

**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 to CHINA

The following communication, dated 27 September 2007, is being circulated at the request of the Delegation of the United States.

Notifications

1. During the 2006 Transitional Review Mechanism (TRM) meeting before this Committee, the representative from China stated that the *Regulations on Information Accession and Information Disclosure in Industry Injury Investigations* would be notified to the Committee "within a couple of weeks". It is the United States' understanding that these regulations still have not been notified. Will China notify these regulations without further delay?
2. During the 2006 TRM meeting before this Committee, the representative from China stated that China would soon determine whether its *Regulations on Responding to Anti-dumping Cases of Export Products* would be notified to this Committee. Because these regulations potentially affect how Chinese respondents participate in anti-dumping investigations worldwide, they are of considerable interest to the members of this Committee. What are China's plans regarding the notification of these regulations to the Committee?
3. The United States notes that the Ministry of Commerce (MOFCOM) recently issued an announcement clarifying initiation procedures for its expiry reviews. (*See* Announcement No. 62, issued by MOFCOM on 3 August 2007 and published at <http://english.mofcom.gov.cn/article/policyrelease/domesticpolicy/200708/20070804964904.html>.)
 - (a) When does China intend to notify this announcement to the Committee?
 - (b) Has MOFCOM issued any other revised rules or regulations with regard to its conduct of expiry reviews? If so, when will China notify them to this Committee?

Disclosures

4. The United States has previously reported on complaints from interested parties in Chinese anti-dumping proceedings about a lack of transparency with respect to the factual information before MOFCOM and a lack of adequate explanation by MOFCOM of its interpretation of those facts. For example, respondents have complained that the disclosures of anti-dumping margin calculations in preliminary and final determinations have not contained sufficient information needed to replicate

certain calculations and identify the specific adjustments that were made. Can China please describe the specific steps that MOFCOM has taken since last year's TRM meeting before this Committee to ensure that disclosures provide greater transparency?

Expiry Reviews

5. Several Chinese anti-dumping measures involving US products are expected to be subject to expiry reviews in the next few years.

- (a) What steps has MOFCOM taken to ensure that interested parties in expiry proceedings have adequate access to critical documents and information that are necessary to defend their interests, especially evidence offered by the petitioning domestic industry, as required by Articles 6 and 11 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Anti-Dumping Agreement)?
- (b) What steps has MOFCOM taken to ensure that interested parties in expiry proceedings have sufficient opportunity to present and rebut arguments, as required by Articles 6 and 11 of the Anti-Dumping Agreement?

6. Please describe the steps MOFCOM has taken to ensure that, in the event that a definitive anti-dumping duty is terminated as a result of an expiry review, respondents will be refunded any anti-dumping duties collected beyond the five-year anniversary date of the measure, pursuant to Article 11.3 of the Anti-Dumping Agreement.
