

WORLD TRADE ORGANIZATION

RESTRICTED

G/ADP/AHG/W/36

18 March 1998

(98-1099)

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

Original: English

TOPIC 6* - ARTICLE 6.2 "HEARINGS"
TOPIC 7* - ARTICLE 6.9 - DISCLOSURE OF ESSENTIAL FACTS

Paper by Israel

The following communication, dated 17 March 1998, has been received from the Permanent Mission of Israel.

In accordance with WTO/AIR/750 of 8 January 1998, Israel is pleased to submit the following information which has not previously been submitted to the Committee.

Topic 6 - Article 6.2 - Hearings

Israel's present anti-dumping law does not obligate the Commissioner to hold formal hearings with the interested parties to the complaint during the investigation stage of the procedure. In practice, however, informal hearings are a common occurrence during the investigation stage of the procedure. The Commissioner will not rely in his findings on oral evidence heard during these meetings but rather the parties are requested to submit in writing any oral information which has been presented.

The Trade Levies Law, obligates the Advisory Committee, after receiving the Commissioner's findings, to hold a formal hearing before submitting their recommendations regarding the imposition of a final duty to the Minister of Trade and Industry. Parties to the investigation are invited to appear before the Committee and state their position and views concerning the complaint. The Law enables the Committee to invite any additional parties to make their views known, if in the Committee's opinion they will aid in the Committee's work. These parties may include representatives of the National Consumer Organization.

A written transcript of the hearing is kept on file.

In many instances the parties are represented by legal counsel during the hearing although there is no obligation to do so.

The sessions are closed to the public.

*See document G/ADP/W/401 for descriptions of topics.

We would like to note that although the official language in Israel is Hebrew, under certain circumstances interested parties are given the opportunity to speak in English during the hearing (with no simultaneous translation back to Hebrew).

Topic 7 - Article 6.9 - Disclosure of Essential Facts

Upon completing the investigation, the Commissioner submits his findings in the form of an extensive report including an analysis of all the relevant facts, views and arguments raised by the parties during the investigation. The findings of the Commissioner which are submitted to the Advisory Committee, serve as a basis for the formal hearing and as a basis for the Committee's deliberations. The full, non-confidential version of the report, in unabridged form, is simultaneously circulated to the parties, prior to the formal hearing before the Committee. The Committee then submits its recommendations to the Minister of Trade and Industry for his final determination. This system of circulating the full report of the Commissioner's findings prior to the formal hearings, helps to ensure transparency.

In practice the Commissioner's extensive report, as well as the recommendations by the Advisory Committee, contain a full description of the following matters:

- a description of the complainant;
- a description of the product under investigation and like product;
- a description of the foreign producers and exporters;
- period of investigation;
- an analysis of the export price, normal value and dumping margin;
- analysis of the injury criteria;
- discussion of the causal link and other factors which may have caused injury;
- level of duty which will eliminate injury.

It is Israel's view that the essential facts to be disclosed to the parties before a final determination is made, should include the above matters.

It should be noted that recently a public interest discussion has been added to the list of topics addressed in the Commissioner's findings.
