

WORLD TRADE ORGANIZATION

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Committee on Anti-Dumping Practices

MINUTES OF THE MEETING HELD ON 29 APRIL 1996

Chairman: Mr. J. McNab (Canada)

1. The Committee on Anti-Dumping Practices ("the Committee") held a regular meeting on 29 April 1996.

2. The Committee adopted the following agenda:

	<u>Page</u>
A. Rules of Procedure (G/ADP/135/Rev.1)	1
B. Semi-Annual Reports of Anti-Dumping Actions (Article 16.4) (G/ADP/N/9 and Addenda)	2
C. Preliminary and Final Anti-Dumping Actions: Notifications (G/ADP/N/7, G/ADP/N/8, G/ADP/N/10 and G/ADP/N/11)	6
D. Notification of Competent Authorities (Article 16.5)	6
E. Possible Establishment of an Ad Hoc Group on Implementation	7
F. The Government of India's Investigation of Bisphenol-A from the United States	8
G. Procedures for the Annual Review and Report of the Committee	9
H. Other Business	10
I. Election of Officers	11

A. Rules of Procedure

3. The Chairman proposed that the Committee adopt the draft rules of procedure contained in document G/ADP/W/135/Rev.1, dated 20 March 1996. He stated that the Secretariat would continue its practice of issuing an annotated draft agenda approximately four to six weeks in advance of regular meetings as it did for the Tokyo Round Committee.

4. The Committee adopted the draft Rules of Procedure and directed the Secretariat to forward them to the Council for Trade in Goods for approval in accordance with paragraph 6 of Article IV of the WTO Agreement.¹

B. Semi-Annual Reports of Anti-Dumping Action (Article 16.4)(G/ADP/N/9 and Addenda)

5. The Chairman observed that with few exceptions the semi-annual reports were not received by the deadline (*i.e.* 26 February 1996), and some were received as late as two months after that deadline. Semi-annual reports received late could not be translated and circulated to Members in sufficient time to allow for the necessary preparatory work for their consideration at the regular meetings of the Committee. Thus, the continuing failure of Members to submit semi-annual reports in a timely fashion limited the Committee's ability to consider the substance of those notifications. Moreover, the semi-annual reports submitted were often incomplete, lacking important information required by the agreed-upon format, such as the list of measures in force at the end of the reporting period.

6. No reports had been received from the following Members: Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Costa Rica, Côte d'Ivoire, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea Bissau, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Jamaica, Kenya, Kuwait, Lesotho, Liechtenstein, Macau, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Pakistan, Qatar, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Senegal, Sierra Leone, Sri Lanka, Suriname, Swaziland, Tanzania, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates and Zimbabwe.

7. The Chairman stated that it was regrettable that such a large number of Members had not filed the required report, particularly as some of these Members had in the past filed such reports indicating that they had undertaken actions, whose status should be reported to the Committee. In this respect, the Chairman further noted that many, if not most of the Members identified above, probably had taken no actions, in which case a simple one sentence notification to that effect was all that was required.

8. Barbados, Bolivia, Cuba, Cyprus, the Czech Republic, Dominican Republic, Honduras, Hong Kong, Iceland, Malta, Norway, Paraguay, Poland, Romania, Slovak Republic, Slovenia, Switzerland, Uruguay and Zambia had notified that they had taken no action during the period.

9. Australia, Brazil, Canada, Chile, Colombia, the European Community, Israel, Japan, Korea, Mexico, New Zealand, Peru, Philippines, Singapore, South Africa, Thailand, Turkey, the United States and Venezuela had notified actions taken.

10. The Chairman urged Members to take their obligations with regard to notifications seriously and make efforts to improve their compliance. The status of implementation of the WTO Agreements would be an important item on the agenda of the Singapore Ministerial meeting, and at this point the status of implementation in the anti-dumping area was quite poor. He noted several questions raised by this situation: for what reasons had so many Members failed to make notifications of legislation or submit semi-annual reports and why were semi-annual reports routinely submitted late and often incomplete? Further, what, if anything, could the Committee do to improve the situation? He noted that, to date, the Committee had been unable to find a sufficiently compelling way to get all delegations

¹The Council for Trade in Goods, pursuant to paragraph 6 of Article IV of the WTO Agreement, approved the Committee's Rules of Procedure at its meeting of 22 May 1996 (G/C/M/10).

to submit the required notifications on time. The Chairman asked Members to consider these issues carefully, and concluded by noting that it would be most unfortunate if the implementation of the Anti-Dumping Agreement were not improved before it was considered by Ministers in Singapore.

11. The delegates of Hong Kong and the United States expressed their concern over the state of notifications.

12. Turning to the review of notifications submitted, the delegate of Hong Kong raised questions concerning a review investigation Canada had initiated on 24 February 1995 on injury findings on dumping of photo albums with self-adhesive leaves, imported together or separately, and self-adhesive leaves. The original measure was first imposed in 1985 and extended in 1990. The latest review was completed in August 1995 and upheld the original injury findings. Hong Kong had a number of concerns relating to both the substance of the review and the way that it had been conducted. Article 16.4 of the Anti-Dumping Agreement requires that Members on a semi-annual basis report to the Committee on any anti-dumping actions taken within the preceding six months. WTO document G/ADP/N/9/CAN, Canada's semi-annual report for July to December 1995, however, did not report the completed review. Article 6.9 of the Anti-Dumping Agreement requires the investigating authorities, before a final determination is made, to inform all interested parties of essential facts under the consideration based on which the determination is made. The Hong Kong Government, as an interested party, had not received such information. Article 12.2 of the Anti-Dumping Agreement states that the investigating authority shall inform all interested parties on the determinations made. Again, the Hong Kong Government had not received any information on the review from Canadian authorities at all. Hong Kong had learned of the outcome of the review earlier this year on its own initiative. Hong Kong was studying the review report and might write to Canada to seek clarification. Hong Kong reserved its right to pursue this matter further.

13. The delegate of the EC requested clarification from the Canadian delegation regarding the investigation on exports from Sweden of aluminium venetian blind material, asking whether the review in this case was a sunset review or some other type of review. In addition, definitive duties apparently were imposed in August 1995, but the level of the duties was not indicated in the report.

14. The representative of Canada stated that the report of the action on aluminium venetian blind material referred to a review of normal values, not a review of injury and not a sunset review. In the Canadian system, a normal value was determined and was applied prospectively. The review did not determine a margin of dumping to apply to future importations. Once a normal value for imports was determined, Canada would assess the duties on the basis of the export price of future importations compared to that normal value. The margin of dumping was determined by the exporter when the exporter set its price to Canada. Regarding the Hong Kong question, he indicated that the activity of the Canadian International Trade Tribunal, which had conducted the inquiry, was reported on page 11 of Canada's semi-annual report. He could not respond to the question whether or not Hong Kong had received a notification of that review, but was quite surprised that they had not, and would pursue this with his authorities in Canada.

15. The delegate of Hong Kong thanked the Canadian delegation for the clarification, but pointed out that it would be expected that the action would be reported in the table of the semi-annual report on pages 2-4.

16. The delegate of Canada observed that there was no agreed format for reporting review investigations. Document G/ADP/1, in footnote 2, indicated that the format for review investigations would be discussed by the Committee. It would be useful to have such discussions, so that semi-annual reports could be properly completed.

17. The delegate of Hong Kong raised a question regarding the semi-annual report of the European Communities, which indicated the initiation of a review investigation involving 3.5" microdisks originating in Hong Kong. Hong Kong understood that this in fact referred to a proceeding against alleged circumvention of anti-dumping duties imposed on 3.5" microdisks originating in Japan, Taiwan, and the PRC, by imports of 3.5" microdisks originating in Hong Kong and eight other countries. Hong Kong believed that treating the proceeding in a semi-annual report as though it were a review of the anti-dumping duties applicable to goods originating in Hong Kong may not accurately reflect the nature of the investigation initiated. Hong Kong appreciated the Community's efforts in reporting the proceeding, and encouraged this for transparency purposes. However, Hong Kong would be grateful if the EC could clarify the reporting and revise the notification as appropriate.

18. Regarding the case itself, Hong Kong had held informal consultations with the EC Commission in February. The Commission had clarified to Hong Kong that the purpose of the anti-circumvention proceeding was to ensure correct collection of anti-dumping duties imposed on goods originating in the PRC and Taiwan. The Commission had assured Hong Kong that anti-dumping duties applicable to goods originating in the PRC and Taiwan would not be extended to goods originating in Hong Kong as a result of the proceeding. The proceeding would not seek to change the anti-dumping duties applicable to goods originating in Hong Kong imposed since September 1994. Hong Kong believed that the use of this anti-circumvention proceeding was inconsistent with the multilateral rules. Insofar as the 3.5" microdisks originating in Hong Kong were subject to discriminatory registration, the proceeding was inconsistent with mfn treatment as provided for in GATT Article 1. If 3.5" microdisks originating in Hong Kong were made subject to additional duties at the rate applicable to the product originating in the PRC or Taiwan, the action would be inconsistent with GATT Articles 1 and 2. Without proof of dumping, injury and a causal link, with respect to the 3.5" microdisks originating in Hong Kong, such registration measures and anti-dumping duties were not justified by GATT Article VI and the WTO Agreement on Implementation of Article VI of the GATT 1994. According to the Commission, the problem was the allegation that some 3.5" microdisks originating in the PRC and Taiwan were being imported into the EC under false declarations of Hong Kong origin, thereby evading the proper anti-dumping duty. Hong Kong did not see how a proceeding initiated against goods originating in Hong Kong could solve such a problem. To ensure correct collection of anti-dumping duties and to resolve the alleged problem of false declarations of origin problem, Hong Kong was of the view that the EC should resort to the properly established and internationally agreed customs rules, to tackle the issue but avoid causing damage and effects to innocent traders and violating the multilateral rules. Hong Kong stood ready to offer all possible assistance. These views had been conveyed to the EC in informal consultations and in a written representation. Hong Kong urged the EC to take them into account and forthwith terminate the case against Hong Kong. Hong Kong reserved its rights under the relevant multilateral trade agreements to pursue the matter further.

19. The delegate of the EC noted that this investigation had become a routine item on the Committee's agenda, this time raised in the context of comments on the EC's semi-annual report. He agreed that perhaps the reporting did not explain fully the situation regarding the investigation. However, the purpose of the semi-annual report was to provide transparency and, to accomplish that, the EC had done its best by reporting the investigation as a review. The EC would consider Hong Kong's comments and see whether any improvement in reporting could be made to clarify the matter, either by a footnote or otherwise.

20. Regarding the substance of the investigation, the EC's position on anti-circumvention had been made clear. The EC considered that its rules on anti-circumvention were precise and clear, included tests for injury and dumping, and were consistent with the Agreement. Informal consultations had been held with the Hong Kong authorities regarding the investigation in question, and the EC had provided as much information as possible and would continue to do so. The investigation was still in progress, and it was expected that it would soon be completed.

21. The delegate of Egypt raised a question regarding the EC's imposition of a duty on ferro-silicon originating in Egypt, a decision taken in 1992. He noted his understanding that anti-dumping measures were taken against companies not against countries. However, it had been brought to his attention that the reported duties applied to a company that had not been under investigation and had no exports to the EC at the time of the investigation. He requested explanation as to the reason for the continuation of the duty by the EC on a company that had not exported or had not been under direct investigation.

22. The delegate of the EC stated that he had no details regarding this case. However, he noted that it was normal that during an investigation, companies which shipped during the period of investigation were investigated and received an individual dumping margin. In addition, there was the "all others" or residual rate of duty, that would be applicable to all other companies which had not shipped, had not cooperated, or shipped in the future. That apparently would explain the situation raised by Egypt. If this company regarded itself as a newcomer, and believed it was not dumping or was dumping at a lower rate than the "all others" rate, it could request a newcomer review under certain circumstances, as set out in the Agreement and in the EC's implementing legislation. He suggested that the Egyptian authorities contact the EC on a bilateral basis.

23. The delegate of Egypt thanked the EC delegate for his comments. Egypt reserved its right on the matter, but would consult with the EC bilaterally.

24. The delegate of the United States noted that the Philippines' semi-annual report indicated a dumping bond rather than the dumping margin. The United States had understood that the actual amount of the dumping margin should be indicated.

25. The Chairman observed that the instructions for the format for semi-annual reports, G/ADP/1, requested this information.

26. The Committee took note of all the statements made concerning the notifications.

27. The Chairman reverted to the question of how reviews should be reported, and asked if any delegation had views, comments or suggestions. The issue had been raised from time to time in the Tokyo Round Committee, but there had been no agreement. Some delegations had designed individual reporting mechanisms to present the information.

28. The delegate of Canada observed that the format for notifications was set up to report on preliminary and final anti-dumping actions in the original investigation. Canada had been conducting sunset reviews since 1984, but only recently had a requirement for such reviews been incorporated into the WTO Agreement. Canada had a number of these actions that it felt should be reported, but it was not entirely clear from the wording of the Agreement whether those were required to be reported or not. Moreover, they could not be readily slotted into the existing format, so Canada had devised a format to report them separately. He wondered whether Members could agree on an alternative reporting format, and whether there were transparency problems with respect to the way Canada reported such reviews.

29. The representative of Hong Kong sought clarification on Canada's notation, with respect to some investigations, of a footnote 'R' which meant that an investigation was opened in the context of review of an existing dumping measure. Hong Kong was unsure what the nature of this review was.

30. The delegate of Canada stated that the cases reported by Canada with a footnote 'R' were reviews of the margin of dumping. Under Canada's bifurcated system, there were two kinds of review - a sunset review by the Canadian International Trade Tribunal, examining whether or not the finding

of injury should continue, and a review by Revenue Canada to determine the margin of dumping to be applied to importations. In the past, Canada had reported normal value, or margin of dumping, reviews in the first chart of the reporting format, and that seemed to have worked quite nicely. However, to add to that another type of review made it a bit confusing. Perhaps there ought to be some other way to report review investigations.

31. The delegate of Japan observed that there had been lengthy discussions on the format before it was agreed. Regarding the treatment of reviews, there was a division of views whether to include them in the format or not, which resulted in the footnote referring to continued discussions. Japan would be willing to continue to discuss this issue at a later stage. The question was finding the appropriate balance between the administrative burden of reporting and the transparency necessary for the Committee.

32. The Committee took note of the statements made, and agreed to come back to this discussion in the future.

C. Preliminary and Final Anti-Dumping Actions: Notifications

33. The Chairman noted that Argentina, Australia, Canada, the European Communities, Korea, Malaysia, Mexico, New Zealand, Peru and the United States had notified preliminary and final anti-dumping actions since the Committee's last meeting. He observed that, as with other notification requirements, there appeared to be a lack of compliance in this area, as some Members who had submitted semi-annual reports indicating actions in progress had not submitted any reports of preliminary or final actions taken. As had been mentioned, an important aspect of the Committee's task was its role in monitoring and discussing actions taken by Members. If Members did not take their obligations to notify seriously, the Committee would be prevented from accomplishing its goal of considering Members' compliance with the requirements of the Agreement.

34. The Committee took note of the Chairman's statement.

D. Notification of Competent Authorities

35. The Chairman recalled that, at the Committee's meeting of 21 February 1995, the Chairman had noted that the requirements of Article 16.5 relating to the notification of authorities competent to initiate and conduct investigations and the domestic procedures for such investigations might overlap with the requirement to notify legislation and regulations pursuant to Article 18.5 and that the latter notifications could therefore be expected to satisfy the former. However, this did not appear to be true in all cases. In order to ensure that this important information was available to all Members in a readily accessible form, the Chairman proposed that the Secretariat issue a request that each Member notify, by 30 June 1996, the name, address, telephone and fax numbers of the authorities competent to initiate and conduct anti-dumping investigations. The Secretariat would then establish and circulate a list containing that information. Members would submit this notification once, but should the information change, Members would be requested to update or correct their notification.

36. The delegate of Korea supported the proposal, and suggested that in addition, a flow chart representing the domestic investigating procedures could be notified.

37. The delegate of the United States supported the proposal, and suggested that Internet or electronic mail addresses be included where available.

38. The delegations of Hong Kong, the EC, Japan, and Brazil expressed support for the proposal, with the addition of e-mail addresses where available, but not a flow chart of domestic procedures.

39. The Committee adopted the Chairman's proposal, with the addition of e-mail addresses where available, and agreed to revert to Korea's suggestion of a flow chart at a later date.

E. Possible Establishment of an Ad Hoc Group on Implementation

40. The Chairman recalled that, under the Tokyo Round Code, the Committee on Anti-Dumping Practices had established an ad hoc group to prepare recommendations on issues arising under the Code where agreement seemed possible. That group discussed numerous issues and made recommendations concerning several important matters to the Committee, which were adopted by the Committee. Several delegations had encouraged the Chairman to propose the establishment of a similar group in this Committee. The Chairman believed there might be areas where Members could agree on further clarification and perhaps guidelines, particularly for Members who were new to the Agreement or the area of anti-dumping in general. Such recommendations would not, of course, add new obligations, nor would they detract from the existing obligations of Members under the Agreement. However they would serve as useful guides to the common understanding of Members on appropriate implementation of the Agreement.

41. Participation in the group would be open to any Member with an interest in any one or more of the issues under consideration. Thus, participation in the work of the ad hoc group by Members could vary depending on the issue. The group would not take any decisions on any matters it considered, but would make recommendations which the Committee would then consider. The Committee could adopt, reject or modify any such recommendation, or refer the matter back to the ad hoc group for further consideration, either with or without specific guidance or instructions. While the specific tasks of the group did not need to be decided at this meeting, the Chairman welcomed the comments of Members and any suggestions for questions the ad hoc group might consider.

42. The delegates of the United States, the EC, Australia, Japan, Canada, Argentina, Korea, Switzerland, Hong Kong, Mexico, New Zealand, Venezuela, Norway, Colombia, and Uruguay all expressed support for the establishment of an ad hoc group on implementation.

43. The delegate of the United States suggested that the group's activities be limited particularly in the first instance to addressing procedural aspects of the Agreement. Matters the group could focus on included the clarification of notification procedures following the initiation of a new investigation, the presentation of questionnaires, and other details at the beginning of an investigation, in order to achieve greater consistency among Members' practices. Another area would be protection of confidential information, which a number of Members handled differently, and a third would be mechanisms for judicial review of decisions, in view of the different ways Members implement judicial review mechanisms. The United States was open to considering suggestions that other Members may wish to make at this time.

44. The delegates of the EC, Australia, Japan, Korea, and Venezuela supported the suggestion that the group should focus on technical and procedural questions, at least in the first instance.

45. The delegate of the EC suggested that Members make suggestions to the Chairman or the Secretariat on matters which should or could be taken up by the group. In addition, the EC would encourage the participation of experts from capitals in the group's work. It was important that experts from capitals, who are involved in day-to-day administering of the instruments, be involved in the discussions. It was also suggested that the Committee should refer specific matters to the group for discussion.

46. The delegates of Australia, Argentina, Mexico, Hong Kong, and New Zealand, agreed that the participation of experts from capitals should be encouraged, but participation should not be limited

to such experts. It was generally agreed that scheduling meetings of the group in conjunction with meetings of the Committee would facilitate the participation of capital-based experts.

47. The delegates of Japan, Mexico, New Zealand, Venezuela, Norway, Colombia, and Uruguay supported the proposal that the Committee decide the matters to be referred to the group for the discussion. In this regard, it was suggested that it might be appropriate to hold informal consultations.

48. The delegate of Australia noted that Australia would expect participation in the group would be on a national and not a personal basis.

49. The delegate of Canada suggested that one area for discussion might be the question of the reporting format raised earlier in the meeting.

50. The delegate of Argentina expressed some reservations with respect to ensuring that the group be effective. In this regard, it was necessary to ensure that the participation was sufficient. Otherwise, the Committee might receive recommendations based on the practice of a few Members, which would present a false situation.

51. The delegate of Colombia observed that all delegations should be invited to participate in the group, whether or not they had previously expressed an interest.

52. The Chairman underlined that the group would not take decisions, but would forward recommendations to the Committee, and it was in the Committee that any decisions would be taken. Whether discussions in the group went beyond questions of implementation would be decided by the issues that the Committee itself decided to refer to the group in the first place.

53. The Chairman proposed that the Committee decide to establish an Ad Hoc Group on Implementation, to prepare recommendations on issues where agreement seems possible, and report to the Committee. In addition, the Ad Hoc Group could consider other issues regarding implementation on which Members believe discussion would be helpful. All Members would be requested to submit to the Secretariat proposals for items that the group could discuss. These would then be compiled by the Secretariat and circulated to Members for consideration. If necessary, the Committee could then meet informally to consider the suggestions that had been made by Members and, at its next regular meeting, the matters that would be referred to the Ad Hoc Group for discussion would be determined by the Committee.

54. The Committee so decided.

55. The Chairman stated that delegations were welcome to make suggestions regarding matters for the Ad Hoc Group to discuss to the Secretariat as soon as possible, and the Secretariat would issue a list of those suggestions before the next regular meeting of the Committee.

F. The Government of India's Investigation of Bisphenol-A from the United States

56. The Chairman noted that this item was included in the agenda at the request of the United States, and gave the floor to the delegate of the United States.

57. The delegate of the United States stated that it was seeking clarification from the Government of India. The United States understood that India had self-initiated an anti-dumping case against exports from the United States of the chemical product bisphenol-A. Under Article 5.6, self-initiation should only occur in special circumstances. The United States sought clarification as to what special

circumstances led to the self-initiation of this investigation and what evidence India had of dumping, injury, and causation.

58. The delegate of India took note of the comments made by the US delegation, and undertook to respond at a later date.

G. Procedures for the Annual Review and Report of the Committee

59. The Chairman recalled that this item was added to the agenda at the last moment because he believed it important that the Committee consider it at this meeting. Pursuant to the procedures the Committee adopted at its first meeting, the Secretariat prepares a draft of the annual report of the Committee which is then considered and adopted by the Committee at its October regular meeting with appropriate revisions to reflect events at that meeting. The report is essentially a factual review of the status of implementation of the Agreement including Members' compliance with the various notification obligations, a summary of the various matters discussed in Committee meetings, and a summary of decisions taken by the Committee, as well as a compilation report in summary fashion of the anti-dumping actions taken by Members. This format is essentially the same as used by the Tokyo Round Committee.

60. He recalled that, at the meeting of the General Council held on 16 April 1996, the Chairman, Ambassador Rossier, made a statement concerning the format for reports of standing WTO bodies (WT/L/145). Ambassador Rossier suggested that additional matters might be included in the annual reports of WTO Committees, including an indication of issues and problems which have been identified and recommendations, if any. The current meeting was the only opportunity the Committee would have to consider whether it wished to alter in any respect the format of the annual report before the Secretariat would have to draft that report for consideration by the Committee at its October regular meeting. It was therefore important that the Committee address the issue at this time to give the necessary direction to the Secretariat. The Chairman emphasised that Ambassador Rossier's suggestion had specifically recognized the different mandates of WTO Committees and the difficulty of establishing a common format for the reports of these bodies. Thus, each body must decide on the format of report it deems appropriate.

61. In the Chairman's view, the Committee should do no less than it had in the past, that is provide a factual summary of the Committee's discussions and decisions, the status of implementation, the record on notifications and a summary of anti-dumping actions taken by Members. The question he put to the Committee for consideration was whether the Committee should do more.

62. He suggested that Members consider whether the Committee's annual report could and should include a discussion of substantive issues and problems in the anti-dumping area. In this regard it would be necessary to first consider how such issues and problems could be identified and by whom, *i.e.* should the Secretariat be authorized to identify issues and problems for inclusion in the annual report, or would it be the responsibility of Members to identify such issues to the Secretariat? Would all such issues be included in the annual report, or only those agreed upon by the Committee? Such agreement by the Committee would entail at least one meeting to agree upon a list of issues and problems to be included in the annual report.

63. Second, the Chairman suggested that Members consider how any recommendations to deal with identified issues and problems could be developed and agreed to by the Committee. It seemed clear that the Committee would have to hold at least one special meeting to discuss any suggested recommendations before the Secretariat could even include them in a draft report.

64. The delegate of Brazil enquired whether the report in question was the annual report that the Committee usually presents to the Council or whether it was a special report to the Ministerial meeting or indeed, whether in 1996 these two reports were going to be merged into one.

65. The Chairman stated his understanding that Ambassador Rossier's suggestion was that the annual report of the Committee should be augmented, if the Committee so decided, by the inclusion of the suggested additional items.

66. The delegate of Colombia noted that as the report would be presented this year to both the Council for Trade in Goods and the Ministerial Conference in Singapore, it was important that the Committee consider what progress had been made in the anti-dumping area, if any. The Committee could compare progress made against existing standards, and report on progress made in this area.

67. A number of delegates agreed that it might be useful to include a discussion of substantive issues in the annual report. However, the delegates of Japan, Australia, the United States, the EC, Hong Kong, Norway, Argentina, Canada, and Brazil all noted that the inclusion of substantive discussion of issues and recommendations would be difficult, and would require the Committee to meet and negotiate first the issues to be considered, and second the text of the report itself. It was noted by several Members that this would entail at least two special meetings of the Committee, and that to spend considerable time negotiating the contents of an annual report seemed wasteful.

68. It was generally agreed that a factual summary of the informal consultations on anti-circumvention should be included in the annual report of the Committee.

69. The delegate of Mexico suggested that the report should include some discussion of events in 1995, to provide the Ministers with a complete report on the Committee's activities.

70. The delegates of Norway and Hong Kong supported Mexico's suggestion.

71. The Chairman stated that it seemed clear that one of the main ingredients of the report for the Ministers would be a report along the lines of the annual report that had been prepared last year. It appeared to be the consensus of the Committee that the Secretariat should begin the preparation of a report along those lines, and also draft a short factual report of what had happened concerning anti-circumvention. The question that had not yet been fully answered was whether there was interest in meeting informally to consider whether to supplement this report with items that would fall under part (c) of Ambassador Rossier's proposal.

72. He proposed that the Secretariat prepare a draft report in the same format as had been used last year. The Secretariat could incorporate from last year's report those aspects of implementation that would help explain the progress that the Committee had made. The Secretariat could also draft a short section on anti-circumvention, reporting to Ministers on what the Committee had done and on the informal consultations through the year. The Secretariat would circulate the draft report to the Committee at the end of September or in early October, a couple of weeks in advance of the regular meeting, at which time the Committee would have to decide whether it should meet informally in advance of the regular October meeting to discuss any additional matters for inclusion in the report.

73. The Committee so decided.

H. Other Business

74. The delegate of the United States raised a question regarding an anti-dumping investigation initiated by the Government of South Africa against suspension PVC from the United States and other

countries. The United States had not been informed prior to the initiation of this particular investigation in accordance with the requirements of Article 5.5 of the Agreement. The United States sought clarification from the Government of South Africa.

75. The delegate of South Africa undertook to refer the question to his authorities.

76. The Committee decided that, in accordance with the proposal of the Chairman of the General Council to rearrange the dates for meetings for the fall so that annual reports of Committees could be prepared and provided to the Council in time for consideration before the Ministerial Meeting in Singapore in December, the regular meeting of the Committee would be held on 21 October 1996.

I. Election of Officers

77. The Committee elected Mr. Ole Lundby of Norway Chairman of the Committee, and Dr. Kajit Sukhum of Thailand Vice Chairman.

78. The meeting was adjourned.