

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

Questions from the European Communities
Concerning Anti-Dumping

The following communication, dated 13 October 2005, is being circulated at the request of the Delegation of the European Commission.

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1. China, in its statement to the AD Committee held on 26-29 October 2004, listed the items considered to be essential elements under its interim rules for the purposes of disclosure. However, neither injury nor causality was mentioned in this context. Does China consider that the findings on injury and causality are included in the description "... the essential facts under consideration which form the basis for the decision whether to apply definitive measures", as stated in Article 6.9 of the WTO Anti-Dumping Agreement? Can China please explain its practice regarding disclosure of these elements in anti-dumping investigations and if they consider that this is carried out in a timely manner allowing interested parties to submit arguments prior to the imposition of measures?
 2. Could China explain what are the measures and procedures undertaken for safeguarding the Business Secrets in the interested parties' document submission?
 3. Could China explain how it identifies 'other factors' when examining injury in anti-dumping cases and how it evaluates these 'other factors' in order to ensure that injury suffered by their domestic industry is correctly attributed to dumped imports in accordance with Article 3.5 of the ADA?
 4. The EU has concerns regarding the quantity and content of information requested by the Chinese investigating authorities in the context of anti-dumping investigations and the consequences on companies who may not be in a position to provide all information requested. Could China please clarify their approach regarding questionnaire replies in which the information provided may not be ideal in all respects, but which is nevertheless usable? In what circumstances would China dismiss a questionnaire reply as unusable and revert to best information available? In this context, could China clarify what steps it takes to ensure full compliance with Annex II of the ADA?
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