

**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 Concerning Anti-Dumping

The following communication, dated 23 September 2005, is being circulated at the request of the Delegation of the United States.

**Notification and Related Matters**

1. What ministerial rules regulate the work of the Department of Duty Collection and Administration of the General Administration of Customs (Customs) vis-a-vis anti-dumping duty collection? Please indicate when China will notify these rules to the Committee, as required by Article 16.5 of the Anti-Dumping Agreement (ADA).
2. When will China notify the *Provisional Measures for Accessing the Anti-Dumping Public Information Access Room*, as required by Article 16.5 of the ADA?
3. When will China notify to this Committee the relevant portions of the *Administrative Reconsideration Law and Implementation Measures of Ministry of Commerce on Administrative Reconsideration*, as required by Article 16.5 of the ADA?
4. During the 2004 transitional review conducted in this Committee, the representative of China stated that it would notify the *Provisions of the Supreme People's Court on Certain Issues Concerning the Applicability of Laws in the Hearing and Handling of Anti-Dumping Administrative Cases*. Please indicate when China will notify this measure to the Committee, as required by Article 16.5 of the ADA.
5. During the 2004 transitional review conducted in this Committee, the representative of China stated that one or two pieces of legislation had not been notified due to the burden of translation. As of this time, what laws, rules or regulations that relate to anti-dumping duty actions have not yet been notified to this Committee (other than those addressed above) and when does China intend to notify them?
6. Has there ever been an administrative reconsideration of an anti-dumping investigation? If so, please identify the investigation(s). What documents relating to an administrative reconsideration of an anti-dumping or countervailing duty investigation will be made available to interested parties?
7. Has a judicial review of an anti-dumping measure been heard under the *Provisions of the Supreme People's Court on Certain Issues Concerning the Applicability of Laws in the Hearing and*

*Handling of Anti-Dumping Administrative Cases?* If so, for what measure and what was the outcome?

### **IBII Injury Determinations**

8. Please describe the steps that the Investigation Bureau for Industry Injury (IBII) of the Ministry of Commerce (MOFCOM) follows to inform interested parties prior to the final determination of all essential facts under consideration which form the basis for the decision whether to apply definitive measures, in a manner consistent with Article 6.9 of the ADA.

9. Reports by interested parties suggest that the IBII does not regularly provide in a timely manner sufficiently detailed non-confidential summaries of information submitted to the IBII during anti-dumping investigations, as mandated in Article 6.5 of the ADA. Where non-confidential summaries have been provided by the IBII, they have been criticized as not containing sufficient detail. Please describe the actions that the IBII is taking to address these concerns.

10. Please explain how the IBII satisfies its obligation under 12.2 of the ADA to issue public notices of preliminary and final determinations setting forth "in sufficient detail the findings and conclusions reached on all issues of fact and law considered material"?

11. In considering whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption, does the IBII consider market share data? If so, how does that data factor into the IBII's analysis?

12. Under what circumstances would the IBII find that dumped imports are suppressing prices, as opposed to depressing prices, pursuant to Article 3.2 of the ADA?

13. Under what circumstances would the IBII consider that dumped imports are depressing prices to a significant degree, pursuant to Article 3.2 of the ADA, where no significant price undercutting by dumped imports has been found?

14. Please explain the steps the IBII takes to demonstrate a causal relationship between dumped imports and any material injury exhibited by a domestic industry, as required under Article 3.5 of the ADA. How would the IBII address an interested party argument that material injury exhibited by a domestic industry was the result of a cause other than subject imports?

### **Customs**

15. Please explain the steps MOFCOM takes to ensure that the Customs officials at China's ports are properly informed as to the precise merchandise subject to each anti-dumping measure and the anti-dumping duty rates applicable to each importer.

16. Please explain the steps that Customs takes, both at Beijing headquarters and at each port of entry, to properly identify merchandise subject to anti-dumping measures and assess the correct anti-dumping duties.

17. Please explain the procedures that MOFCOM and Customs follow to promptly resolve disputes at the ports of entry regarding the classification of merchandise subject to and excluded from anti-dumping measures.

18. Please explain the procedures that MOFCOM and Customs follow to resolve disputes regarding anti-dumping duty rates.

**All Others Rate**

19. MOFCOM's public notices of preliminary and final determinations in anti-dumping investigations do not provide detailed explanations of its calculation of the "All Others" rates. Please explain in detail the method by which MOFCOM calculates the "All Others" rate and the specific data upon which MOFCOM relies to make that calculation.

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