

1 ARTICLE 6 OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

1.1 Text of Article 6

Evidence

6.1 All interested parties in an anti-dumping investigation shall be given notice of the information which the authorities require and ample opportunity to present in writing all evidence which they consider relevant in respect of the investigation in question.

- 6.1.1 Exporters or foreign producers receiving questionnaires used in an anti-dumping investigation shall be given at least 30 days for reply.¹⁵ Due consideration should be given to any request for an extension of the 30-day period and, upon cause shown, such an extension should be granted whenever practicable.

(footnote original) ¹⁵ As a general rule, the time-limit for exporters shall be counted from the date of receipt of the questionnaire, which for this purpose shall be deemed to have been received one week from the date on which it was sent to the respondent or transmitted to the appropriate diplomatic representative of the exporting Member or, in the case of a separate customs territory Member of the WTO, an official representative of the exporting territory.

- 6.1.2 Subject to the requirement to protect confidential information, evidence presented in writing by one interested party shall be made available promptly to other interested parties participating in the investigation.

- 6.1.3 As soon as an investigation has been initiated, the authorities shall provide the full text of the written application received under paragraph 1 of Article 5 to the known exporters¹⁶ and to the authorities of the exporting Member and shall make it available, upon request, to other interested parties involved. Due regard shall be paid to the requirement for the protection of confidential information, as provided for in paragraph 5.

(footnote original) ¹⁶ It being understood that, where the number of exporters involved is particularly high, the full text of the written application should instead be provided only to the authorities of the exporting Member or to the relevant trade association.

6.2 Throughout the anti-dumping investigation all interested parties shall have a full opportunity for the defence of their interests. To this end, the authorities shall, on request, provide opportunities for all interested parties to meet those parties with adverse interests, so that opposing views may be presented and rebuttal arguments offered. Provision of such opportunities must take account of the need to preserve confidentiality and of the convenience to the parties. There shall be no obligation on any party to attend a meeting, and failure to do so (e)2.3 (to d).

reasonable number of interested parties or products by using samples which are statistically valid on the basis of information available to the authorities at the time of the selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated.

6.10.1 Any selection of exporters, producers, importers or types of products made under this paragraph shall preferably be chosen in consultation with and with the consent of the exporters, producers or importers concerned.

6.10.2 In cases where the authorities have limited their examination, as provided for in this paragraph, they shall nevertheless determine an individual margin of dumping for any exporter or producer not initially selected who submits the necessary information in time for that information to be considered during the course of the investigation, except where the number of exporters or producers is so large that individual examinations would be unduly burdensome to the authorities and prevent the timely completion of the investigation. Voluntary responses shall not be discouraged.

6.11 For the purposes of this Agreement, "interested parties" shall include:

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questionnaires and other requests for information, and establish deadlines for the submission of replies to such questionnaires and requests, as well as for other aspects of investigations, in order to ensure the orderly conduct and timely completion of the investigation. The Committee is mindful that each Members' investigating authority has discretion to grant or deny a particular request for extension of a particular deadline, in light of the facts and circumstances of the investigation at hand.

The Committee considers that a non-binding, non-exhaustive indicative list of elements relevant to a decision whether to grant or deny such a request for extension of time to respond to a questionnaire or other request for information would be useful. In light of the foregoing, the Committee considers that the following elements may be considered by an investigating authority in deciding whether to grant or deny a request for extension of time to provide information:

1. the time available for the conduct of the investigation and making the necessary determinations, including the time periods established in national legislation, regulations, and schedules governing the conduct of the investigation at hand, and whether the information can be considered in a subsequent phase of the investigation;
2. previous extension(s) of time granted to the same party in the same investigation;
3. the ability of the party from whom information is sought to respond to the request, in light of the nature and extent of the information requested, including the party's available resources, personnel, and technological capability;
4. any unusual burdens that will be incurred by the party being asked for information in searching for, identifying and/or compiling the information requested;
5. whether the party requesting the extension has provided a partial response to the request, or has previously provided information requested in the same investigation, al (d0a2-3 (d)1)1 (h3.6 -2.547 Td(2.)T4)1 (b)3.3 (ur)7.4 (d)16.6 (ei3 (m)5.7