

**Committee on Anti-Dumping Practices
Ad Hoc Group on Implementation**

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**IMPLEMENTATION-RELATED ISSUES REFERRED TO THE
COMMITTEE ON ANTI-DUMPING PRACTICES AND ITS
WORKING GROUP ON IMPLEMENTATION**

Paper Submitted by Indonesia

The following communication, dated 28 January 2002, has been received from the Permanent Mission of Indonesia.

Paragraph 7.2 of document WT/MIN/(01)/17 refers

7.2 Indonesia considers that Article 15 should be operationalized by ensuring that constructive remedies are implemented on a mandatory basis for all developing countries and that this would require modification of the vague terminology such as "where", "possibilities" and "explored".

Under the existing Agreement, the most obvious remedy is price-under takings and the lesser duty principle, and our Delegation considers that they should be made mandatory provisions under Article 15. However, as these remedies are available to all Members, further thought should be given to other constructive remedies and in this case, we consider that this should be linked to the essential interests of developing countries.

In this respect, our Delegation would propose that where imports from developing countries have declined in relative and absolute terms in the twelve month period following the IP, no measures should be imposed against the countries concerned, as the initiation process itself would have, in such circumstance, already impacted the essential interests of the developing countries concerned.

Paragraph 7.3 of document WT/MIN/(01)/17 refers

7.3 Although Article 5.8 does not define the time frame, the language suggests that the rule should apply once the proceeding has been initiated. As the *de minimis* rule is linked to the verification process of dumping and injury, our Delegation considers that the investigation period should be the general benchmark for applying this rule. However, we would also recommend that a distinction be made between dumping and injury. For dumping, *de minimis* can only be established once questionnaires have been returned and verified during the course of the investigation.

However, in the case of *de minimis* imports, as soon as import volumes can be reliably established on the evidence in hand, the 3 per cent rule should be applied. As the IP is known before a proceeding is initiated, and if the import figures are available (without the need for further verification) to assess *de minimis* requirements, then the requirements of Article 5.8 should be exercised before the initiation.
