

about negative conclusion regarding dumping (damage) and, as a consequence, about cessation of the antidumping proceeding;

about cancellation of Commission's decision to pay antidumping duty; or

about termination of investigation suspended in accordance with Article 15 of this Law.

3. Part 3 of Article 7 shall read:

“3. The prices, established between the associated parties (between controlling party and party under control) or between the parties, which entered into the compensation agreement, may be treated as those, not practiced in the traditional trade operations and may be unused for determination of a normal value, provided it is not established that such prices have no effect upon mutual relations of the parties.

4. In item 2 of Part 8 of Article 9 replace the language “actual” with “actual” [translator's note: changes in Ukrainian text do not affect English]

5. Part 3 of Article 10 shall read:

„3. Regarding the volumes of dumped imports it shall be investigated, whether there was a significant growth of absolute indicators of volumes of dumped imports or with respect to the production or consumption of the relevant goods in Ukraine

Regarding the effect of dumped imports upon prices of similar goods it shall be investigated:

1) whether a substantial cutting of price by dumped imports as compared with the price of similar goods in Ukraine, took place;

2) whether such imports by any other means cause considerable decrease of prices or substantially impedes a possible increases of prices which otherwise would have occurred.

The Ministry shall consider more than one factor, stipulated in this Part, while making a corresponding decision on the issue, specified in Item 1 of Part 2 of this Article.

6. Paragraph 2 of Part 5 of Article 10 shall read:

The Ministry shall consider more than one factor, stipulated in this Article, while making a corresponding decision on the issue, specified in Item 2 of Part 2 of this Article.

7. In Part 10 of Article 10 replace the language “determination” with “determination” [translator's note: changes in Ukrainian text do not affect English]

8. Part 11 of Article 10 shall read:

“The Ministry shall take into account all the factors, specified in Part 10 of this Article in aggregate, while making a decision on inevitability of dumped exports into Ukraine from exporting country (exporting countries) and substantial damage, caused by these exports, unless any preventive measures are taken.”

9. Part 9 of Article 12 shall read:

“9. In the process of an anti-dumping procedure the Ministry shall simultaneously consider the evidence of the presence of dumping and the damage, stipulated in the complaint, and assess their sufficiency and validity for taking decision on initiation of an anti-dumping investigation or its rejection.”

If in the process of an anti-dumping procedure the Ministry establishes that the evidence of the presence of dumping, damage or cause-and-effect relation between them is not sufficient to justify the continuation of antidumping procedure, in particular that the actual or potential volumes of dumped imports are non-substantial or the margin of dumping is considered to be minimal, a complaint, submitted by an applicant in accordance with the Parts 1-3 of this Article 12 shall be rejected. The Ministry may recommend the Commission to make corresponding decision on dismissal to institute antidumping investigations.

The margin of dumping is considered to be minimal, if its value is less than 2 % of export price.

The actual or potential volumes of dumped imports are as a rule considered to be non-substantial, if the volumes reach less than 3 % of imports of similar goods to Ukraine, provided that the volumes of imports from exporting countries, which volumes of imports are less than 3 % of imports of similar goods to Ukraine, together reach less than 7 %.

The antidumping measures shall not be applied to the imports from developing WTO member-country, provided that the actual and potential volumes of imports from this country is less than 4 % of the total volume of imports of similar goods from countries of import. But this rule shall not be applied, if the aggregate share of exporting countries, which individual shares are less than 4%, exceed 9 % of the total volumes of imports to Ukraine.

The lists of developing WTO member-countries are provided in Attachments 5 and 6 of the Law of Ukraine „On Protection of the National Producer against Subsidized Imports”

10. Paragraph 1 of Part 10 of Article 13 shall read

“10. The term of performing an anti-dumping investigation shall not exceed one year since the date when the decision on its initiation entered into force.”

11. In Paragraph 2 of Part 10 of Article 13 digits “15” shall be replaced with “18”.

12. Part 4 of Article 16 shall read:

“4. If in the process of an anti-dumping procedure the Ministry establishes that the evidence of the presence of dumping, damage or cause-and-effect relation between them is not sufficient to justify the continuation of antidumping procedure, in particular that the actual or potential volumes of dumped imports are non-substantial or the margin of dumping is considered to be minimal, a complaint, submitted by an applicant in accordance with the Parts 1-3 of Article 12 of this Law, the Commission, upon Ministry submission [statement], shall as a rule make a corresponding decision on dismissal to institute an antidumping investigations and termination of antidumping procedure.

If in the process of an anti-dumping investigation the Ministry establishes that the evidence of the presence of dumping, damage or cause-and-effect relation between them is not sufficient to justify the continuation of antidumping investigation, in particular that the actual or potential volumes of dumped imports are non-substantial or the margin of dumping is

3) the Ministry submits to the Commission the exporter's obligations together with the relevant proposals;

4) not later than within 90 days after the date of the decision mentioned in item 1 of this Article, the Commission made a decision to accept the exporter's obligations to cease the dumped imports. The increase in prices pursuant to the exporter's obligations

shall not exceed the rate, required for the elimination of the margin of dumping;

but may be less than the value of the margin of dumping, where the specified increase is sufficient for the liquidation of damage, caused to the national producer by the dumped imports.

Where the national producer determines the aggregate number of the producers of a certain region according to part one and two of Article 11 of this Law, the exporters shall be given an opportunity to offer their obligations as to importation of their products to the corresponding markets according to this Article. In such a case the regional interests shall be taken into account as well, provided the Commission establishes that application of the provisional anti-dumping measures meets the national interests

If the Commission made a decision to accept the exporter's obligations to cease the dumped imports and these obligations remain effective, provisional anti-dumping duty, imposed by the Commission in accordance with the Article 14 of this Law, or definitive antidumping duty, imposed by the Commission in accordance with the Article 16 of this Law, depending upon circumstances shall not be imposed to the imported goods manufactured by the interested party mentioned in commission's decision to accept obligations or in any following decision, provided that these obligations remain effective.

14. Parts 9 and 10 of Article 15 shall read:

„9. Any interested party, in particular a national producer, may submit to the Ministry information bearing evidence of violation of obligations to cease dumped imports. In this case the Ministry shall introduce monitoring of imports within the framework of the obligation and examine other relevant information. The term of monitoring and examination shall not exceed 6 months from the date of submission by interested party.

In case the Ministry identifies the facts of violation or withdrawal of obligations to cease dumped imports by any interested party or in case of withdrawal of obligation by the Commission upon Ministry submission [statement], the Commission shall as a rule make a decision to apply antidumping measures by simple majority vote. In this decision the Commission shall authorize:

1) the Ministry and the Service to issue the relevant orders to collect provisional antidumping duty, imposed by the Commission in accordance with the Article 14 of this Law and (or) definitive antidumping duty, imposed by the Commission in accordance with the Article 16 of this Law, on the grounds of violation or withdrawal of the mentioned obligation;

2) the Ministry to publish a notification on application of antidumping measures on the grounds of violation or withdrawal of the mentioned obligation in a newspaper.

The interested exporter, except for the cases of exporter's termination of obligations shall have an opportunity to submit to the Ministry his comments which may be taken into account while considering the relevant case at the Commission's meeting.

10. The provisional and (or) definitive antidumping duty may be imposed in accordance with the Article 14 and (or) Article 16 of this Law depending upon circumstances, on the grounds of available information provided by the interested party in particular by a national producer, if there are reasons to believe that the obligations are violated or in case of violation or withdrawal of obligations, when an antidumping investigation, resulted in such obligations, has not been terminated.

15. Paragraph 1 of Part 2 of Article 17 shall read:

“In case of introduction of the provisional anti-dumping duty and if the Ministry ultimately established the facts of dumping and damage, the Commission, on proposal of the Ministry, shall make decision to specify the rate of the provisional anti-dumping duty, regardless of the decision on application of the definitive anti-dumping duty shall be made. “

16. Part 3 of Article 18 shall read:

„5. The requirements of Articles 12 and 13 of this Law, with the exception of the terms determined by these Articles, shall extend to the procedure of reconsideration of antidumping measures which shall be performed in accordance with the Articles 19-22 of this Law. The reconsiderations, performed in accordance with the Articles 19-20 of this Law, shall be completed promptly and, as a rule, not later than within twelve months from the date of initiation of such reconsideration. In any case the reconsiderations performed in accordance with the Articles 19-20 of this Law shall be completed within 15 months from the date of their initiation. The reconsiderations, performed in accordance with the Article 20 of this Law, shall be completed within 9 months from the date of their initiation. If the reconsideration, performed in accordance with the Article 19 of this Law, is initiated at the same

time when the reconsideration, performed in accordance with the Article 20 of this Law, continues within the same antidumping process, the reconsiderations, performed in accordance with the Article 20 of this Law, shall be completed within the terms, established for the reconsiderations, performed in accordance with the Article 19 of this Law.

The Ministry shall submit to the Commission for consideration the proposals on measures no later than a month before the above deadlines.

Should the investigation be not completed within the limits of the above deadlines, the measures shall:

- be terminated due to the expiration of the time-period of their application in the process of investigations, conducted according to Article 19 of this Law,
- be terminated due to the expiration of the time-period of their application in case of investigations that are conducted concurrently according to Articles 19-20 of this Law, if an investigation according to Article 19 of this Law was launched while a reconsideration according to Article 20 of this Law continued within the framework of the same anti-du

to submit comments on the dynamics of re-selling prices or further selling prices. Should the Ministry determine that anti-dumping measures will cause changes in these prices, the following shall be re-computed with the aim to eliminate damage that was previously revealed in the primary investigation: export prices according to Article 8 of this Law, as well as dumping margins aimed at accounting for re-computed export prices. Should the provisions of paragraph one of this Article be considered as complied with, due to export prices decline after completion of the

which shall contain sufficient proof of available facts, specified in paragraphs one and (or) two of this Article.

Based on the complaint, submitted accordi

may be provided by the Ministry after consultations with the Service to importers, which may prove that they are not related to foreign producers, which fall under anti-dumping measures. In such cases the Ministry shall adopt a preliminary conclusion that such foreign producers or importers do not practice evasion to pay an anti-dumping duty pursuant to paragraph one and (or) two of this Article.

Under conditions, specified in Article 21 of this Law, exemptions may be also granted in the process of re-consideration of anti-dumping measures to determine individual amounts of dumping margins for new exporters or producers.

Should the number of parties that request or may request tax exemptions be significant, the Commission, upon the Ministry's proposal, may, if only, at least, one year passed from the date of adopting its decision on application of anti-dumping measures, adopt a decision on launching an intermediate re-consideration of this application. Any re-consideration shall be conducted pursuant to Section V of this Law.”;

21. In paragraph three of Article 28 after language „may be” add language „upon the Ministry's propos

II. This Law shall come into effect after 30 days of its publication.

Part five of paragraph nine of this Law shall be applied from the date of Ukraine WTO accession.

**Chairman of the Verkhovna Rada of Ukraine
V.Litvin**