

**PROCEDURES FOR ADVERSELY AFFECTED
DOMESTIC INTERESTED PARTIES**

Paper from Canada

The following communication, dated 20 April 2006, is being circulated at the request of the Delegation of Canada.

The submitting delegation has requested that this paper, which was submitted to the Rules Negotiating Group as an informal document (JOB(06)/92), also be circulated as a formal document.

Canada has further refined its proposal having regard to the reaction of Members when its paper on public interest [TN/RL/GEN/85] was considered at the February 2006 meeting of the Group.

Canada's position on the issue of new procedures to allow for the consideration of representations of other domestic interested parties whose interests might be adversely affected by the imposition of anti-dumping/countervailing duties has been guided by the fundamental principle that, once a Member has established its right under the AD Agreement and/or the SCM Agreement to apply remedial duties, it remains the exclusive and sovereign prerogative of that Member to decide how it will respond to other affected domestic interests. Viewed in this light, the purpose of any new provision would be to ensure that the domestic law of each Member in fact provides a mechanism to allow for the consideration of such representations whenever it is determined by the competent authorities of the importing Member, that such consideration is warranted. This revised text proposal remains true to this principle.

Revised Text Proposal

Canada proposes that Article 9.1 of the AD Agreement be amended as follows (with mirroring amendments to Article 19.2 of the SCM Agreement):

- 9.1 a)** The decision whether or not to impose an anti-dumping duty in cases where all requirements for the imposition have been fulfilled, and the decision whether the amount of the anti-dumping duty to be imposed shall be the full margin of dumping or less, are decisions to be made by the authorities of the importing Member. It is desirable that the imposition be permissive in the territory of all Members, and that the duty be less than the margin if such lesser duty would be adequate to remove the injury to the domestic industry.

b) Each Member shall establish procedures in its domestic law to allow its authorities to take due account of representations made by domestic interested parties¹ whose interests might be adversely affected by the imposition of an anti-dumping duty.²

Footnotes

1. **For the purpose of this paragraph, the term "domestic interested parties" shall include consumers and industrial users of the imported product subject to investigation.**
2. **The determination of whether or not the initiation of these procedures is warranted in the circumstances of a particular case is to be made by the authorities of the importing Member.**

Related Amendments

Canada further proposes the following related amendments:

1. The addition of a new provision immediately before Article 12.3 of the AD Agreement on public notice and explanation of determinations (with a mirroring amendment to Article 22 of the SCM Agreement) as follows:

12(New). Public notice shall be given, in sufficient detail, of the procedures referred to in subparagraph 9.1(b), and of any determinations, including supporting reasons, associated with such procedures.

2. The addition of a new provision immediately after current Article 16.5 of the AD Agreement (with a mirroring amendment to Article 25 of the SCM Agreement) as follows:

16.6 Members shall provide the Committee on Anti-Dumping Practices with notice setting forth, in sufficient detail, the procedures referred to in subparagraph 9.1(b).

Canada reserves its right to make further submissions on this or any other matter.
