

**TRANSITIONAL REVIEW MECHANISM  
PURSUANT TO SECTION 18 OF THE PROTOCOL ON THE ACCESSION  
OF THE PEOPLE'S REPUBLIC OF CHINA**

Questions from the United States

The following communication, dated 22 October 2003, has been received from the Permanent Mission of the United States.

1. Many US companies have raised concerns about lack of access to, and lack of completeness of, the public record in Chinese antidumping investigations, which hinders their ability to mount an effective defense. To that end, we would like to ask China to address the following questions regarding transparency.

- (a) What types of documents comprise the official record in an antidumping investigation or review? Will all of these documents have corresponding public versions or non-confidential summaries placed in the public reading room?
- (b) When will MOFCOM begin to make documents related to the injury aspects of anti-dumping proceedings available on a regular basis to interested parties in the public reading room?

2. What mechanisms for judicial, arbitral or administrative review are in place to allow parties to challenge a final determination by the Ministry of Commerce (MOFCOM)? If there are none at this time, please explain when such mechanisms will be put in place and when corresponding rules will be notified to the WTO. If such mechanisms are in place, please detail what steps have been taken to ensure the relevant tribunal is independent of the authorities.

3. The role of the State Council Tariff Commission in China's antidumping proceedings is still not clear. In the minutes of the Committee meeting last year<sup>1</sup>, the delegate of China noted that the Tariff Commission decides whether or not to impose a duty and the level of the duty based on a proposal from the investigating authorities. Has the Tariff Commission ever amended a determination by MOFCOM in an antidumping proceeding? What criteria will the Tariff Commission apply in making such an amendment? Please explain at what stage the Tariff Commission is consulted and what advice is provided to MOFCOM by the Tariff Commission. Are actions taken by the Tariff Commission in antidumping proceedings made public?

4. Please explain what procedures are in place to ensure that the General Customs Administration properly assesses and collects the antidumping duties imposed by MOFCOM. Please

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<sup>1</sup> G/ADP/M/22

also explain what procedures are in place for importers to use when seeking redress if the General Customs Administration makes an error in duty collection or product classification.

5. China is approaching the five-year mark on several antidumping measures and is presently conducting an expiration review on *Newsprint*. When will China notify implementing rules for expiration reviews to the Committee?

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