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1 ARTICLE 8

1.1 Text of Article 8

8.1 Proceedings may¹⁹ be suspended or terminated without the imposition of provisional measures or anti-

1.2 General

1. The Panel in _____ considered the extent of the obligation under Article 8.3 of the Anti-Dumping Agreement and Article 18.3 of the SCM Agreement concerning price undertakings. According to the Panel, under Article 8:

"AD Article 8 and SCM 18 provide that when offered, the investigating authority need not accept the undertaking if it considers it impractical or if for other reasons it does not want to accept the undertaking. The decision to accept an undertaking or not under the Agreements is one the investigating authority is to take, and it may reject an undertaking for various reasons, including reasons of general policy. The fact that domestic producers may or may not be influenced by the CDSOA to suggest to the authority not to accept the undertaking, does not affect the possibility for interested parties concerned to offer an undertaking or for that undertaking to be accepted, in light of the non-decisive role of the domestic industry in this process.

In addition we note that the text of AD Article 8.3 and SCM Article 18.3 does not require the authority to examine objectively any undertaking offered. Rather, it stresses that undertakings offered need not be accepted and that the reasons for rejecting an undertaking may be manifold and include reasons of general policy. In our view, the CDSOA cannot be found to impede the objective examination of the appropriateness of accepting an undertaking, in the absence of any such obligation under AD Article 8 and SCM 18."¹

2. In _____, the Panel observed that "[u]nder Article 8 of the AD Agreement, undertakings to revise prices or cease exports at dumped prices can be accepted only from individual exporters, following at least a preliminary determination of dumping".² The Panel then noted that:

"This is in contrast to the par0.000-87(p)-3(ar0.000-q0.b)-3(serve8)-7(d)-3(e)-3()-47(t)si0.6(t)-5(ra-3(u