ANNEX 7A

PRACTICES RELATING TO ANTI-DUMPING AND COUNTERVAILING DUTY PROCEEDINGS[1]

The Parties recognise the right of the Parties to apply trade remedy measures consistent with Article VI of GATT 1994, the AD Agreement, and the SCM Agreement. The following practices[2] are practised by some Parties in accordance with their laws and regulations and may promote the goals of transparency and due process in trade remedy proceedings.

Opportunity to Remedy or Explain Deficiency in Request for Information

1. If, in an anti-dumping or countervailing duty investigation, a Party's investigating authorities determine that an interested party's timely response to a request for information does not comply with the request, the investigating authorities:

   (a) inform that interested party that submitted the response of the nature of the deficiency; and

   (b) to the extent practicable in light of the time-limits established to complete the anti-dumping or countervailing duty investigations, provide that interested party with an opportunity to remedy or explain the deficiency.

   If that interested party submits further information in response to the deficiency and the investigating authorities find such response not satisfactory, or the response is not submitted within the applicable time-limits, and if the investigating authorities disregard all or part of the original and subsequent responses, the investigating authorities explain the reasons for disregarding the responses in the determination or other written document.

[1] This Annex, and any matter arising under the Annex, shall not be subject to dispute settlement under this Agreement and shall not prejudice the rights of the Parties to apply the trade remedy measures consistent with Article VI of GATT 1994, the AD Agreement, and the SCM Agreement.

[2] The practices included in this Annex do not constitute a comprehensive list of practices relating to anti-dumping and countervailing duty proceedings. No inference shall be drawn from the inclusion or exclusion of a particular aspect of such proceedings in this Annex.

Undertakings

2. After the importing Party's investigating authorities initiate an anti-dumping or countervailing duty investigation, on request of the exporting Party, the importing Party transmits to the exporting Party's embassy located in the importing Party or the exporting Party's competent authorities written information regarding the importing Party's procedures for requesting its authorities to consider a price undertaking, including the time frames for offering and concluding any such undertaking.

3. In an anti-dumping investigation, where the importing Party's investigating authorities have made a preliminary affirmative determination of dumping and injury caused by such dumping, the importing Party affords due consideration, and provides an opportunity for consultations, to exporters of the exporting Party regarding the proposed price undertaking which, if accepted, results in suspension of the investigation without imposition of anti-dumping duties, through the means provided for in the importing Party's laws, regulations, and procedures.

4. In a countervailing duty investigation, where the importing Party's investigating authorities have made a preliminary affirmative determination of subsidisation and injury caused by such subsidisation, the importing Party affords due consideration, and provides an opportunity for consultations, to the exporting Party and its exporters, regarding the proposed undertaking which, if accepted, results in suspension of the investigation without imposition of countervailing duties, through the means provided for in the importing Party's laws, regulations, and procedures.

Public Notice and Explanation of Determination

5. When a public notice of final determination referred to in paragraph 2 of Article 12 of the AD Agreement is given, the public notice sets forth, or otherwise make available through a separate report, in sufficient detail, the findings and conclusions reached on all issues of fact and law considered material by the investigating authorities. Such findings and conclusions included in the public notice or the separate report also include the rationale behind the findings and conclusions of the investigating authorities.

6. For the purposes of paragraph 5 and subject to the protection of confidential information, the public notice or the separate report contains in particular: