

Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

Replies of JAPAN¹
to questions posed by INDIA²

The following communication, dated 29 July 1996, has been received from the Permanent Mission of Japan.

Necessary notifications of laws and regulations and the Guideline are in the course of preparation, and will be submitted by the next meeting of legislation review.

1. *Article 6.1 of the Anti-Dumping Agreement while defining "interested parties" includes government of the exporting Member. Similarly, Article 12 of the SCM Agreement requires investigating authorities to notify interested Members of the information required for investigation. We have not been able to locate corresponding provisions in the Japanese laws and regulations, although, "interested parties for domestic industry" have been defined in Article 5 of the Anti-Dumping Cabinet Order and Article 5 of the Countervailing Duty Cabinet Order requires notification to "directly interested persons" which does not include the interested Members. It may be clarified whether provisions exist for notifying to the concerned governments before initiation of anti-dumping investigations or countervailing duty investigations.*

The provisions of Article 12.1 of the AD Agreement and Article 22.1 of the SCM Agreement are directly applied, so that the governments concerned are properly notified before the investigations are initiated.

2. *Article 13.1 of the SCM Agreement makes it mandatory that Members, the producers of which may be subject to investigations initiated as per Article 11 shall be notified for consultations. The Japanese law and regulations do not appear to reflect this provision. This may be clarified.*

The provisions of Article 13.1 of the SCM Agreement are directly applied.

¹G/ADP/N/1/JPN/2+ Corr.1-G/SCM/N/1/JPN/2+ Corr.1.

²G/ADP/W/240-G/SCM/W/250.

3. *Article 4 of the Anti-Dumping Cabinet Order defines the term "industry in Japan" as referring to the producers in Japan whose collective output of the like products constitutes more than a substantial proportion of the total domestic production of the like products. Article 4 of the Anti-Dumping Agreement defines domestic industry as referring to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products. It may be clarified whether the words "substantial proportion" mean at least a major proportion i.e. more than 50 per cent of the total domestic production.*

The difference was caused by a translation error ("major proportion" is the correct translation). The "major proportion" is interpreted as 50 per cent in the "Guidelines".