

GENERAL AGREEMENT ON TARIFFS AND TRADE

Committee on Anti-Dumping Practices

Ad-Hoc Group on the Implementation
of the Anti-Dumping Code

DRAFT RECOMMENDATIONS OF THE COMMITTEE CONCERNING
PROCEDURES FOR AN ON-THE-SPOT INVESTIGATION

Revision

I

The Committee is aware that some difficulties have arisen in this area which have been caused mainly by the failure of the investigating authorities to advise the exporting firms of the proposed date of the visit and the purpose of the investigation. It should be borne in mind that the firms will require time to prepare for the visit. There have also been instances where the authorities of the exporting country have not been specifically informed of the proposed visit.

The Committee notes that although the Anti-Dumping Code recognizes the right of the investigating authorities to carry out investigations in the exporting country in order to verify information provided or to obtain further details, there is a requirement to obtain the prior agreement of the firms concerned and to notify the authorities of the country to be visited, who may object to the visit (Article 6:5).

II

The Committee recommends that in order to overcome these problems:

- (a) upon initiation of an investigation the authorities of the exporting country and the firms known to be concerned should be informed of the intention to carry out on-the-spot investigations in accordance with Article 6:5;
- (b) if in exceptional circumstances it is intended to include non-governmental experts in the investigating team the firms and the authorities of the exporting country should be so informed. Such non-governmental experts should be subject to effective sanctions for breach of confidentiality requirements.
- (c) it should be standard practice to obtain explicit agreement of the firms concerned in the exporting country before the visit is finally scheduled;

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- (d) as soon as the agreement of the firms concerned has been obtained the investigating authorities should notify the authorities of the exporting country of the names and addresses of the firms to be visited and the dates agreed.
- (e) sufficient advance notice should be given to the firms in question before the visit is made;
- (f) visits to explain the questionnaire should only be made at the request of an exporting firm. In case of such a request the investigating authorities may place themselves at the disposal of the firm; such a visit may only be made, provided the authorities of the importing country notify the representatives of the government of the country in question and unless the latter object to the visit.
- (g) as the Anti-Dumping Code envisages that the main purpose of the on-the-spot investigation is to verify information provided or to obtain further details, it should be carried out after the response to the questionnaire has been received unless the firm agrees to the contrary and the government of the exporting country is informed by the investigating authorities of the anticipated visit and does not object to it; further it should be standard practice prior to the visit to advise, the firms concerned of the general nature of the information to be verified and of any further information which needs to be provided, though this should not preclude requests to be made on the spot for further details to be provided in the light of information obtained;
- (h) enquiries or questions put by the authorities or firms of the exporting countries and essential to a successful on-the-spot investigation should, whenever possible, be answered before the visit is made.