed with the body in charge of investigations and they shall enjoy all the rights they are entitled to under the present Federal Law.

Participants in the investigation shall be entitled to provide, not later than the date specified in the notice of commencement of the investigation, information required for investigation purposes, in particular confidential information, with an indication being made of the source from which the information has been received.

The body in charge of investigations shall be entitled to ask the participant in the investigation to provide additional information. Additional information may be ignored if it is provided upon the expiry of 30 calendar days after the receipt of the request.

The body in charge of investigations shall provide the participants in the investigation with

copies of the application specified in [Part 1 of Article 25](#) of the present Federal Law or its non-confidential version (if confidential information is contained in the application).

With due regard to the need for protecting confidential information under [Article 32](#) of the present Federal Law, the body in charge of investigation shall provide participants if they wish so with the information in writing which has been filed in writing by any person concerned as evidence relating to the subject matter of the investigation, so that they can familiarise themselves with this information. The body in charge of investigations shall provide participants in the investigation with an opportunity for familiarising themselves with the other information which is related to the investigation and which is used by it in the course of the investigation but which is not deemed confidential under [Part 1 of Article 32](#) of the present Federal Law.

4. Consumers of the goods being the subject matter of an investigation if they use the goods to manufacture products, representatives of public associations of consumers, governmental agencies, local self-government bodies as well as other persons are entitled to provide information having to do with the investigation.

5. Evidence and information relating to an investigation shall be provided to the body in charge of investigations in the Russian language, and original documents drawn up in a foreign language shall be filed together with a translation into Russian that has been formally authenticated.

6. If a person concerned refuses to provide information to the body in charge of investigations as might be required for investigation purposes or if such information is not provided by the person within the term established by [Part 3](#) of the present article the body in charge of investigations may draw up its preliminary and final statements on the results of the investigation on the basis of information the body has to hand.

7. The federal executive governmental body charged with customs affairs, the federal executive governmental body charged with state statistics, other federal executive governmental bodies and executive governmental bodies of Russian regions shall provide assistance in the conduct of investigations and provide, at the request of the body in charge of investigations, information required for investigation purposes, in particular confidential information.

8. If, during the two-year term directly preceding the day on which the investigation is commenced, more than 35 per cent of Russia's output of [directly competing goods](#) (when an application for a special protective measure is filed) or similar goods (when an application for an antidumping measure or compensatory measure is filed) is produced by a single Russian manufacturer which has supported the application specified in [Part 1 of Article 25](#) of the present Federal Law or if the total amount of import of the goods being the subject matter of the investigation makes up less than 25 per cent of the total sales of the given and the directly competing goods (when an application for a [special protective measure](#) is filed) or the given and [similar goods](#) (when an application for antidumping measure or [compensatory measure](#) is filed) in the market of the Russian Federation, the condition sine qua non for carrying out the investigation shall be the receipt by the body in charge of investigations of a statement of the federal executive governmental body charged with antimonopoly policy on the consequences of the special protective measure, antidumping measure or compensatory measure on competition in the market of the Russian Federation. Such a statement shall be filed by the federal executive governmental body charged with antimonopoly policy with the body in charge of investigations within 30 calendar days after the receipt of the request from the body in charge of investigations. Attached to the request shall be the materials specified in [Parts 4](#) and [5 of Article 25](#) of the present Federal Law.

9. The investigation shall be completed within:
nine months after the day when the investigation was commenced on the basis of an application for special protective measures;

12 months after the day when the investigation was commenced on the basis of an application for an [antidumping measure](#) or compensatory measure. This term may be extended by the body in charge of investigations by up to six months.

In the event of introduction of a preliminary special duty, preliminary antidumping duty or preliminary compensatory duty the investigation shall be completed before the expiry of the effective term of the relevant preliminary duty. The investigation shall be deemed completed on the day when

the body in charge of investigations files its report with the Government of the Russian Federation on the results of the investigation performed by the body.

10. The performance of an investigation shall not impede the customs processing of the goods being the subject matter of the investigation.

11. If the number of the Russian manufacturers of directly competing goods or [similar goods](#) is so great that the applicant cannot provide evidence to support the application specified in [Part 1 of Article 25](#) of the present Federal Law or of disagreement with the application the applicant shall be entitled to file a petition with the body in charge of investigations for the commencement of an investigation by the said body at its own initiative.

Article 27. Public Hearing

1. On the basis of a petition in writing filed within the term established in compliance with the present Federal Law by any participant in the investigation the body in charge of investigations shall arrange for a public hearing.

2. Within five calendar days after the receipt of the petition specified in [Part 1](#) of the present article the body in charge of investigations shall forward a notice to participants in the investigation indicating the time and place of the public hearing and also a list of the points to be considered during the public hearing.

The time for holding the public hearing shall be set at least 15 calendar days after the day when the relevant notices were forwarded.

3. The public hearing shall be open for attendance by participants in the investigation or their representatives as well as the persons they invited for the purpose of presenting the information they have concerning the investigation.

During the public hearing participants in the investigation may set out their opinions and present evidence relating to the investigation. A representative of the body in charge of investigations shall be entitled to put questions to the persons present concerning the essence of the facts they provide. Participants in the investigation are also entitled to put questions to each other and they shall have the duty to answer them.

Participants in the public hearing shall have a duty not to disclose information deemed confidential under [Article 32](#) of the present Federal Law.

4. The information presented during the public hearing in oral form shall be taken into account during the investigation if within 15 calendar days after the public hearing they are presented to participants in the investigation in writing in compliance with the provisions of [Part 5 of Article 26](#) of the present Federal Law. Information presented in writing may contain confidential information.

Article 28. Conducting an Investigation Preceding the Application of an Antidumping Measure or a Compensatory Measure

1. After the decision to commence an investigation has been made, the body in charge of investigations shall forward a list of questions to the foreign exporters and/or manufacturers of the goods being the subject matter of the investigation known to the body, and they shall have the duty to reply to these questions for investigation purposes.

The foreign exporters and/or manufacturers of the goods being the subject matter of the investigation to which a list of appropriate questions was forwarded shall have 30 calendar days after the receipt of the list to present their answers to the body in charge of investigations. At the substantiated and written request of foreign exporters and/or manufacturers of the goods being the subject matter of the investigation this term may be extended by the body in charge of investigations by up to ten calendar days.

For the purposes of the present article the list of questions shall be deemed received by a foreign exporter and/or manufacturer seven calendar days after it was dispatched by post or after it was delivered directly to a representative of the foreign exporter and/or manufacturer.

Answers to the questions included in the list shall be deemed received by the body in charge of investigations if they arrive at said body within seven calendar days after the expiry of the 30-day

term mentioned in [Paragraph 2](#) of the present part or after the date of expiry of its extended term.

2. For the purpose of verifying the information provided during an investigation or obtaining additional information connected with an investigation under way, the body in charge of investigations may carry out an investigation in the territory of a foreign state if consent to this is obtained from the foreign exporter or manufacturer of the goods being the subject matter of investigation and also if a preliminary notice has been served to representatives of the government of the foreign state concerned and if this state does not object to the conducting of an investigation in its territory.

3. For the purpose of verifying, during an investigation, information or obtaining additional information connected to an investigation under way the body in charge of investigations shall be entitled to send its representatives to the location of the Russian importers of the goods being the subject matter of the investigation or the Russian manufacturers of [similar goods](#), to hold consultations and talks with persons concerned, to familiarise themselves with specimens of the goods being the subject matter of the investigation and to commit other actions which are required for carrying out the investigation and which do not run contrary to the legislation of the Russian Federation.

4. Before the filing of a report with the Government of the Russian Federation containing proposals prepared with the account taken of the final results of the investigation, the body in charge of investigations shall forward a non-confidential version of the report to the participants in the investigation.

Article 29. The Peculiarities of Conduct of an Investigation Preceding the Application of an Antidumping Measure

1. On the basis of a petition in writing filed by participants in the investigation the body in charge of investigations shall take a decision to hold talks of the participants in the investigation who have opposite points of view on the subject matter of the investigation, set the date and place for such talks and notify the participants in the investigations at least 15 calendar days before the date set. The participants in the investigation shall be entitled to set out their opinions and provide their evidence relating to the investigation. In doing so, the participants in the investigation shall not have the duty to disclose information deemed confidential under [Article 32](#) of the present Federal Law.

Representatives of the body in charge of investigations are entitled to attend these talks.

2. As a rule, the body in charge of investigations shall assess an individual [dumping margin](#) in respect of each known foreign exporter and/or manufacturer of the goods being the subject matter of the investigation.

If the number of the foreign exporters, foreign manufacturers, Russian importers of the goods being the subject matter of the investigation or the number of types of goods being the subject matter of the investigation is so great that no individual dumping margin can be actually assessed the body in charge of investigations may impose a limit on assessment of individual dumping margin proceeding either from an acceptable number of concerned persons or goods on the basis of the statistical data the body has on hand at the time of analysis or the largest share of exports of the goods from a certain foreign state.

For the purposes of the present article the foreign exporters, foreign manufacturers, Russian importers of the goods being the subject matter of an investigation shall be chosen or the types of the goods being the subject matter of an investigation shall be chosen by agreement with the exporters, manufacturers, importers.

If the body in charge of investigations imposes a limitation in compliance with the provisions of the present article it shall also assess an individual dumping margin in respect of each foreign exporter or foreign manufacturer which has not been originally chosen but which has provided the necessary information within the term established for consideration during an investigation.

3. The body in charge of investigations shall assess a uniform dumping margin in respect of all known foreign exporters or foreign manufacturers of the goods being the subject matter of an investigation if the number of foreign exporters or foreign manufacturers of the goods is so great that

an individual dumping margin cannot be actually assessed and that is impeding a timely completion of the investigation, and also in the case specified in [Part 3 of Article 12](#) of the present Federal Law.

4. When several investigations are under way in respect of the [dumping import](#) of one and the same goods from several foreign states such investigations may be pooled together by the body in charge of investigations on the condition that the dumping margin calculated for the dumping import of the goods from each foreign state exceeds the [minimum admissible dumping margin](#) and the amount of dumping imports of the goods from each foreign state is not insignificant with taking account of the provisions of [Paragraph 2 of Part 5](#) of the present article.

5. The investigation shall be terminated if the body in charge of investigations has established that the dumping margin is below the minimum admissible dumping margin or the amount of accomplished or would-be dumping imports or the amount of losses to a [branch of the Russian economy](#) resulting from such imports is insignificant.

The amount of dumping imports from a certain foreign state shall be deemed insignificant if the amount of such imports is below three per cent of the amount of total imports of [similar goods](#) into the customs territory of the Russian Federation on the condition that the foreign states whose individual share of the dumping imports is below three per cent of the total import of the similar goods into the customs territory of the Russian Federation in their entirety account for up to seven per cent of the total amount of import of similar goods into the customs territory of the Russian Federation.

Article 30. The Peculiarities of Conducting an Investigation Preceding the Application of a Compensatory Measure

1. The investigation shall be terminated if the body in charge of investigations has established that the amount of a foreign state's (union of foreign states') specific subsidy is minimal or the amount of accomplished or would-be [subsidised imports](#) or the amount of losses to a branch of the Russian economy resulting from such imports is insignificant. For the purposes of the present part:

the amount of a foreign state's (union of foreign states') specific subsidy shall be deemed minimal if it makes up less than one per cent of the value of the goods;

the amount of subsidised imports shall be deemed insignificant if it complies with the provisions established by [Paragraph 2 of Part 5 of Article 29](#) of the present Federal Law.

2. An investigation in respect of goods being a subsidised import item which originates from a developing country which is a user of Russia's national preferential treatment system shall be terminated if the body in charge of investigations has established that the total amount of a [foreign state's \(union of foreign states'\) specified subsidies](#) granted in respect of the goods does not exceed two per cent of its value per unit of the goods or the share of import of the goods from this country in the total amount of import of the goods into the customs territory of the Russian Federation does not exceed four per cent on the condition that the entire share in the import of the goods into the customs territory of the Russian Federation from the developing countries each of which accounts for up to four per cent of the total amount of imports of the goods into the customs territory of the Russian Federation does not exceed nine per cent of the total amount of import of the goods into the customs territory of the Russian Federation.

Article 31. Persons Concerned when an Investigation is Conducted

1. Below are the persons deemed "persons concerned" when an investigation is being conducted:

the Russian manufacturer of [directly competing goods](#), an association of Russian manufacturers in which the majority of members are manufacturers of directly competing goods or an association of Russian manufacturers whose members manufacture over 50 per cent of Russia's total output of directly competing goods (when an application for a [special protective measure](#) is filed);

the Russian manufacturer of [similar goods](#), an association of Russian manufacturers in which the majority of members are manufacturers of similar goods or an association of Russian manufacturers whose members manufacture over 50 per cent of Russia's total output of similar

goods (when an application for an antidumping measure or a [compensatory measure](#) is filed);

a foreign exporter, foreign manufacture or Russian importer of the goods being the subject matter of an investigation, an association of foreign persons in which the majority of members are manufacturers and/or exporters of the goods, an association of Russian juridical persons in which the majority of members are importers of the goods;

the government of a foreign state and/or an empowered body of the country of origin or export of the goods being the subject matter of an investigation or an empowered body of a union of foreign states incorporating the countries of origin or export of the goods;

public associations of consumers if the goods are primarily a consumption item for natural persons.

2. During the investigation the persons concerned specified in [Part 1](#) of the present article shall act either in person or through their representatives whose powers have been appropriately formalised in keeping the [civil legislation](#) of the Russian Federation.

If during an investigation a person concerned is acting through an authorised representative the body in charge of investigations shall provide the person concerned with all information on the subject matter of the investigation only through this representative.

Article 32. Confidential Information

1. The information provided by a person concerned to the body in charge of investigations shall be deemed confidential if this person provides a validation to the effect that disclosure of such information will give an advantage to a third person in the competitive environment or cause unfavourable consequences for the person who provided this information or for the person from which this information was received. Confidential information shall not be disclosed without the permission of the person concerned who provided it, except for the cases envisaged by federal laws.

The body in charge of investigations shall be entitled to demand that a person concerned who has furnished confidential information provide a non-confidential version thereof. The non-confidential version shall contain information sufficient for understanding the essence of the confidential information furnished. If in response to a demand by the body in charge of investigations for the provision of non-confidential version of a confidential information the person concerned declares that the confidential information cannot be presented in such a form, the person shall provide proof that the confidential information cannot be presented in such a form.

If the body in charge of investigations has established that the validation presented by the person concerned does not allow the furnished information to be classified as confidential or if the person concerned that did not provide a non-confidential version of confidential information has not provided proof that the confidential information cannot be furnished in this form or if the person has provided information which is not deemed a validation of the fact that the confidential information cannot be presented in such a form, then the body in charge of investigations may ignore such information.

2. The body in charge of investigations shall be accountable under the legislation of the Russian Federation for disclosure of confidential information.

Article 33. The Peculiarities of Selecting Up the Branch of the Russian Economy Affected by Dumping Imports or Subsidised Imports

1. In an investigation preceding the introduction of an antidumping or compensatory measure the term "[branch of the Russian economy](#)" shall have the meaning established by [Article 2](#) of the present Federal Law, except for the cases specified in [Parts 2](#) and [3](#) of the present article.

2. When the Russian manufacturers of [similar goods](#) are at the same time importers of goods which are supposedly a [dumping import](#) or [subsidised import](#) item or have a relation with exporters or importers of such goods the "branch of the Russian economy" means only the rest of Russian manufacturers of similar goods.

3. When a branch of the Russian economy is selected the territory of the Russian Federation may be considered as a territory where two or several competing markets operate and Russian

manufacturers within one of the said markets may be considered as a separate branch of the Russian economy if such manufacturers in such a market sell at least 80 per cent of similar goods manufactured by them and demand for similar goods in such a market is not met to a significant degree by the Russian manufacturers of these goods which are located in the rest of Russia's territory. In such cases the existence of losses resulting from dumping imports or subsidised imports can be established even if no loss has been inflicted on the main part of the branch of the Russian economy, provided that the sale of the goods being a dumping import or subsidised import item is focused on one of the said competing markets and the dumping imports or subsidised imports cause losses to at least 80 per cent of the Russian manufacturers of similar goods within one such market.

4. Where the term "branch of Russian economy" has the meaning established by [Part 3](#) of the present article and according to the results of an investigation a decision has been made to apply an [antidumping measure](#) or a compensatory measure this measure may be applied to the whole import into Russia's customs territory of the goods being the subject matter of the investigation. In such a case an [antidumping duty](#) or [compensatory duty](#) shall be introduced only after the exporters of the goods being the subject matter of the investigation have been given an opportunity to terminate export of the goods into this territory at prices below its normal value (in the case of dumping imports) or at prices different from those of the [ordinary course of trading](#) (in the case of subsidised imports) or to assume the obligations specified in [Part 1 of Article 15](#) (in the case of dumping imports) or in [Part 1 of Article 22](#) (in the case of subsidised imports) of the present Federal Law, provided such an opportunity has not been used by the exporters.

5. The relationships regulated by the present article shall be subject to the provisions of [Part 6 of Article 13](#) (in the case of dumping imports) or [Part 6 of Article 20](#) (in the case of subsidised imports) of the present Federal Law.

Article 34. Consultations for Establishing the Existence of a Foreign State's (Union of Foreign States') Supposed Specific Subsidy

1. After the acceptance for consideration of the application specified in [Part 1 of Article 25](#) of the present Federal Law and until the adoption of a decision on commencement of an investigation the body in charge of investigations may propose to the empowered body of the foreign state (union of foreign states) from which the goods to be subjected to a compensatory measure are exported to hold consultations in order to assess the situation in terms of availability, size and consequences of the granting of the supposed specific subsidy of the foreign state (union of foreign states) and to achieve a mutually acceptable solution. Such consultations may also be continued during the investigation.

2. The holding of consultations aimed at assessing the situation in terms of the availability, size and consequences of the granting of the supposed [specific subsidy of a foreign state \(union of foreign states\)](#) shall not prevent the body in charge of investigations from taking a decision to commence an investigation and also from drawing up a preliminary or final statement on the results of such an investigation and it shall not prevent the Government of the Russian Federation from adopting a decision to apply a compensatory measure.

Article 35. Notices on the Decisions Taken in Connection with an Investigation

1. The notice of commencement of an investigation shall contain the following:

- a description of the goods being the subject matter of the investigation;
- the name of the foreign state (union of foreign state) from which the goods being the subject matter of investigation are exported;
- a brief summary of facts confirming the feasibility of adoption of a decision to commence an investigation (when a decision on commencement of an investigation is taken on the basis of an application for a [special protective measure](#));
- grounds for establishing the existence of [dumping imports](#) (when a decision is taken on commencement of an investigation on the basis of an application for an antidumping measure);
- grounds for establishing the existence of a specific subsidy (when a decision on commencement

of an investigation is taken on the basis of an application for a [compensatory measure](#));

a brief summary of facts confirming that losses have been inflicted on a [branch of the Russian economy](#) (when a decision on commencement of an investigation is taken on the basis of an application for an [antidumping measure](#) or compensatory measure);

the address for persons concerned to send their written opinions to as well as information related to the investigation;

the term for persons concerned to present their written opinions and information related to the investigation;

the term for participants in the investigation to petition for holding a public hearing as envisaged by [Article 27](#) of the present Federal Law;

the term for participants in the investigation to petition for holding talks as envisaged by [Part 1 of Article 29](#) of the present Federal Law.

The terms specified in the notice of commencement of an investigation shall be set by the body in charge of investigations in keeping with the provisions of the present Federal Law and they shall not be shorter than 30 calendar days.

2. The body in charge of investigations shall arrange for the publication of notices of suspension, termination of an investigation and also of any decision concerning the introduction, application, review or lifting of an [antidumping measure](#) or [compensatory measure](#). Such notices shall be forwarded to the empowered body of the foreign state (union of foreign states) from which the goods being the subject matter of an investigation are exported as well as to the other persons concerned known to the body in charge of investigations.

3. The notice of introduction of a preliminary [antidumping duty](#) or preliminary [compensatory duty](#) shall contain an explanation of the preliminary statement of the body in charge of investigations on the existence of dumping imports or [subsidised imports](#) and losses to a branch of the Russian economy resulting from them as well as an indication of the facts and regulatory legal acts on the basis of which the decision was made to introduce the preliminary antidumping duty or preliminary compensatory duty.

4. According to the results of the investigation preceding the taking of a [special protective measure](#) the body in charge of investigations shall arrange for the publication, within ten calendar days after the completion of the investigation, of the basic conclusions drawn by the said body on the basis of analysis of the information it has to hand.

5. The notice of completion of an investigation according to the results of which a decision has been made to introduce an antidumping duty or compensatory duty or to approve the obligations specified in [Part 1 of Article 15](#) (in the case of [dumping imports](#)) or in [Part 1 of Article 22](#) (in the case of subsidised imports) of the present Federal Law shall contain an explanation of the final statement of the body in charge of investigations on the results of the investigation and also an indication of the facts and regulatory legal acts on the basis of which the decision was taken.

6. The notice of completion or suspension of an investigation in connection with the approval of the obligations specified in [Part 1 of Article 15](#) (in the case of dumping imports) or in [Part 1 of Article 22](#) (in the case of subsidised imports) of the present Federal Law shall contain a non-confidential version of such obligations.

7. The provisions of the present article with due regard to the appropriate differences shall be applicable to the notices of commencement and completion of repeated investigations conducted under [Articles 10, 17](#) and [24](#) of the present Federal Law.

8. The notice of commencement of an investigation and the other notices envisaged by the present chapter and [Chapter 6](#) of the present Federal Law shall be subject to publication in Rossiyskaya Gazeta.

Chapter 6. Concluding Provisions

Article 36. Judicial Defence

Economic disputes and other cases relating to regulation by the present Federal Law of

relationships (in particular, cases of disputed regulatory legal acts and non-regulatory legal acts, decisions and actions (omissions) of state bodies and officials) shall be heard by [arbitrazh courts](#).

Article 37. The Non-Applicability of a Special Protective Measure, Antidumping Measure, Compensatory Measure

1. Within 14 calendar days after the date of registration of a report filed by the body in charge of investigations on the results of an investigation the Government of the Russian Federation may take a decision on non-applicability of the [special protective measure](#), [antidumping measure](#) or [compensatory measure](#) envisaged by the present Federal Law even if the application of such measures complies with the criteria and procedures established by the provisions of the present Federal Law.

Such a decision may be taken if the application of such measures can cause losses to a [branch of the Russian economy](#), the economy of the Russian Federation as a whole or to the interests of a significant number of consumers of goods or in other cases when reasons of state importance exist.

The decision on non-applicability of a special protective measure, antidumping measure or compensatory measure shall be substantiated.

This decision may be reviewed if a change occurs in the reasons which underlie the decision.

2. The body in charge of investigations shall arrange for the publication of a notice of the non-applicability in keeping with the present article of an antidumping measure or compensatory measure. Such a notice shall be forwarded to the empowered body of the foreign state (union of foreign states) from which the goods being the subject matter of the investigation are exported and to the other persons concerned known to the body in charge of investigations.

3. No [special protective measure](#), [antidumping measure](#) and [compensatory measure](#) shall be applicable if:

under the [customs legislation](#) of the Russian Federation, the terms of specific customs regimes or customs proceedings envisage exemption of goods from bans and restrictions of an economic nature;

goods are imported into the customs territory of the Russian Federation as gratuitous aid (assistance) to the Russian Federation in keeping with the legislation of the Russian Federation.

Article 38. International Treaties of the Russian Federation

If an international treaty of the Russian Federation has established rules other than from those envisaged by the present Federal Law, the rules of the international treaty shall be applied.

Article 39. Declaring as No Longer Valid the Provisions of a Legislative Act of the Russian Federation in Connection with the Enactment of the Present Federal Law

1. The following shall be deemed no longer valid as of the day when the present Federal Law [enters into force](#):

[Items 2 and 5 of Article 12](#), [Items 1 and 3 of Article 18](#) of Federal Law No. 63-FZ of April 14, 1998 on Measures for Protection of the Economic Interests of the Russian Federation as Foreign Trade in Goods Is Being Pursued (Sobranie zakonodatelstva Rossiyskoy Federatsii, item 1798, No. 16, 1998).

2. Upon the expiry of 12 months after the [entry into force](#) of the present Federal Law the following shall be deemed no longer valid:

[Paragraphs 2, 3 and 6 of Item 1 of Article 1](#), [Paragraphs 2 - 8, 11 - 25 of Article 2](#), [Articles 3 - 5, Items 1 - 4 of Article 6](#), [Articles 7 - 11](#), [Items 1, 3 and 4 of Article 12](#), [Articles 13 and 14](#), [Items 2, 4 - 14 of Article 18](#), [Articles 19 - 23](#) of Federal Law No. 63-FZ of April 14, 1998 on Measures for Protection of the Economic Interests of the Russian Federation as Foreign Trade in Goods Is Being Pursued (Sobranie zakonodatelstva Rossiyskoy Federatsii, item 1798, No. 16, 1998).

Article 40. On the Entry Into Force of the Present Federal Law

The present Federal Law shall enter into force as of the date of its [official publication](#).

President of the Russian Federation
The Kremlin, Moscow

V. Putin