

# 行政院及所屬各機關出國報告

(出國類別：開會)

## 參加世界貿易組織(WTO)防衛、補貼及平衡、反傾銷措施委員會及反傾銷執行工作小組等相關會議

服務機關：經濟部貿易調查委員會

姓名職稱：楊琿茹技士

派赴國家/地區：瑞士

出國期間：111年10月22日至30日

報告日期：112年1月7日

## 摘要

世界貿易組織(WTO)於 2022 年 10 月 24 日召開該年防衛委員會第 2 次例行會議、10 月 25 日召開補貼及平衡措施委員會特別會議及第 2 次例行會議、10 月 26 日召開反傾銷措施委員會第 2 次例行會議，10 月 27 日及 28 日召開反傾銷委員會執行工作小組會議。

會員於上述各委員會中針對法規通知或個案提問，或就會員之關切加以說明，並於反傾銷委員會執行工作小組會議中就有關受調查產品及同類貨物之定義、傾銷差率計算之產品比較以及落日調查等調查實務，進行經驗分享及交流。

## 目次

壹、	目的.....	1
貳、	出國行程.....	1
參、	防衛委員會例行會議 .....	2
肆、	補貼及平衡措施委員會相關會議 .....	5
伍、	反傾銷措施委員會相關會議 .....	11
陸、	心得與建議 .....	23
柒、	附件.....	23

## 壹、目的

世界貿易組織（WTO）於 2022 年 10 月 24 日召開該年防衛委員會第 2 次例會、10 月 25 日召開補貼及平衡措施委員會特別會議及第 2 次例會、10 月 26 日召開反傾銷措施委員會第 2 次例會、10 月 27 日及 28 日召開反傾銷措施委員會執行工作小組會議。前述各委員會議主要係討論會員國內相關法規及實務運作情形，本會援例派員出席會議，掌握各會員執行 WTO 相關協定之情形及相關議題之最新進展，以維護我國權益。

反傾銷措施委員會執行工作小組會議，多由各會員國內辦理反傾銷調查業務之官員參與，就實際執行情形及調查技術等細節進行經驗分享及意見交流。藉由參與該等會議可瞭解其他會員對特定議題之實務作法，並就調查技術進行意見交流。

## 貳、出國行程

此次我國出席 WTO 相關會議之出席人員包括我常駐世界貿易組織代表團黃商務秘書柏風及本會楊珺茹技士，會議行程如下：

日期	會議名稱	重要議題
10 月 24 日 (週一)	防衛委員會例行會議	1. 審查防衛法規通知 2. 續審防衛法規通知 3. 審查防衛措施通知 4. 印尼地毯及其他鋪地織物防衛措施案 5. 印尼成衣及其配件防衛措施案 6. 臨時動議
10 月 25 日 (週二)	補貼及平衡措施委員會特別會議	1. 審查 2021 年全新及完整之補貼通知 2. 續審 2021 年全新及完整之補貼通知 3. 續審 2019 年全新及完整之補貼通知 4. 續審 2015 年全新及完整之補貼通知
	補貼及平衡措施委員會例行會議	1. 審查新修訂或前次通知之平衡稅法規通知 2. 續審前次會議未完成之平衡稅法規通知 3. 審查平衡措施半年報 4. 審查初步認定及最後認定之平衡措施通知

		5. 審查協定第27.4條有關延長淘汰出口補貼過渡期之透明化義務案 6. 討論改善通知之有效性與完整性以及其他貿易措施資訊 7. 選任常設專家團(PGE)成員 8. 中國大陸建議討論美國補貼措施 9. 澳洲、加拿大、歐盟、日本、英國及美國建議討論補貼與產能過剩 10. 澳洲、加拿大、歐盟、日本、英國及美國建議討論中國大陸補貼透明化及公告與諮詢窗口義務 11. 澳洲、加拿大、歐盟、日本、英國及美國建議討論「全新暨完整補貼通知」程序修正
10月26日 (週三)	反傾銷措施委員會 例行會議	1. 審查新修訂反傾銷法規通知 2. 續審反傾銷稅法規通知 3. 審查會員反傾銷措施半年報
10月27日及 28日 (週四、週五)	反傾銷措施委員會 執行工作小組 會議	1. 受調查產品及同類貨物之定義 2. 傾銷差率計算時之產品比較 3. 落日調查

### 參、防衛委員會例行會議

2022年10月24日WTO召開防衛委員會例行會議(如附件1)，重點摘述如下：

- 一、 審查防衛法規通知：審查巴西、加拿大、吉布地、緬甸、英國、賴比瑞亞等會員之法規通知。
- 二、 續審查前次會議未完成之防衛法規通知：繼續就前次會議未審查完畢之喀麥隆、迦納、辛巴威法規通知進行審查。
- 三、 審查防衛措施(以下簡稱SG)通知

本次審查會員實施中的SG(自2021年4月例會迄今)，包括歐盟、印度、印尼、馬達加斯加、摩洛哥、菲律賓、突尼西亞、土耳其、烏克蘭、英

國、美國等會員，共計 19 件 SG 案。各會員針對 SG 之相關意見，摘要如下：

- (一) 中國大陸表示近年會員實施 SG 案件數有成長現象，2018 年至 2020 年間共 68 件，相較 2015 年至 2017 年間 36 件增加了 88.8%。至 2021 年 10 月止仍有 41 件 SG 執行中，涵括鋼鐵、化學品、工業產品及農產品等各產業，影響國際貿易秩序穩定與全球供應鏈；且其中 19 項 SG 集中在 5 個會員實施，有濫用 SG 保護國內產業情形；另外 SG 之採行逾越必要性，例如實施期間過長，同時執行反傾銷、平衡措施或與其他限制措施等有雙重救濟問題。
- (二) 澳洲指出，實施 SG 將影響各進口來源，若是自單一會員進口造成國內產業損害之案件，不應採用 SG 救濟；並呼籲會員重視通知義務。

另其他重要關切案件摘要如下：

(一) 歐盟特定鋼品(certain steel products)延長 SG 案

土耳其、巴西、日本、印度、俄羅斯、瑞士、韓國、中國大陸皆表示本案不符合防衛協定規範，意見包括：WTO 爭端解決機構於 2022 年 4 月公布土耳其指控歐盟實施特定鋼品 SG 案(DS595)之爭端解決小組報告，認定歐盟之 SG 在「未預見發展」與「嚴重損害之虞」等爭點違反防衛協定規範，應立即停止該措施；歐盟亦未依防衛協定第 8.1 條致力維持減讓及其他義務的實質均等水準；且自歐盟與美國達成豁免美國依其 232 條款對鋼鐵產品加徵國安關稅後，歐盟已無延長 SG 之理由。

歐盟表示，已通知會員將遵循 DS595 小組報告之裁決及建議，並與土耳其達成協議在 2023 年 1 月 16 日前履行小組報告；並說明本案延長措施檢討將在 2023 年 6 月完成，以決定是否終止或延長至 2024 年 6 月。

(二) 印度聚氯乙烯樹脂(PVC suspension resins with residual VCM above 2 PPM)展開 SG 調查案

日本關切印度在 2022 年 9 月 16 日即已啟動國內調查程序，惟至 2022 年 10 月 11 日方通知 WTO；呼籲印度遵守防衛協定第 12.1(a) 條之規範儘速提交通知；另請印度釐清涉案產品範圍。

(三) 印尼之布料(fabrics)延長 SG 案

馬來西亞表示其涉案產品在印尼進口市場占有率未超過 3%，應依防衛協定第 9.1 條，不對馬來西亞之產品實施 SG；另強調依防衛協定第 5.1 條，會員實施 SG 應僅止於防止或救濟嚴重損害及促進調整所必要之程度，呼籲印尼確實檢視 SG 可否延長之要件。對此，印尼說明馬來西亞涉案產品在印尼進口市場占有率已超過 3%；另各會員可依防衛協定第 12.3 條提出諮商要求。

(四) 土耳其滾磨機用研磨球及類似製品(grinding balls and similar articles for mills) SG 案

歐盟表示本案未符合 WTO 規範，土耳其國內產業之生產量、國內及國外銷售量、生產力、就業情況、產能利用率等指標均顯示未遭受嚴重損害，且著重於考量特定 1 季之調查資料，顯不夠客觀公正。土耳其回復請歐盟提交書面提問，土耳其將據此回復。

(五) 烏克蘭次氯酸鈉(sodium hypochlorite)、特定起司(certain types of cheese)、三錐鑽頭(tricone drilling bits)終止 SG 調查案

烏克蘭表示因受俄羅斯入侵，國內產業之產能、產量、產品價格均受影響，且調查機關及利害關係人已無法執行或參與調查，爰終止該些案件之調查。歐盟、加拿大、英國、美國、日本、挪威、澳洲、韓國、摩爾多瓦等發言聲援並譴責俄羅斯。俄羅斯回應該等會員之發言係出於政治利益考量，且已在 WTO 場域多次進行同樣發言，呼籲遵守委員會之程序規則。

(六) 英國特定鋼品 (certain steel products) SG 案

日本、印度、瑞士、俄羅斯、韓國表示英國應在脫歐後終止延續歐盟實施之 SG，意見包括：本案調查程序不符合防衛協定；因英國未能依防衛協定第 12 條與會員諮商達成協議，表達保留防衛協定第 8.2 條任意暫時中止適用 GATT 下之實質均等減讓或其他義務之權利；要求英國應立即停止該措施。英國回應已多次說明脫歐後救濟措施過渡檢討做法，將持續與會員溝通。

(七) 美國結晶矽太陽能電池 (crystalline silicon photovoltaic cells) SG 案

日本表示美國與加拿大達成雙邊協議，豁免對原產於加拿大之涉

案產品實施 SG，恐違反防衛協定第 2.2 條規定，因對進口產品實施 SG 時應不論其來源。美國回應可與日本交換意見。

#### 四、 印尼地毯及其他鋪地織物(carpets and other textile floor coverings) SG 案

日本表示本案印尼自 2021 年 2 月 17 日課徵高達 150%-200%之防衛關稅，且本案調查未考量 2020 年進口較 2019 年大幅減少之事實，亦未考量日本與印尼產品之市場屬性與價格差異，日本已多次表達關切並籲請印尼儘快中止措施。印尼表示其調查程序遵守防衛協定規範，課徵範圍與稅率合理無誤。

#### 五、 印尼成衣及其配件 (articles of apparel and clothing accessories) SG 案

日本表示，本案印尼 2020 年 1 月至 6 月之進口量較 2019 年 1 月至 6 月減少 13%，惟印尼仍以 2017 年至 2019 年為調查期間，籲請印尼依防衛協定重新檢視本案。印尼表示，本案調查程序遵守防衛協定，並已依協定規範通知會員。

#### 六、 臨時動議

土耳其對摩洛哥於 2022 年 10 月對腳踏車及機車用內胎(inner tubes for bicycles, mopeds, motorcycles and scooters)展開 SG 調查案表示關切。

七、 下次例會日期：主席裁示暫訂於 2023 年 5 月 1 日當週舉行。

### 肆、 補貼及平衡措施委員會相關會議

2022 年 10 月 25 日 WTO 補貼及平衡措施委員會依序召開特別會議（如附件 2）及例行會議（如附件 3），重點摘述如次：

#### 一、 補貼及平衡措施委員會特別會議

##### （一） 審查 2021 年全新及完整之補貼通知

審查阿爾巴尼亞、阿根廷、古巴、歐盟、澳洲、德國、盧森堡、斯洛維尼亞、印度、墨西哥、摩爾多瓦、沙烏地阿拉伯、瑞士、土耳其等會員之補貼通知。

##### （二） 續審前次會議未完成之 2021 年全新及完整之補貼通知

續審巴西、加拿大、智利、中國大陸、哥斯大黎加、厄瓜多、薩



爾瓦多、歐盟、保加利亞、賽普勒斯、丹麥、希臘、匈牙利、愛爾蘭、西班牙、香港、以色列、日本、韓國、寮國、馬來西亞、蒙特內哥羅、紐西蘭、菲律賓、英國、美國等會員之補貼通知。

澳洲、加拿大、英國、美國、日本、歐盟對中國大陸未回應未被列入補貼通知之補貼措施且仍未答覆所有提問表示失望，這與中國大陸一再宣稱致力於提高補貼政策之透明化有違；並請中國大陸說明為何積體電路基金（IC Fund）未被列入補貼通知，以及如何符合入會議定書之承諾義務。

針對中國大陸之補貼通知，中國大陸表示已致力加強貿易透明化並依 WTO 協定義務提交通知。

(三) 續審前次會議未完成之 2019 年全新及完整之補貼通知

續審中國大陸、多明尼加、歐盟、印尼、俄羅斯等會員之補貼通知。

針對中國大陸之補貼通知，美國、加拿大表示中國大陸已經成為會員 21 年，請中國大陸認真看待透明化義務，並如實履行入會議定書之承諾，就會員之提問完整回復。

(四) 續審前次會議未完成之 2015 年全新及完整之補貼通知

續審中國大陸之補貼通知。

美國再次表示，中國大陸自 2001 年成為 WTO 會員已 21 年，但直到 2017 年才提交補貼通知，且遲未回復會員提問，請中國大陸如實履行入會議定書之承諾。

## 二、補貼及平衡措施委員會例行會議

(一) 審查各會員新修訂或前次通知之國內平衡稅法規通知：

包括對巴西、加拿大、哥倫比亞、英國、聖克里斯多福及尼維斯等會員之法規通知。會員未提意見。

(二) 續審前次會議未完成之平衡稅法規通知：包括對喀麥隆、歐盟、迦納等會員之法規通知。

會員未提意見。

主席裁示會員應於 2023 年 3 月 20 日前完成新修訂或前次通知之平衡稅法規通知，俾利辦理 2023 年春季會議。冰島已繳交 1 項新法規通知，將成為春季會議補貼及平衡措施委員會例行會議第 1 項提案。如有相關問題或其他新修訂法規通知，請於 2023 年 4 月 11 日前提交各相關會員及 WTO 秘書處。續審本次會議未完成之平衡稅法規通知，相關書面問題至遲應於 2023 年 3 月 20 日前繳交，書面答復至遲應於 2023 年 4 月 17 日前繳交。主席最後敦促尚未提交法規通知之會員提交通知，以加強透明化之實踐，落實委員會之監督功能。

### (三) 審查平衡措施半年報

主席報告，依據補貼及平衡措施（以下簡稱 SCM）協定第 25.11 條規定，各會員應每半年提交有關實施平衡稅個案之半年報統計，已提交半年報會員及未提交者均公告於 G/SCM/N/392/Add.1/Rev.1 文件中。

審查各會員通報之 2022 年上半年（2022 年 1 月 1 日至 2022 年 6 月 30 日）之平衡措施半年報，包括澳洲、巴西、加拿大、中國大陸、哥倫比亞、歐盟、印度、土耳其、英國、美國及越南等 11 個通報實施平衡措施之會員。

我國於 2022 年 1 月 1 日至 2022 年 6 月 30 日未採取平衡措施。以下針對會員關切事項摘要如下：

1. 澳洲、加拿大、中國大陸、哥倫比亞、土耳其、英國等會員之半年報：無會員提問。
2. 巴西半年報：印尼關切冷軋不銹鋼(cold-rolled stainless steel) 補貼計算方式之合理性。
3. 歐盟半年報：土耳其關切鱒魚(trout)之調查未考量土國提交之意見，促請歐盟重新檢視。印尼關切歐盟對其冷軋不銹鋼板材(stainless steel cold-rolled flat products)實施平衡措施，並指出違反 SCM 協定第 1.1 條。印尼表示脂肪酸(fatty acid)申請人既已撤案，調查程序應終止。中國大陸關切歐盟自創「跨境補貼」(cross border subsidies)概念，將中國大陸與他國之投資合作案視為補貼態樣，違反 SCM 協定第 1.1 條有關補貼之定義。

4. 印度半年報：馬來西亞關切飽和脂肪醇(saturated fatty alcohols)，認為印度調查機關未能證明受補貼進口產品因補貼之效果造成損害，及受補貼進口產品與國內產業之因果關係，違反 SCM 協定第 15.5 條規範之損害認定要件。
5. 美國半年報：俄羅斯關切美國擴大公立機構(public body)之適用及解釋，違反 SCM 協定第 1.1 條。歐盟關切熟橄欖(ripe olives)案未適當回應 WTO 爭端小組報告之建議。中國大陸關切美國將出口買方信用方案 (export buyers credit program) 視為補貼，卻無法證明任何美國進口商獲得利益，且忽視中國大陸公司所提供之資料，以不利可得事實 (adverse facts available) 認定並課徵平衡稅；另美國調查機關應依 SCM 協定第 12.11 條，就中小企業於提供所要求之資料遭遇困難時，提供可行之協助。
6. 越南半年報：印尼關切蔗糖(cane sugar)反規避調查案對印尼廠商課徵平衡稅之合理性，請越南說明如何依 SCM 協定第 15 條認定國內產業損害。

(四) 審查會員初步認定及最後認定之平衡措施通知

歐盟關切中國大陸馬鈴薯澱粉(potato starch)平衡稅落日檢討結果，指出歐盟受調查之補貼措施不具特定性，且其調查結果未依 SCM 協定第 11.3 條審查證據之正確性及適當性。

(五) 審查 SCM 協定第 27.4 條有關延長淘汰出口補貼過渡期之透明化義務案

依 WT/L/691 程序，受惠第 27.4 條延長淘汰出口補貼措施之會員，尚餘巴貝多、斐濟、巴拿馬及烏拉圭等國未完成最後確認淘汰之通知程序。主席提醒會員依據 SCM 協定第 27.4 條規定，延長出口補貼過渡到期日為 2015 年 12 月 31 日，提交委員會審查最後通知時間為 2016 年 6 月 30 日，籲清渠等會員儘速完成。紐西蘭及美國亦呼籲會員儘速完成通知，俾利會議進行。

(六) 繼續討論改善通知之有效性與完整性以及其他貿易措施資訊

1. 主席報告截至目前尚有 89 個會員尚未完成 2021 年之全新及完整之補貼通知，76 個會員尚未完成 2019 年之全新及完整之補貼通知，65 個會員尚未完成 2017 年之全新及完整之補貼通知。主席

籲請會員應重視其通知義務，此亦獲得英國、紐西蘭、澳洲、加拿大、歐盟、美國及挪威等會員發言表達支持。

2. 美國說明其就執行 SCM 協定第 25.8 條及第 25.9 條設定書面回覆時間之提案，根據 SCM 協定第 25.8 條規定之初始提問，會員應在 60 日內提出書面答復，後續問題則應在 30 日內提出書面答復。有會員表達回復時限過短，美方同意修正其提案中回復提問之時間為 90 日及 60 日。本提案獲加拿大、英國、巴西、歐盟、紐西蘭、澳洲、日本及我國等會員發言支持。
3. 印度及俄羅斯表示，回復時限應考慮個案之複雜性，以及中央及地方政府所需之內部溝通時間。
4. 主席表示本案仍有會員存有疑義，尚待下次會議討論。

#### (七) 選任常設專家團(PGE)成員

根據 SCM 協定第 24.3 條，常設專家團由本委員會選任，每年更換其中 1 名常設專家。依 2021 年 12 月 8 日之文件 G/SCM/160，Jaemin Lee（韓國代表）之任期已於 2022 年 4 月屆滿，爰此，應選任 1 名新專家取代之，並於 2022 年 1 月 28 日前推薦候選人送交秘書處。主席表示，目前受提名專家為 1 位中國大陸代表，若干會員對中國大陸提名候選人尚無共識，無法於本次會議通過，將交由下任主席繼續諮商。中國大陸對此表示遺憾，稱其願與反對之會員諮商。

#### (八) 美國近期具歧視性之補貼措施

本議題係應中國大陸之要求納入議程討論。

1. 中國大陸表示，美國 2022 年 8 月 9 日生效之晶片法(Chip Act)，明確要求企業脫離與特定 WTO 之會員商業活動以獲得該法利益，該歧視性要求可能導致特定 WTO 會員之半導體產品比其他 WTO 會員之類似產品獲得較低之待遇，違反 GATT 第 1 條及第 11 條之義務。另降低通膨法(Inflation Reduction Act)之租稅折抵先決條件將電動車用電池關鍵材料之生產及電動車最後之組裝地點限制於美國、與美國簽屬自由貿易協定之國家或北美，且排除受關切之外國實體(foreign entity of concern)，違反 GATT 第 1 條關於最惠國待遇不歧視待遇之義務。

2. 美國表示，該二法係基於國家安全考量之限制條件不應被視為歧視性措施，且對國內及國外產品之稅負與管理沒有不同的待遇，亦未對不同會員設定不同條件，補貼對象也不限美國企業，是以未違反 WTO 規範。中國大陸亦有類似做法但卻從未提交通知，更損及 SCM 協定之執行及會員之監督。

#### (九) 補貼與產能過剩

本議題係應澳洲、加拿大、歐盟、日本、英國及美國之要求納入議程討論。依據 WTO、OECD、IMF、World Bank 之「補貼、貿易及國際合作」報告指出補貼的頻率以及複雜性持續增加，其中中國大陸的補貼政策持續造成市場扭曲；透明化是解決產能過剩的第一步，呼籲會員應致力維持貿易透明化，履行 WTO 通知義務。

中國大陸表示產能過剩係全球問題，然部分會員卻將產能過剩歸咎於中國大陸政策；自 2015 年中國大陸已進行體制改革及減少產能，2018 年至 2020 年間已減少 1 億 5 千萬公噸鋼鐵產能；且多數會員提供特定產業補貼，亦可能造成全球產能過剩。俄羅斯則表示，不只是補貼造成產業過剩，亦有其他可能因素。

#### (十) 中國大陸入會議定書承諾之補貼透明化以及中國大陸之公告與諮詢窗口義務

本議題係應澳洲、加拿大、歐盟、日本、英國及美國之要求納入議程討論。本議案持續關切中國大陸未履行其入會議定書之承諾，未將所有補貼措施公告於其商務部公報，批評中國大陸設立之聯絡點未能發揮功能，忽視其承諾答覆會員提問之時限。美國表示已於 2020 年 4 月向中國大陸提出補貼計畫書面詢問，迄今仍未收到回復，中國大陸以補貼措施已終止或與 WTO 委員會無關等理由不提交通知並不符合 WTO 義務，重申中國大陸應遵守其入會的透明化承諾。加拿大、澳洲、歐盟、英國及日本等會員發言表示支持。

中國大陸表示，已完成所有相關補貼通知，且在中國大陸透明化義務範疇內會員均可透過中國大陸設立之聯絡點聯繫。

#### (十一) 有關「全新暨完整補貼通知」程序修正案

本議題係應澳洲、加拿大、歐盟、日本、英國及美國之要求納入議程討論。

美國表示本次修正僅增加會員應針對所有其他會員之提問書面答覆，包括詢問不在補貼通知上之特定措施，有助於強化各會員透明化義務。英國、歐盟、澳洲、加拿大、日本及紐西蘭等會員發言表示支持。

印度、俄羅斯及中國大陸表示反對，說明本提案可能違反 SCM 第 25.2 條規定。

(十二) 下次會議日期：主席裁示下次例會預定於 2023 年 5 月 1 日當週舉行。

## 伍、反傾銷措施委員會相關會議

2022 年 10 月 26 日召開反傾銷措施委員會例行會議（如附件 4），於 2022 年 10 月 27 日至 28 日召開執行工作小組會議（如附件 4），重點摘述如次：

### 一、反傾銷措施委員會例行會議

- (一) 審查新修訂反傾銷法規通知：主席按照議程依序審查包括巴西、加拿大、吉布地、英國、印度及聖克里斯多福及尼維斯等會員之法規通知。
- (二) 續審前次會議未完成之反傾銷稅法規通知：主席按照議程依序審查包括對喀麥隆、歐盟、迦納、賴比瑞亞等會員之法規通知。
- (三) 審查會員反傾銷措施半年報：本次反傾銷措施半年報期間 2022 年 1 月 1 日至 6 月 30 日（2022 年上半年），摘要如下：
  - 1. 2022 年上半年：計 45 個會員通知採取反傾銷措施，15 個會員通知無實施措施；另有通知其主管機關之 14 個會員及未通知其主管機關之 10 個會員沒有提交半年報通知。
  - 2. 印尼及中國大陸表示反傾銷措施實施期間有延長的趨勢，不利於推動全球貿易自由化，觀察實際採行情形，其中有 78 件反傾銷措施實施超過 20 年，呼籲各會員不應利用反傾銷措施過度保護國內產業。另其他重要關切案件摘要如下：

- (1) 澳洲半年報：印尼關切 A4 影印紙(A4 copy paper)案中某印尼廠商已被排除適用反傾銷稅，在落日調查卻又對其適用反傾銷稅；在實施反傾銷稅後，印尼在澳洲市場占有率已大幅下降，但反傾銷稅卻大幅提高，請澳洲檢視調查結果合理性。
- (2) 巴西半年報：美國表示空硬明膠膠囊(empty hard gelatin capsule)廠商已充分配合調查，請巴西檢視調查結果合理性。
- (3) 加拿大半年報：中國大陸關切床墊(mattresses)案，認為加拿大有關該案之傾銷差率認定並未依反傾銷協定第 2.2 條及第 2.4 條規範公平比較出口價格與正常價格。
- (4) 中國大陸半年報：日本表示偏二氯乙烯-氯乙烯共聚樹脂(vinylidene chloride-vinyl chloride copolymer resin)及非色散位移單模光纖(dispersion unshifted single-mode optical fiber)反傾銷措施之落日檢討違反反傾銷協定第 11.3 條規範；另表示日本某廠商在聚苯硫醚(polyphenylene sulphide)反傾銷調查案有合作配合調查，但卻未獲得單獨稅率，請中國大陸釐清。
- (5) 埃及半年報：有關鐵合金或非合金鋼之熱軋棒和桿(bars and rods of iron alloy or non-alloy steel rebar, hot rolled in wound coil or bars or rods)反傾銷落日調查案，土耳其關切目前之調查情形；而烏克蘭表示受到俄羅斯侵略已嚴重影響其國內生產，爰其出口不可能對埃及國內產業造成損害。
- (6) 歐盟半年報：俄羅斯表示歐盟禁止其冷軋鋼板(cold-rolled flat steel products)進口又同時對其實施反傾銷措施顯不合理，並強調反傾銷措施非政治工具。日本表示歐盟繼續對特定方向性電磁鋼片 (grain-oriented flat-rolled products of silicon electrical steel)採行反傾銷措施違反反傾銷協定第 11.3 條規範，且未將日本廠商意見納入調查。印尼表示脂肪酸(fatty acid)申請人既已撤案，調查程序應終止。摩洛哥質疑鋁製輪圈(aluminum road wheels)之調查方法。中國大陸表示歐盟濫用反傾銷措施，其落日調查違反反傾銷協定第 11.3 條規範，並損害產業發展和競爭。
- (7) 印度半年報：日本關切電鍍鋅鋼板(electrogalvanized steel)案之產品範圍。

- (8) 以色列半年報：土耳其關切低電壓銅纜(low voltage copper cables)案未提供國內產業資訊違反反傾銷協定第 6.5.1 條規範，致土耳其無法檢視調查結果合理性。
- (9) 韓國半年報：日本表示不銹鋼條(stainless steel bar)落日調查報告未充分說明若終止反傾銷措施造成國內產業可能再次受損之證據。烏克蘭表示受到俄羅斯侵略已嚴重影響其國內生產，其不銹鋼條之出口不可能對韓國國內產業造成損害。
- (10) 摩洛哥半年報：埃及表示機器製地毯(machine-made carpets)案之調查範圍及認定基礎有誤，造成傾銷差率過大。土耳其關切鍍鋅鋼線(galvanized wire)案之傾銷調查資料期間與損害認定期間不一致，且未依反傾銷協定第 6.2 條規範提供所有利害關係人溝通機會。
- (11) 南非半年報：歐盟關切冷凍薯條(frozen potato chips)案未分析考量製造成本增加之原因，且諸多非涉案產品造成國內產業損害之其他因素未被考量。
- (12) 烏克蘭半年報：烏克蘭表示因受俄羅斯入侵，烏克蘭經濟受巨大影響，調查機關已無法執行反傾銷調查程序，並感謝若干會員暫緩對烏克蘭產品課徵反傾銷稅。歐盟、英國、加拿大、美國、澳洲、日本、韓國等發言聲援並譴責俄羅斯。俄羅斯呼籲遵守委員會之程序規則。
- (13) 英國半年報：中國大陸指稱鋼鐵線材(wire rod products)反傾銷措施之過渡檢討(transitional review)調查了 24 個月，違反反傾銷協定第 11.4 條規範。此外中國大陸、俄羅斯重申英國脫歐後仍延續歐盟之反傾銷措施，已違反反傾銷協定法規及程序，籲請英方立即終止相關案件。
- (14) 美國半年報：日本關切美國對日本實施 19 件反傾銷措施，其中 1 件已實施 43 年，另有 18 件實施超過 5 年，籲請美國反傾銷落日檢討應遵守反傾銷協定第 11.3 條規定。俄羅斯關切美國乳化聚合苯乙烯-丁二烯橡膠(emulsion styrene-butadiene rubber)案有關非市場經濟地位之認定。中國大陸關切美國啟動反規避調查之要件與標準，以及呼應日本發言，認為美國無限期使用反傾銷措施已扭曲市場競



爭及構成貿易障礙，嚴重違反反傾銷協定第 11.3 條。美國回應，因日本廠商積極參與落日檢討案比率低，多案遭延長措施似難辭其咎。

(15) 越南半年報：馬來西亞關切特定桌椅(certain desk and chair product)案及焊接材料(welding material)案未提供越南國內產業受損害與馬國涉案產品進口有因果關係之證據。印尼關切蔗糖(cane sugar)反規避調查案，認為越南未能證明其國內產業受到損害。

3. 審查臨時及最後反傾銷稅措施通知：審查包括阿根廷、亞美尼亞、澳洲、巴西、加拿大、歐盟、印度、印尼、日本、哈薩克、韓國、吉爾吉斯、墨西哥、紐西蘭、巴基斯坦、俄羅斯、南非、土耳其、英國、美國、烏拉圭、越南等國及包括我國在內之通知文件。會議中未有會員針對我國之通知文件提出評論。
4. 有關執行工作小組會議：本次討論主題包括受調查產品及同類貨物之定義、傾銷差率計算之產品比較、落日調查等。
5. 下次會議日期：主席裁示下次例會預定於 2023 年 5 月 1 日當週舉行。

## 二、反傾銷措施委員會執行工作小組會議

反傾銷委員會於 2022 年 10 月 27 日至 28 日召開執行工作小組會議，討論議題包含：受調查產品及同類貨物之定義、傾銷差率計算時之產品比較、落日調查等。主席邀請土耳其資深官員 BURAK GüREŞCI 擔任討論會議主席，GüREŞCI 主席於會前撰擬討論題綱俾利會員分享國內實務經驗以及討論，會議內容依討論題綱摘要如下：

### (一) 受調查產品及同類貨物之定義

討論提綱：

1. 由誰定義受調查產品/同類貨物？
2. 展開調查是否有對受調查產品/同類貨物進行個別評估？
  - (1) 在申請書會要求提供哪些受調查產品/同類貨物之資訊？
  - (2) 是否會要求申請人說明或諮詢其他利害關係人之意見？

- (3) 在展開調查前是否會訪查國內廠商以確認受調查產品/同類貨物之資訊？
- (4) 會使用哪些來源資料以定義受調查產品/同類貨物？又如何確保展開調查前之機密性？
3. 產品製造過程各階段之參與者不同，如何確認產業代表性？如何處理可能的「重複計算」問題？
4. 在確認受調查產品/同類貨物時，會考慮哪些政策因素（即：產品定義的可行性；潛在最終措施的可管理性；對產業代表性的潛在影響；利害關係人之確認）？
5. 在確認受調查產品/同類貨物時會考量哪些標準？(物理、技術或化學特性、市場標準、關稅分類、產品可替代性、類似的最終用途、直接競爭的產品、銷售通路、技術標準及規格、價格、製造過程、在製造過程通常使用的設備、原料、產品的品質或等級、購買者或生產者對產品的認知)
6. 在判斷受調查產品/同類貨物時，國產品之角色為何？
  - (1) 是否排除國內產業沒有製造之產品？
  - (2) 是否排除國內產業有能力製造的產品（即國內產業具有該產品之生產能力，但某些類型或等級的產品目前僅進口）？
7. 分析受調查產品是否為單一同類貨物？
  - (1) 當受調查產品/同類貨物有多種樣態或類型時，在何種條件下會被視為單一同類貨物？
  - (2) 在分析不同類型產品是否為單一同類貨物時，會考慮哪些標準或條件（類似的最終用途；相同的基本物理、化學或機械特性；可替代性；生產過程等）
  - (3) 將兩個（或更多）產品視為單一同類貨物是否有任何必須滿足之絕對最低要件？
  - (4) 何種狀況下，會將低於成本的銷售排除於通常貿易過程之外？

8. 是否認定受調查產品/同類貨物必須包含某些關鍵組件、投入原料、半成品？如果是，會考慮哪些標準？
  - (1) 關鍵組件是否必須專用於生產受調查產品/同類貨物？
  - (2) 完成最終產品所必需的關鍵組件、投入原料是否必須一起進口？
  - (3) 決定投入原料或半成品是否納入受調查產品/同類貨物會考慮哪些標準（附加價值；可替代性）？
9. 通知文件是否提供對受調查產品/同類貨物之詳細描述？
10. 在調查過程中是否會審查受調查產品/同類貨物？
  - (1) 是否可能在調查產品範圍內或採行最終措施之產品範圍內排除某些特定產品？ 排除的條件？
  - (2) 在哪一調查階段會接受這類主張？接受受調查產品/同類貨物之評論意見是否有截止日期？
  - (3) 如果決定變更受調查產品/同類貨物，是否會發送修改後的調查問卷？
  - (4) 當變更受調查產品/同類貨物時，會重新考慮產業代表性嗎？
  - (5) 當對某些特定類型或樣態之產品做出產業損害否定認定時，是否會排除該產品？

會員分享摘要：

1. 巴西：反傾銷協定中並未對受調查產品/同類貨物加以定義，巴西內國法有訂定相關規定，例如化學成分、物理成分以及市場特徵等，可以根據該規定與申請人溝通，若申請未能符合該標準，則調查機關可以排除該類型的產品。
2. 土耳其：土耳其在展開調查前之階段進行獨立評估，考量範圍包含產品的製造過程，並根據需要之原料及生產過程進行分類。基本上是以國內生產商之產品型號判斷受調查產品/同類貨物，但有時會採用非國內生產之型號，這取決於國內生產商的生產能

力。

3. 加拿大：加拿大依據申請書中所述傾銷或補貼產品之定義判斷受調查產品/同類貨物。調查機關會要求申請人提供產品分類、進口品之生產國和出口商、任何已知進口至加拿大之進口商、以及進口品在加拿大的銷售和定價方式，還需要有關在加拿大生產的同類貨物與進口品相同或相似之產品資訊，如果與進口品不同，會要求申請人說明它們在用途或其他特性方面有何不同。描述產品特性時，一般會要求申請人說明產品外觀、物理特性，主要原料或者化學成分等細節，有疑義處也會通知申請人需要再補充哪些資訊，若申請人沒有依需求提供資訊，則不會展開調查。
4. 歐盟：歐盟執委會為產品定義、調查之權責機關，通常會確保產品定義能夠符合海關分類，以便實施措施後海關能夠執行，亦會要求申請書中應包含產品之各種資訊，包含物理、化學特性等，以及有關產業損害情形之論述。
5. 中國大陸：調查機關會比較產品之物理特性、化學特性、替代性、價格、用途等，在展開調查前會先訪問國內生產商以確認受調查產品/同類貨物。受調查產品原則上依申請人提出之產品範圍定義，但會確保定義的可操作性，並就潛在最終措施的可管理性與海關進行磋商，如有必要會再諮詢產業專家。調查機關通常會在公告中提供產品之詳細說明和海關稅則號別（HS code）。利害關係人對受調查產品範圍有異議者，應於展開調查通知發布後 20 日內、初步認定公告後 10 日內或者延長期限內以書面申請調整產品範圍，申請書應包括申請調整的進口品與國內同類貨物之相似性、差異性比較及相關佐證說明。調查機關將調查申請的合理性，此外，即使沒有收到調整申請，調查機關也有權根據利害關係人提供之資料調整產品範圍，如果決定調整受調查產品/同類貨物範圍，將會再次考量申請人資格並發出調查問卷。

## （二）傾銷差率計算時之產品比較

有關傾銷差率之計算在我國係屬財政部之權責範圍，爰僅列示討論提綱。

討論提綱：

## 1. 蒐集資訊

- (1) 是否要求申請人在申請階段或展開調查後提供產品分類及比較之相關資訊，是否會實地查證這些資訊？如何處理申請人可能因為不熟悉出口商之產品分類方法之相關問題？
- (2) 在發送主要問卷之前，是否會先向出口商發送初步問卷以定義產品之分類？如果是，
  - a. 需要哪類訊息？
  - b. 是否有一套標準問題，或是根據不同案例準備問題？
  - c. 在發布主要調查問卷之前，是否會提供時間供各利害關係人提出評論，以便表達對受調查產品/同類貨物之看法？
- (3) 出口商在回復問卷時是否了解產品分類？
  - a. 是否在出口商調查問卷提供關於不同產品類型分類之定義或標準？
  - b. 是否要求出口商自行分類？又如何評斷該建議的分類是否可以接受？
- (4) 要求出口商提出哪些資訊用來對應產品(product matching)？是否有預先建立之問題以對應產品分類，或會為不同案例訂定不同問題？出口商是否有機會參與此過程或發表評論？

## 2. 實質標準

- (1) 產品分類的核心標準為何？
  - 產品之物理、技術或化學特性？
  - 產品的可替代性程度？
  - 使用材料、設計和生產過程之不同/相似之處？
  - 生產成本的差異？
  - 產業或出口商/製造商本身使用之規格？
  - 個別出口商/製造商使用的內部產品編碼系統？

- 產品的功能和/或應用領域？
  - 品質？
  - 等級？
  - 關稅分類？
  - 購買者偏好和認知？
  - 銷售通路？
  - 品牌？
  - 其他因素？
- (2) 是否有其他具更大權重之標準？或是採用預先建立之公式來組成產品分類中考慮的多項因素？
  - (3) 上述標準中如何決定哪些差異重要到足以對一組產品進行分類？
  - (4) 計算傾銷差率之比較產品時，是否曾經考量過物理特性以外之因素（如交易層次、數量、調查資料涵蓋期間之次週期）？

### 3. 資料評估

- (1) 是否會向出口商提供產品對應標準之資訊？出口商是否有機會發表評論？如果是，會在哪個階段？
- (2) 當出口商提交之資訊與申請人建議或調查機關制定之標準不一致時會怎麼處理？
- (3) 是否對參與調查之出口商設定一套標準的產品對應方法？或是為每家出口商量身制訂解決方案？
- (4) 當影響產品分類的因素較多時，如何處理出口商提供之數據？是否使用軟體協助對應具有多種特徵之產品？如果是，該軟體是否足夠靈活反映調查和出口商的特殊要求？
- (5) 是否按不同的產品類型/型號分別計算傾銷差率？如果是，出口產品之產品型號/型號與出口國國內市場無法對應時該如何處理？

### (三) 落日調查

討論提綱：

1. 落日調查是否有任何標準/基礎或書面準則？
2. 如何以及何時展開落日調查？
  - (1) 落日調查案是否訂有時間表？何時展開落日調查？落日調查期間多久？
  - (2) 依申請或依職權展開調查？
  - (3) 是否與原始調查案件有相同的產業代表性要求？
  - (4) 是否要求申請案提供相同的資訊？
3. 落日調查範圍為何？採國家別(country-wide)調查還是針對特定出口商調查？
4. 落日調查中之利害關係人？原始調查案之出口商若採取措施後已無進口，是否還會邀其參與調查？
5. 根據法規；
  - (1) 是否可能從產品或出口商的角度擴大或縮小原始調查範圍？
    - 是否查對反傾銷措施實施期間產品定義之變化？是否會因任何原因（如市場變化；生產技術；投入原料等）修改受調查產品/同類貨物定義？
    - 是否可能包含新出口商？是否接受新出口商之申請？或新出口商需要單獨申請新出口商調查？
  - (2) 是否可能修改措施？
  - (3) 是否可能將針對一個或多個國家出口的屆期檢討與針對第三國出口的新調查案併辦？
  - (4) 是否可能在取消個別出口商之措施下同時維持針對國家之措施？
6. 出口商是否需要提交與原始調查案相同的調查問卷，或者有不同

的落日調查問卷？

7. 落日調查中是否會計算新的傾銷差率？
  - (1) 如果是，涉案貨物繼續傾銷的情況下是否會適用新的傾銷差率？如果停止出口或出口數量不具代表性會如何計算？
  - (2) 如果不是，如何評估傾銷可能繼續或再發生？
8. 價格具結之案例中，是否會檢討價格具結之金額？是否可能調整金額？出口商是否可以在落日調查案中要求調整？
9. 落日調查案係依何項事實基礎或明確證據以認定可能性？
10. 如何評估未來市場狀況？例如，如何評估涉案國進口價格/數量之可能發展？是否會使用調查資料期間以外之數據進行評估？
11. 如何評定不合作之出口商？即使不計算傾銷差率，是否還是要求提供完整數據？
12. 採用何種標準以評估損害是否可能繼續或再發生？
  - (1) 如何考慮現行措施之影響？是否分析這些措施對損害因素之影響？
  - (2) 在評估損害是否可能繼續或再發生時會考量哪些因素？反傾銷協定第 3.4 條所列之損害因素是否會全部評估？是否會預測產能利用率、生產投資或對第三國的出口等？
13. 落日調查中是否採用公共利益測試或較低稅率原則？
14. 落日調查過程中之措施為何？是否持續課徵反傾銷稅？如果是，是否會依據調查結果（終止或設定較低的關稅）返還稅金？退稅的關稅是否加計利息？
15. 當調查期間超過五年期限時，是否追溯調查結果？
16. 進行落日調查案件的比例？因落日調查而延長或終止措施的比例為何？

會員分享摘要：

1. 巴西：巴西有訂定落日調查書面準則，通常是因接受國內廠商申



請而展開調查，雖然也有依職權主動展開調查之條款，但從未執行過。落日調查的範圍會同時採國家別調查以及針對特定出口商調查。

2. 美國：美國有訂定落日調查作業標準，在採行反傾銷措施後之 5 年內啟動落日調查，就算原調查案之利害關係人已沒有再出口該產品，仍會將其列為落日調查案之利害關係人範圍。是否有申請人提出落日調查申請並非要件，調查機關也可主動展開落日調查，並向利害關係人要求提供價格和產量等資訊。
3. 歐盟：未訂落日調查書面準則，落日調查案均係依反傾銷協定第 11.3 條辦理。歐盟執委會在反傾銷措施到期前 1 年發布通知，確保各方利害關係人知道該措施將屆期。雖然歐盟執委會有主動展開落日調查之權利，但落日調查案均係由國內業者提出申請後再展開調查。歐盟執委會收到申請後，會如原始調查案一樣分析該落日調查申請，當證據足夠便會展開落日調查。展開落日調查時會發布通知，通知內容包含展開調查之合理性證據。假如原案的出口商已無涉案貨物進口，歐盟執委會仍會向出口商和製造商要求提供相關資訊，亦可能會抽樣調查出口商，並嘗試檢視出口量最大的製造商或國內銷售額最大的製造商。落日調查範圍與原始調查案相同。
4. 中國大陸：中國大陸落日調查申請應於反傾銷措施到期前 60 日內提交，並應於反傾銷措施到期前展開調查，在展開調查後 12 個月內做出認定。利害關係人均得檢附相關證據提出調查申請，展開調查之條件通常與原調查案相同。落日調查申請應包含申請人之基本資料，以及應包含反傾銷措施終止後，傾銷或損害可能繼續或再發生之證據。實務上調查機關以國家別展開調查，利害關係人通常與原始調查案相同，包括出口國或地區之政府、出口國製造商、出口商、進口商、國內產業。倘實施反傾銷措施後無涉案產品進口，調查機關通常會通知相關製造商、出口商，並將調查結果公開於商務部網頁。所有利害關係人都可以下載調查問卷，調查機關對於回復合格之問卷均會納入考量，並將根據回復之問卷及其他相關資料來認定是否仍持續傾銷。

## 陸、心得與建議

### 一、心得

- (一) 近年全球經濟受疫情以及俄烏衝突影響，各會員間實施防衛措施案件之數量相較往年有大幅成長之趨勢，有許多會員就各防衛措施之適法性及正當性表達關切，並質疑為保護國內產業而濫用防衛措施已不符合防衛協定規範，進而阻礙疫後全球貿易復甦，損害全體會員之利益。
- (二) WTO 每年均召開 2 次防衛、反傾銷、補貼及平衡措施委員會，審查通知文件及就各會員貿易救濟措施案件討論及表達看法。但近年來 WTO 之多邊貿易體系缺乏動能，各國紛紛轉向洽簽區域或雙邊自由貿易協定，致使 WTO 會議討論效率低落。在討論各案件之過程中，雖各會員仍就與自身有關之貿易救濟措施表達關切，然礙於會議時間有限及案件眾多，常不時出現文不對題之回答，或要求提出書面提問後再予書面答復等等，往往於本次會議不了了之，可能又在下期會議提出討論。又 WTO 例行委員會就各會員貿易救濟措施之討論已多數淪為形式，各會員除就議題表達自身看法外，要達成共識甚為困難。

### 二、建議

本次為自 2019 年受疫情影響以來，本會首次派員實體出席委員會例會及反傾銷措施執行工作小組會議。其中反傾銷措施執行工作小組會議提供來自首府之調查官員分享及討論反傾銷案件調查經驗，在主席會前撰擬之討論題綱帶領下討論氣氛熱絡，幫助吸收及了解其他會員實務經驗，有效增進出席人員相關知識對我國甚有助益。除派員出席實體出席會議外，建議在業務許可範圍內亦可考量鼓勵其他同仁以視訊方式參加工作小組會議以提升本會同仁專業技能。

## 柒、附件

1. 防衛委員會例行會議議程 (WTO/AIR/SG/15)
2. 補貼及平衡措施委員會特別會議議程 (WTO/AIR/SCM/45)
3. 補貼及平衡措施委員會例行會議議程 (WTO/AIR/SCM/46)

4. 反傾銷措施委員會例行會議議程 (WTO/AIR/ADP/37)
5. 反傾銷措施委員會工作小組會議議程 (WTO/AIR/ADP/38)

SUBJECT: COMMITTEE ON SAFEGUARDS - REGULAR MEETING TO BE HELD ON  
24 OCTOBER 2022

1. THE COMMITTEE ON SAFEGUARDS WILL HOLD ITS NEXT REGULAR MEETING ON MONDAY, 24 OCTOBER 2022 IN PERSON AND VIRTUALLY VIA INTERPREFY AT 10.00 A.M.

DELEGATES ATTENDING THE MEETING REMOTELY THROUGH THE VIRTUAL PLATFORM AVAILABLE ON THE WTO WEBSITE ARE REQUESTED TO CONSULT THE TECHNICAL GUIDE WHICH CAN BE DOWNLOADED FROM THE FOLLOWING LINK: [HTTPS://WWW.WTO.ORG/LIBRARY/EVENTS/INTERPREFY TECHNICAL NOTE/WTO INTERPREFY DELEGATE GUIDE E.PDF](https://www.wto.org/library/events/interprefy_technical_note/wto_interprefy_delegate_guide_e.pdf)

IF DELEGATIONS HAVE A PREPARED STATEMENT, THEY ARE STRONGLY ENCOURAGED TO SEND THEIR STATEMENTS (ON THE UNDERSTANDING THAT IT IS TO BE CHECKED AGAINST DELIVERY) TO THE SECRETARIAT ([RULES\\_STATEMENTS@WTO.ORG](mailto:RULES_STATEMENTS@WTO.ORG)) BEFORE THE MEETING STARTS IN ORDER TO FACILITATE INTERPRETATION.

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION:

**1 NATIONAL LEGISLATION**

1.1 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS NOT PREVIOUSLY REVIEWED BY THE COMMITTEE (INCLUDING SUPPLEMENTAL NOTIFICATIONS OF EXISTING PROVISIONS NOT PREVIOUSLY REVIEWED)

1.1.1 BRAZIL

G/ADP/N/1/BRA/3/SUPPL.19 - G/SCM/N/1/BRA/2/SUPPL.21 -  
G/SG/N/1/BRA/3/SUPPL.12; AND  
G/SG/N/1/BRA/3/SUPPL.13

1.1.2 CANADA

G/ADP/N/1/CAN/4/SUPPL.5 - G/SCM/N/1/CAN/4/SUPPL.4 -  
G/SG/N/1/CAN/3/SUPPL.3

- G/ADP/Q1/CAN/20 - G/SCM/Q1/CAN/20 - G/SG/Q1/CAN/4 - QUESTION FROM HONG KONG, CHINA

1.1.3 DJIBOUTI

G/SG/N/1/DJI/1

1.1.4 MYANMAR

G/SG/N/1/MMR/2

1.1.5 UNITED KINGDOM

G/ADP/N/1/GBR/1/SUPPL.13 - G/SCM/N/1/GBR/1/SUPPL.12 -  
G/SG/N/1/GBR/1/SUPPL.12,  
G/ADP/N/1/GBR/1/SUPPL.14 - G/SCM/N/1/GBR/1/SUPPL.13 -  
G/SG/N/1/GBR/1/SUPPL.13, AND  
G/ADP/N/1/GBR/1/SUPPL.15 - G/SCM/N/1/GBR/1/SUPPL.14 -  
G/SG/N/1/GBR/1/SUPPL.14

- G/ADP/Q1/GBR/7 - G/SCM/Q1/GBR/7 - G/SG/Q1/GBR/9 - QUESTIONS FROM THE UNITED STATES

1.2 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS WITH OUTSTANDING WRITTEN QUESTIONS

1.2.1 LIBERIA

G/SG/N/1/LBR/1, AND  
G/SG/N/1/LBR/1/CORR.1

- G/SG/Q1/LBR/1 - QUESTIONS FROM THE UNITED STATES

**2 NATIONAL LEGISLATION - CONTINUING REVIEW OF LEGISLATIVE NOTIFICATIONS PREVIOUSLY REVIEWED BY THE COMMITTEE**

2.1 CAMEROON

G/ADP/N/1/CMR/2 - G/SCM/N/1/CMR/2 - G/SG/N/1/CMR/2

- G/ADP/Q1/CMR/5 - G/SCM/Q1/CMR/5 - G/SG/Q1/CMR/5 - QUESTIONS FROM THE UNITED STATES

2.2 GHANA

G/ADP/N/1/GHA/2 - G/SCM/N/1/GHA/2 - G/SG/N/1/GHA/2

- G/ADP/Q1/GHA/3 - G/SCM/Q1/GHA/3 - G/SG/Q1/GHA/3 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

2.3 ZIMBABWE

G/SG/N/1/ZWE/3

- G/SG/Q1/ZWE/3 - FOLLOW-UP QUESTION FROM THE UNITED STATES

### **3 NOTIFICATIONS OF ACTIONS RELATED TO SAFEGUARD MEASURES<sup>1</sup>**

#### 3.1 EUROPEAN UNION - CERTAIN STEEL PRODUCTS

G/SG/N/10/EU/1/SUPPL.15 - G/SG/N/11/EU/1/SUPPL.10

G/SG/269\* (REQUEST FOR CONSULTATIONS)

#### 3.2 INDIA - PVC SUSPENSION RESINS WITH RESIDUAL VCM ABOVE 2 PPM

G/SG/N/6/IND/48

#### 3.3 INDONESIA - FABRICS

G/SG/N/8/IDN/23/SUPPL.1 - G/SG/N/10/IDN/23/SUPPL.2

G/SG/N/6/IDN/31/SUPPL.1 - G/SG/N/14/IDN/3

#### 3.4 INDONESIA - CURTAINS (INCLUDING DRAPES), INTERIOR BLINDS, BED VALANCES, AND OTHER FURNISHING ARTICLES

G/SG/N/8/IDN/24/SUPPL.1 - G/SG/N/10/IDN/24/SUPPL.2

G/SG/N/6/IDN/33/SUPPL.1 - G/SG/N/14/IDN/4

#### 3.5 INDONESIA - YARN (OTHER THAN SEWING THREAD) OF SYNTHETIC AND ARTIFICIAL STAPLE FIBRE

G/SG/N/8/IDN/25/SUPPL.1 - G/SG/N/10/IDN/25/SUPPL.2

G/SG/N/6/IDN/32/SUPPL.1 - G/SG/N/14/IDN/5

#### 3.6 INDONESIA - EVAPORATORS

G/SG/N/6/IDN/30/SUPPL.1

#### 3.7 INDONESIA - I AND H SECTIONS OF OTHER ALLOY STEEL

G/SG/N/8/IDN/17/SUPPL.4 - G/SG/N/10/IDN/17/SUPPL.4

#### 3.8 MADAGASCAR - PAINTS

G/SG/N/6/MDG/8

G/SG/N/6/MDG/8/CORR.1

#### 3.9 MOROCCO - HOT-ROLLED SHEETS

G/SG/N/11/MAR/7/SUPPL.5

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<sup>1</sup> ALL DOCUMENTS ACCOMPANIED WITH AN ASTERISK (\*) ARE INCLUDED IN THIS DRAFT AGENDA ON A TRIAL BASIS IN ACCORDANCE WITH THE CHAIRMAN'S STATEMENT MADE AT THE OCTOBER 2016 MEETING. (SEE G/SG/M/50 AT PARAGRAPH 138.) ANY OF THESE DOCUMENTS WOULD BE REMOVED FROM THE FINAL AGENDA IF ANY MEMBER OBJECTS TO INCLUDING IT, AND UNLESS ANY MEMBER INFORMS THE SECRETARIAT THAT IT WISHES TO INCLUDE IT ON ITS OWN INITIATIVE.

3.10 MOROCCO - COATED WOOD BOARD

G/SG/N/10/MAR/6/SUPPL.1 - G/SG/N/11/MAR/6/SUPPL.1

3.11 PHILIPPINES - LINEAR LOW-DENSITY POLYETHYLENE PELLETS AND GRANULES

G/SG/N/9/PHL/8

3.12 SOUTH AFRICA - THREADED FASTENERS OF IRON AND STEEL BOLT ENDS & SCREW STUDS, SCREW STUDDING AND OTHER HEXAGON NUTS (EXCLUDING THOSE OF STAINLESS STEEL AND THOSE IDENTIFIABLE FOR AIRCRAFT)

G/SG/N/11/ZAF/5/SUPPL.4

3.13 TUNISIA - WIRE OF IRON OR NON-ALLOY STEEL

G/SG/N/6/TUN/7

3.14 TÜRKIYE - GRINDING BALLS AND SIMILAR ARTICLES FOR MILLS

G/SG/N/8/TUR/20 - G/SG/N/10/TUR/20 - G/SG/N/11/TUR/27

3.15 UKRAINE - SODIUM HYPOCHLORITE

G/SG/N/9/UKR/10

3.16 UKRAINE - CERTAIN TYPES OF CHEESE

G/SG/N/9/UKR/11

3.17 UKRAINE - TRICONE DRILLING BITS

G/SG/N/9/UKR/12

3.18 UNITED KINGDOM - CERTAIN STEEL PRODUCTS

G/SG/N/10/GBR/1/SUPPL.9 - SG/N/11/GBR/1/SUPPL.9

G/SG/N/8/GBR/1/SUPPL.7 - G/SG/N/10/GBR/1/SUPPL.8 -  
G/SG/N/11/GBR/1/SUPPL.8

G/SG/N/8/GBR/1/SUPPL.7/CORR.1 - G/SG/N/10/GBR/1/SUPPL.8/CORR.1 -  
G/SG/N/11/GBR/1/SUPPL.8/CORR.1

G/L/1431 - G/SG/273 - G/SG/N/12/IND/3\* (PROPOSED SUSPENSION OF  
CONCESSIONS)

G/L/1431/SUPPL.1 - G/SG/N/12/IND/3/SUPPL.1\* (PROPOSED SUSPENSION  
OF CONCESSIONS)

G/SG/272\* (REQUEST FOR CONSULTATIONS)

G/SG/271\* (REQUEST FOR CONSULTATIONS)

G/L/1398/SUPPL.2 - G/SG/263/SUPPL.2\* (RESULTS OF THE  
CONSULTATIONS)

G/SG/257/SUPPL.2\* (REQUEST FOR CONSULTATIONS)

G/SG/270\* (REQUEST FOR CONSULTATIONS)

3.19 UNITED STATES - CRYSTALLINE SILICON PHOTOVOLTAIC CELLS

G/SG/N/10/USA/7/SUPPL.15

G/SG/N/10/USA/7/SUPPL.15/CORR.1

**4 INDONESIA - CARPETS AND OTHER TEXTILE FLOOR COVERINGS (ITEM REQUESTED BY JAPAN)**

**5 INDONESIA - ARTICLES OF APPAREL AND CLOTHING ACCESSORIES (ITEM REQUESTED BY JAPAN)**

**6 OTHER BUSINESS**

**7 DATE OF NEXT REGULAR MEETING**

**8 ANNUAL REPORT OF THE COMMITTEE TO THE COUNCIL FOR TRADE IN GOODS**

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR MEETINGS" WEBSITE [HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/) THE RELEVANT DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS IMF, UNCTAD, WORLD BANK, AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS THE ORGANIZATION OF AFRICAN, CARIBBEAN AND PACIFIC STATES "OACPS", OECD WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

NGOZI OKONJO-IWEALA



SUBJECT: COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES - SPECIAL MEETING TO BE HELD ON 25 OCTOBER 2022

1. THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES WILL HOLD A SPECIAL MEETING ON TUESDAY, 25 OCTOBER 2022 AT 10.00 A.M. THE PURPOSE OF THIS SPECIAL MEETING IS TO CONTINUE THE COMMITTEE'S REVIEW OF NEW AND FULL SUBSIDY NOTIFICATIONS. THE MEETING WILL TAKE PLACE IN PERSON AND VIRTUALLY VIA INTERPREFY.

DELEGATES WILL ALSO BE ABLE TO ATTEND THE MEETING REMOTELY THROUGH THE VIRTUAL PLATFORM AVAILABLE ON THE WTO WEBSITE. A TECHNICAL GUIDE CAN BE DOWNLOADED FROM THE FOLLOWING LINK: [HTTPS://WWW.WTO.ORG/LIBRARY/EVENTS/INTERPREFY TECHNICAL NOTE/W TO INTERPREFY DELEGATE GUIDE E.PDF](https://www.wto.org/library/events/interprefy_technical_note/w_to_interprefy_delegate_guide_e.pdf)

IF DELEGATIONS HAVE A PREPARED STATEMENT, THEY ARE STRONGLY ENCOURAGED TO SEND THEIR STATEMENTS (ON THE UNDERSTANDING THAT IT IS TO BE CHECKED AGAINST DELIVERY) TO THE SECRETARIAT ([RULES\\_STATEMENTS@WTO.ORG](mailto:RULES_STATEMENTS@WTO.ORG)) BEFORE THE MEETING STARTS IN ORDER TO FACILITATE INTERPRETATION.

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION:

**1 REVIEW OF 2021 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/372/...) NOT PREVIOUSLY REVIEWED**

1.1 ALBANIA

G/SCM/N/372/ALB/ADD.1

1.2 ARGENTINA

G/SCM/N/372/ARG

- G/SCM/Q2/ARG/44 - QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/ARG/45 - REPLIES TO THE UNITED KINGDOM

1.3 CUBA

G/SCM/N/372/CUB

1.4 EUROPEAN UNION

G/SCM/N/372/EU

1.4.1 AUSTRIA

G/SCM/N/372/EU/ADD.1

- G/SCM/Q2/EU/61 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/EU/76 - REPLIES TO THE UNITED STATES

1.4.2 GERMANY

G/SCM/N/372/EU/ADD.11 AND G/SCM/N/372/EU/ADD.11/CORR.1

1.4.3 LUXEMBOURG

G/SCM/N/372/EU/ADD.18

1.4.4 SLOVENIA

G/SCM/N/372/EU/ADD.25

1.5 INDIA

G/SCM/N/372/IND

- G/SCM/Q2/IND/55 - QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/IND/56 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/IND/57 - QUESTIONS FROM CANADA

1.6 MEXICO

G/SCM/N/372/MEX

- G/SCM/Q2/MEX/41 - QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/MEX/42 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/MEX/43 - QUESTIONS FROM CANADA
- G/SCM/Q2/MEX/44 - REPLIES TO CANADA

1.7 MOLDOVA, REPUBLIC OF

G/SCM/N/372/MDA

1.8 SAUDI ARABIA, KINGDOM OF

G/SCM/N/372/SAU

1.9 SWITZERLAND

G/SCM/N/372/CHE

- G/SCM/Q2/CHE/22 - QUESTION FROM THE UNITED KINGDOM

1.10 TÜRKİYE

G/SCM/N/372/TUR

- G/SCM/Q2/TUR/42 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/TUR/43 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/TUR/44 - QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/TUR/45 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/TUR/46 - REPLIES TO THE UNITED KINGDOM
- G/SCM/Q2/TUR/47 - REPLIES TO THE UNITED STATES

## **2 CONTINUATION OF REVIEW OF 2021 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/372/...)**

### 2.1 BRAZIL

G/SCM/N/372/BRA

- G/SCM/Q2/BRA/55 - QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/BRA/56 - REPLIES TO THE UNITED KINGDOM

### 2.2 CANADA

G/SCM/N/372/CAN

- G/SCM/Q2/CAN/74 - QUESTIONS FROM AUSTRALIA

### 2.3 CHILE

G/SCM/N/372/CHL

- G/SCM/Q2/CHL/31 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/CHL/32 - REPLIES TO AUSTRALIA

### 2.4 CHINA

G/SCM/N/372/CHN

- G/SCM/Q2/CHN/105 - QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/CHN/106 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/CHN/107 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/CHN/110 - QUESTIONS FROM CANADA
- G/SCM/Q2/CHN/111 - REPLIES TO THE UNITED KINGDOM
- G/SCM/Q2/CHN/112 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/CHN/113 - FOLLOW-UP QUESTIONS FROM THE UNITED KINGDOM
- G/SCM/Q2/CHN/114 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

### 2.5 COSTA RICA

G/SCM/N/372/CRI

- G/SCM/Q2/CRI/14 - FOLLOW-UP QUESTION FROM THE UNITED STATES
- G/SCM/Q2/CRI/15 - REPLY TO FOLLOW-UP QUESTION FROM THE UNITED STATES

### 2.6 ECUADOR

G/SCM/N/372/ECU

- G/SCM/Q2/ECU/5 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/ECU/6 - REPLIES TO THE UNITED STATES

### 2.7 EL SALVADOR

G/SCM/N/372/SLV

- G/SCM/Q2/SLV/3 - QUESTION FROM THE UNITED STATES
- G/SCM/Q2/SLV/4 - REPLY TO THE UNITED STATES

## 2.8 EUROPEAN UNION

G/SCM/N/372/EU

- G/SCM/Q2/EU/65 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/EU/75 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/EU/77 - ADDITIONAL QUESTIONS FROM THE UNITED STATES

### 2.8.1 BULGARIA

G/SCM/N/372/EU/ADD.3

- G/SCM/Q2/EU/66 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/EU/80 - REPLIES TO AUSTRALIA

### 2.8.2 CYPRUS

G/SCM/N/372/EU/ADD.5

- G/SCM/Q2/EU/67 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/EU/81 - REPLIES TO AUSTRALIA

### 2.8.3 DENMARK

G/SCM/N/372/EU/ADD.7

- G/SCM/Q2/EU/62 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/EU/68 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/EU/74 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/EU/78 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/EU/82 - REPLIES TO AUSTRALIA

### 2.8.4 GREECE

G/SCM/N/372/EU/ADD.12

- G/SCM/Q2/EU/69 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/EU/83 - REPLIES TO AUSTRALIA

### 2.8.5 HUNGARY

G/SCM/N/372/EU/ADD.13

- G/SCM/Q2/EU/63 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/EU/72 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/EU/79 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

### 2.8.6 IRELAND

G/SCM/N/372/EU/ADD.14

- G/SCM/Q2/EU/71 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/EU/84 - REPLIES TO AUSTRALIA

2.8.7 SPAIN

G/SCM/N/372/EU/ADD.26

- G/SCM/Q2/EU/64 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/EU/70 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/EU/73 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/EU/85 - REPLIES TO AUSTRALIA

2.9 HONG KONG, CHINA

G/SCM/N/372/HKG

- G/SCM/Q2/HKG/15 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/HKG/17 - REPLY TO AUSTRALIA

2.10 ISRAEL

G/SCM/N/372/ISR

- G/SCM/Q2/ISR/19 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/ISR/20 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/ISR/21 - REPLIES TO THE UNITED STATES
- G/SCM/Q2/ISR/22 - REPLIES TO AUSTRALIA
- G/SCM/Q2/ISR/23 - FOLLOW-UP QUESTION FROM THE UNITED STATES
- G/SCM/Q2/ISR/24 - REPLY TO FOLLOW-UP QUESTION FROM THE UNITED STATES

2.11 JAPAN

G/SCM/N/372/JPN

- G/SCM/Q2/JPN/82 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/JPN/83 - REPLIES TO AUSTRALIA

2.12 REPUBLIC OF KOREA

G/SCM/N/372/KOR

- G/SCM/Q2/KOR/66 - QUESTIONS FROM AUSTRALIA

2.13 LAO PEOPLE'S DEMOCRATIC REPUBLIC

G/SCM/N/343/LAO - G/SCM/N/372/LAO

- G/SCM/Q2/LAO/1 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/LAO/2 - REPLIES TO THE UNITED STATES

2.14 MALAYSIA

G/SCM/N/372/MYS

- G/SCM/Q2/MYS/26 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/MYS/27 - REPLIES TO THE UNITED STATES

2.15 MONTENEGRO

G/SCM/N/372/MNE AND G/SCM/N/372/MNE/CORR.1

- G/SCM/Q2/MNE/1 - QUESTIONS FROM NEW ZEALAND
- G/SCM/Q2/MNE/2 - QUESTIONS FROM THE UNITED STATES

2.16 NEW ZEALAND

G/SCM/N/372/NZL

- G/SCM/Q2/NZL/32 - QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/NZL/33 - REPLIES TO THE UNITED STATES

2.17 PHILIPPINES

G/SCM/N/372/PHL

- G/SCM/Q2/PHL/21 - QUESTIONS FROM THE UNITED STATES

2.18 UNITED KINGDOM

G/SCM/N/372/GBR

- G/SCM/Q2/GBR/1 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/GBR/2 - REPLIES TO AUSTRALIA

2.19 UNITED STATES

G/SCM/N/372/USA

- G/SCM/Q2/USA/83 - QUESTIONS FROM AUSTRALIA
- G/SCM/Q2/USA/87 - REPLIES TO AUSTRALIA

**3 CONTINUATION OF REVIEW OF 2019 NEW AND FULL SUBSIDY NOTIFICATIONS  
(G/SCM/N/343/...)**

3.1 CHINA

G/SCM/N/343/CHN AND G/SCM/N/343/CHN/CORR.1

- G/SCM/Q2/CHN/103 - FOLLOW-UP QUESTION FROM CANADA
- G/SCM/Q2/CHN/104 - SECOND SET OF FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/CHN/108 - REPLIES TO SECOND SET OF FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/CHN/109 - REPLY TO FOLLOW-UP QUESTION FROM CANADA

3.2 DOMINICAN REPUBLIC

G/SCM/N/343/DOM

- G/SCM/Q2/DOM/3 - QUESTIONS FROM THE UNITED STATES

3.3 EUROPEAN UNION

G/SCM/N/343/EU/ADD.22 PERTAINING TO PORTUGAL

- G/SCM/Q2/EU/59 - QUESTION FROM AUSTRALIA

3.4 INDONESIA

G/SCM/N/343/IDN

- G/SCM/Q2/IDN/16 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/IDN/17 - REPLY TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES

3.5 RUSSIAN FEDERATION

G/SCM/N/343/RUS

- G/SCM/Q2/RUS/21 - QUESTIONS FROM THE UNITED STATES

**4 CONTINUATION OF REVIEW OF 2015 NEW AND FULL SUBSIDY NOTIFICATIONS  
(G/SCM/N/284/...)**

4.1 CHINA

G/SCM/N/220/CHN - G/SCM/N/253/CHN - G/SCM/N/284/CHN AND  
G/SCM/N/95/CHN/SUPPL.1 - G/SCM/N/123/CHN/SUPPL.1 -  
G/SCM/N/155/CHN/SUPPL.1 - G/SCM/N/186/CHN/SUPPL.1 -  
G/SCM/N/220/CHN/SUPPL.1 - G/SCM/N/253/CHN/SUPPL.1 -  
G/SCM/N/284/CHN/SUPPL.1

- G/SCM/Q2/CHN/88 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES
- G/SCM/Q2/CHN/95 - REPLIES TO FOLLOW-UP QUESTIONS FROM THE UNITED STATES

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR MEETINGS" WEBSITE ([HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/)) THE RELEVANT DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (THE ORGANIZATION OF AFRICAN, CARIBBEAN AND PACIFIC STATES ("OACPS"), OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

NGOZI OKONJO-IWEALA

SUBJECT: COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES - REGULAR MEETING TO BE HELD ON 25 OCTOBER 2022

1. THE REGULAR MEETING OF THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES WILL BE HELD ON TUESDAY, 25 OCTOBER 2022 IMMEDIATELY AFTER THE SPECIAL MEETING OF THE COMMITTEE. THE MEETING WILL TAKE PLACE IN PERSON AND VIRTUALLY VIA INTERPREFY.

DELEGATES WILL ALSO BE ABLE TO ATTEND THE MEETING REMOTELY THROUGH THE VIRTUAL PLATFORM AVAILABLE ON THE WTO WEBSITE. A TECHNICAL GUIDE CAN BE DOWNLOADED FROM THE FOLLOWING LINK: [HTTPS://WWW.WTO.ORG/LIBRARY/EVENTS/INTERPREFY TECHNICAL NOTE/W TO INTERPREFY DELEGATE GUIDE E.PDF](https://www.wto.org/library/events/interprefy_technical_note/wto_interprefy_delegate_guide_e.pdf)

IF DELEGATIONS HAVE A PREPARED STATEMENT, THEY ARE STRONGLY ENCOURAGED TO SEND THEIR STATEMENTS (ON THE UNDERSTANDING THAT IT IS TO BE CHECKED AGAINST DELIVERY) TO THE SECRETARIAT ([RULES\\_STATEMENTS@WTO.ORG](mailto:RULES_STATEMENTS@WTO.ORG)) BEFORE THE MEETING STARTS IN ORDER TO FACILITATE INTERPRETATION.

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION:

### **1 NATIONAL LEGISLATION - NEW NOTIFICATIONS**

1.1 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS NOT PREVIOUSLY REVIEWED BY THE COMMITTEE (INCLUDING SUPPLEMENTAL NOTIFICATIONS OF EXISTING PROVISIONS NOT PREVIOUSLY REVIEWED)

#### 1.1.1 BRAZIL

G/ADP/N/1/BRA/3/SUPPL.19 - G/SCM/N/1/BRA/2/SUPPL.21 -  
G/SG/N/1/BRA/3/SUPPL.12 AND G/SCM/N/1/BRA/2/SUPPL.22

#### 1.1.2 CANADA

G/ADP/N/1/CAN/4/SUPPL.5 - G/SCM/N/1/CAN/4/SUPPL.4 -  
G/SG/N/1/CAN/3/SUPPL.3

- G/ADP/Q1/CAN/20 - G/SCM/Q1/CAN/20 - G/SG/Q1/CAN/4 - QUESTION FROM HONG KONG, CHINA



1.1.3 COLOMBIA

G/SCM/N/1/COL/2

1.1.4 UNITED KINGDOM

G/ADP/N/1/GBR/1/SUPPL.13 - G/SCM/N/1/GBR/1/SUPPL.12 -  
G/SG/N/1/GBR/1/SUPPL.12, G/ADP/N/1/GBR/1/SUPPL.14 -  
G/SCM/N/1/GBR/1/SUPPL.13 - G/SG/N/1/GBR/1/SUPPL.13, AND  
G/ADP/N/1/GBR/1/SUPPL.15 - G/SCM/N/1/GBR/1/SUPPL.14 -  
G/SG/N/1/GBR/1/SUPPL.14

- G/ADP/Q1/GBR/7 - G/SCM/Q1/GBR/7 - G/SG/Q1/GBR/9 - QUESTIONS FROM THE UNITED STATES

1.2 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS WITH OUTSTANDING WRITTEN QUESTIONS

1.2.1 SAINT KITTS AND NEVIS

G/ADP/N/1/KNA/1 - G/SCM/N/1/KNA/1

- G/ADP/Q1/KNA/1 - G/SCM/Q1/KNA/1 - QUESTIONS FROM THE UNITED STATES

**2 NATIONAL LEGISLATION - CONTINUING REVIEW OF LEGISLATIVE NOTIFICATIONS PREVIOUSLY REVIEWED BY THE COMMITTEE**

A. WRITTEN QUESTIONS CONCERNING PREVIOUSLY REVIEWED LEGISLATIVE NOTIFICATIONS:

2.1 CAMEROON

G/ADP/N/1/CMR/2 - G/SCM/N/1/CMR/2 - G/SG/N/1/CMR/2

- G/ADP/Q1/CMR/5 - G/SCM/Q1/CMR/5 - G/SG/Q1/CMR/5 - QUESTIONS FROM THE UNITED STATES

B. OUTSTANDING WRITTEN FOLLOW-UP QUESTIONS CONCERNING PREVIOUSLY REVIEWED LEGISLATIVE NOTIFICATIONS POSED UNDER THIS AGENDA ITEM AT PREVIOUS COMMITTEE REGULAR MEETINGS:

2.2 EUROPEAN UNION

G/ADP/N/1/EU/3/SUPPL.2 - G/SCM/N/1/EU/2/SUPPL.2, AND  
G/ADP/N/1/EU/3/SUPPL.3 - G/SCM/N/1/EU/2/SUPPL.3

- G/ADP/Q1/EU/15 - G/SCM/Q1/EU/15 - FOLLOW-UP QUESTIONS FROM THE RUSSIAN FEDERATION

2.3 GHANA

G/ADP/N/1/GHA/2 - G/SCM/N/1/GHA/2 - G/SG/N/1/GHA/2

- G/ADP/Q1/GHA/3 - G/SCM/Q1/GHA/3 - G/SG/Q1/GHA/3 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

**3 SEMI-ANNUAL REPORTS OF COUNTERVAILING DUTY ACTIONS (ARTICLE 25.11)**

O REVIEW OF SEMI-ANNUAL REPORTS COVERING THE PERIOD  
1 JANUARY 2022 - 30 JUNE 2022 (G/SCM/N/392/...)

**4 PRELIMINARY AND FINAL COUNTERVAILING DUTY ACTIONS: NOTIFICATIONS**

O REVIEW OF NOTIFICATIONS (G/SCM/N/391; G/SCM/N/393;  
G/SCM/N/394; G/SCM/N/395; G/SCM/N/395/REV.1; G/SCM/N/396; AND  
G/SCM/N/397)

**5 ARTICLE 27.4 EXTENSIONS OF THE TRANSITION PERIOD FOR THE  
ELIMINATION OF EXPORT SUBSIDIES - 31 DECEMBER 2015 END OF FINAL  
PHASE-OUT PERIOD AND FINAL NOTIFICATION DUE 30 JUNE 2016**

**6 IMPROVING THE TIMELINESS AND COMPLETENESS OF NOTIFICATIONS AND  
OTHER INFORMATION FLOWS ON TRADE MEASURES UNDER THE SCM AGREEMENT**

- G/SCM/W/557/REV.4

**7 PERMANENT GROUP OF EXPERTS**

**8 RECENT DISCRIMINATORY SUBSIDIES POLICIES AND MEASURES OF THE UNITED  
STATES - ITEM REQUESTED BY CHINA**

**9 SUBSIDIES AND OVERCAPACITY - ITEM REQUESTED BY AUSTRALIA, CANADA,  
THE EUROPEAN UNION, JAPAN, THE UNITED KINGDOM, AND THE UNITED STATES**

**10 SUBSIDY TRANSPARENCY AND CHINA'S PUBLICATION AND INQUIRY POINT  
OBLIGATIONS UNDER CHINA'S PROTOCOL OF ACCESSION - ITEM REQUESTED BY  
AUSTRALIA, CANADA, THE EUROPEAN UNION, JAPAN, THE UNITED KINGDOM, AND  
THE UNITED STATES**

**11 PROPOSED AMENDMENT TO PROCEDURES FOR REVIEW OF NEW AND FULL  
SUBSIDY NOTIFICATIONS - ITEM REQUESTED BY AUSTRALIA, CANADA, THE  
EUROPEAN UNION, JAPAN, THE UNITED KINGDOM, AND THE UNITED STATES**

- G/SCM/W/583

**12 OTHER BUSINESS**

**13 DATE OF NEXT REGULAR MEETING**

**14 ANNUAL REPORT OF THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING  
MEASURES TO THE COUNCIL FOR TRADE IN GOODS (ARTICLE 32.7)**

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR  
MEETINGS" WEBSITE ([HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/)) THE RELEVANT  
DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (THE ORGANIZATION OF AFRICAN, CARIBBEAN AND PACIFIC STATES ("OACPS"), OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

NGOZI OKONJO-IWEALA

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - REGULAR MEETING TO BE HELD ON 26 OCTOBER 2022

1. THE COMMITTEE ON ANTI-DUMPING PRACTICES WILL HOLD ITS NEXT REGULAR MEETING ON WEDNESDAY, 26 OCTOBER 2022 AT 10.00 A.M.<sup>1</sup> THE MEETING WILL TAKE PLACE IN PERSON AND VIRTUALLY VIA INTERPREFY.

DELEGATES WILL ALSO BE ABLE TO ATTEND THE MEETING REMOTELY THROUGH THE VIRTUAL PLATFORM AVAILABLE ON THE WTO WEBSITE. A TECHNICAL GUIDE CAN BE DOWNLOADED FROM THE FOLLOWING LINK: [HTTPS://WWW.WTO.ORG/LIBRARY/EVENTS/INTERPREFY TECHNICAL NOTE/WTO INTERPREFY DELEGATE GUIDE E.PDF](https://www.wto.org/library/events/interprefy_technical_note/wto_interprefy_delegate_guide_e.pdf)

IF DELEGATIONS HAVE A PREPARED STATEMENT, THEY ARE STRONGLY ENCOURAGED TO SEND THEIR STATEMENTS (ON THE UNDERSTANDING THAT IT IS TO BE CHECKED AGAINST DELIVERY) TO THE SECRETARIAT ([RULES\\_STATEMENTS@WTO.ORG](mailto:RULES_STATEMENTS@WTO.ORG)) BEFORE THE MEETING STARTS IN ORDER TO FACILITATE INTERPRETATION.

2. THE FOLLOWING ITEMS ARE PROPOSED FOR DISCUSSION IN THE REGULAR SESSION:

### **1 NATIONAL LEGISLATION - NEW NOTIFICATIONS**

1.1 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS NOT PREVIOUSLY REVIEWED BY THE COMMITTEE (INCLUDING SUPPLEMENTAL NOTIFICATIONS OF EXISTING PROVISIONS NOT PREVIOUSLY REVIEWED)

#### 1.1.1 BRAZIL

G/ADP/N/1/BRA/3/SUPPL.18, AND

G/ADP/N/1/BRA/3/SUPPL.19 - G/SCM/N/1/BRA/2/SUPPL.21 -  
G/SG/N/1/BRA/3/SUPPL.12

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<sup>1</sup> AS NO MEMBER REQUESTED THAT THE MEETING OF THE INFORMAL GROUP ON ANTI-CIRCUMVENTION BE HELD BACK-TO-BACK WITH THE REGULAR MEETING OF THE COMMITTEE, THE MEETING OF THE INFORMAL GROUP ON ANTI-CIRCUMVENTION WILL NOT BE HELD IN OCTOBER 2022.

1.1.2 CANADA

G/ADP/N/1/CAN/4/SUPPL.5 - G/SCM/N/1/CAN/4/SUPPL.4 -  
G/SG/N/1/CAN/3/SUPPL.3

- G/ADP/Q1/CAN/20 - G/SCM/Q1/CAN/20 - G/SG/Q1/CAN/4 - QUESTION FROM HONG KONG, CHINA

1.1.3 DJIBOUTI

G/ADP/N/1/DJI/1

1.1.4 UNITED KINGDOM

G/ADP/N/1/GBR/1/SUPPL.13 - G/SCM/N/1/GBR/1/SUPPL.12 -  
G/SG/N/1/GBR/1/SUPPL.12,

- G/ADP/Q1/GBR/7 - G/SCM/Q1/GBR/7 AND G/SG/Q1/GBR/9 - QUESTIONS FROM THE UNITED STATES

G/ADP/N/1/GBR/1/SUPPL.14 - G/SCM/N/1/GBR/1/SUPPL.13 -  
G/SG/N/1/GBR/1/SUPPL.13, AND

G/ADP/N/1/GBR/1/SUPPL.15 - G/SCM/N/1/GBR/1/SUPPL.14 -  
G/SG/N/1/GBR/1/SUPPL.14

1.2 REVIEW OF NOTIFICATIONS OF NEW OR AMENDED LEGISLATION OR REGULATIONS WITH OUTSTANDING WRITTEN QUESTIONS

1.2.1 INDIA

G/ADP/N/1/IND/2/SUPPL.11

- G/ADP/Q1/IND/34 - G/SCM/Q1/IND/34 - QUESTIONS FROM THE UNITED STATES
- G/ADP/Q1/IND/35 - G/SCM/Q1/IND/35 - REPLIES TO THE UNITED STATES

1.2.2 SAINT KITTS AND NEVIS

G/ADP/N/1/KNA/1 - G/SCM/N/1/KNA/1

- G/ADP/Q1/KNA/1 - G/SCM/Q1/KNA/1 - QUESTIONS FROM THE UNITED STATES

**2 NATIONAL LEGISLATION - CONTINUING REVIEW OF LEGISLATIVE NOTIFICATIONS PREVIOUSLY REVIEWED BY THE COMMITTEE**

A. WRITTEN QUESTIONS CONCERNING PREVIOUSLY REVIEWED LEGISLATIVE NOTIFICATIONS:

2.1 CAMEROON

G/ADP/N/1/CMR/2 - G/SCM/N/1/CMR/2 - G/SG/N/1/CMR/2

- G/ADP/Q1/CMR/5 - G/SCM/Q1/CMR/5 - G/SG/Q1/CMR/5 - QUESTIONS FROM THE UNITED STATES

- B. OUTSTANDING WRITTEN FOLLOW-UP QUESTIONS CONCERNING PREVIOUSLY REVIEWED LEGISLATIVE NOTIFICATIONS POSED UNDER THIS AGENDA ITEM AT PREVIOUS COMMITTEE REGULAR MEETINGS:

2.2 EUROPEAN UNION

G/ADP/N/1/EU/3/SUPPL.2 - G/SCM/N/1/EU/2/SUPPL.2, AND

G/ADP/N/1/EU/3/SUPPL.3 - G/SCM/N/1/EU/2/SUPPL.3

- G/ADP/Q1/EU/15 - G/SCM/Q1/EU/15 - FOLLOW-UP QUESTIONS FROM THE RUSSIAN FEDERATION

2.3 GHANA

G/ADP/N/1/GHA/2 - G/SCM/N/1/GHA/2 - G/SG/N/1/GHA/2

- G/ADP/Q1/GHA/3 - G/SCM/Q1/GHA/3 - G/SG/Q1/GHA/3 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

2.4 LIBERIA

G/ADP/N/1/LBR/1

- G/ADP/Q1/LBR/3 - G/SCM/Q1/LBR/3 - FOLLOW-UP QUESTIONS FROM THE UNITED STATES

**3 SEMI-ANNUAL REPORTS OF ANTI-DUMPING ACTIONS (ARTICLE 16.4)**

O REVIEW OF SEMI-ANNUAL REPORTS COVERING THE PERIOD 1 JANUARY 2022 - 30 JUNE 2022 (G/ADP/N/370/...)

**4 PRELIMINARY AND FINAL ANTI-DUMPING ACTIONS: NOTIFICATIONS**

O REVIEW OF NOTIFICATIONS G/ADP/N/369, G/ADP/N/371, G/ADP/N/372, G/ADP/N/373, G/ADP/N/374/REV.1, AND G/ADP/N/375

**5 CHAIRPERSON'S REPORT ON MEETING OF THE INFORMAL GROUP ON ANTI-CIRCUMVENTION**

**6 CHAIRPERSON'S REPORT ON MEETING OF THE WORKING GROUP ON IMPLEMENTATION**

**7 OTHER BUSINESS**

**8 DATE OF NEXT REGULAR MEETING**

**9 ANNUAL REPORT OF THE COMMITTEE TO THE COUNCIL FOR TRADE IN GOODS (ARTICLE 18.6)**

3. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR MEETINGS" WEBSITE ([HTTPS://DOCS.WTO.ORG/DOL2FE/](https://docs.wto.org/dol2fe/)) THE RELEVANT DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

4. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS, INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (IMF, UNCTAD, WORLD BANK), AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS INVITED TO ATTEND THIS MEETING AS OBSERVERS (THE ORGANIZATION OF AFRICAN, CARIBBEAN AND PACIFIC STATES ("OACPS"), OECD) WHICH WISH TO BE REPRESENTED AT THIS MEETING ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

NGOZI OKONJO-IWEALA

SUBJECT: COMMITTEE ON ANTI-DUMPING PRACTICES - WORKING GROUP ON IMPLEMENTATION - MEETING TO BE HELD ON 27 - 28 OCTOBER 2022

1. THE WORKING GROUP ON IMPLEMENTATION OF THE COMMITTEE ON ANTI-DUMPING PRACTICES WILL MEET ON THURSDAY, 27 OCTOBER 2022 AT 10.00 A.M. IN THE CENTRE WILLIAM RAPPARD CONTINUING ON FRIDAY, 28 OCTOBER 2022 AS REQUIRED. THE MEETING WILL TAKE PLACE IN PERSON AND VIRTUALLY VIA INTERPREFY.

2. DELEGATES ATTENDING THE MEETING REMOTELY THROUGH THE VIRTUAL PLATFORM AVAILABLE ON THE WTO WEBSITE ARE REQUESTED TO CONSULT THE TECHNICAL GUIDE WHICH CAN BE DOWNLOADED FROM THE FOLLOWING LINK: [HTTPS://WWW.WTO.ORG/LIBRARY/EVENTS/INTERPREFY TECHNICAL NOTE/WTO INTERPREFY DELEGATE GUIDE E.PDF](HTTPS://WWW.WTO.ORG/LIBRARY/EVENTS/INTERPREFY_TECHNICAL_NOTE/WTO_INTERPREFY_DELEGATE_GUIDE_E.PDF)

3. THE TOPICS THE GROUP WILL DISCUSS ARE ISSUES RELATING TO (I) DEFINING THE PRODUCT UNDER INVESTIGATION AND LIKE PRODUCTS; (II) PRODUCT COMPARISONS IN DUMPING MARGIN CALCULATIONS; AND (III) SUNSET REVIEW INVESTIGATIONS.

4. AN INVITATION INCLUDING AN OUTLINE OF POSSIBLE ISSUES FROM THE DISCUSSANT, MR BURAK GÜREŞCI, WAS CIRCULATED BY EMAIL ON 29 SEPTEMBER 2022 WHICH IS ALSO AVAILABLE AS A ROOM DOCUMENT (RD/ADP/WGI/17) ON THE "DOCUMENTS FOR MEETINGS" WEBSITE.

5. DELEGATIONS ARE REQUESTED TO DOWNLOAD FROM THE "DOCUMENTS FOR MEETINGS" WEBSITE (<HTTPS://DOCS.WTO.ORG/DOL2FE/>) THE RELEVANT DOCUMENTATION AND TO BRING THEIR COPIES TO THE MEETING.

6. MEMBERS OF THE WTO AND OTHER GOVERNMENTS WITH OBSERVER STATUS ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

NGOZI OKONJO-IWEALA





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**Committee on Anti-Dumping Practices  
Working Group on Implementation**

**UNOFFICIAL ROOM DOCUMENT\*\***

**COMMITTEE ON ANTI-DUMPING PRACTICES  
WORKING GROUP ON IMPLEMENTATION**

MEETING ON THURSDAY, 27 OCTOBER 2022 – FRIDAY, 28 OCTOBER 2022

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**Comité des pratiques antidumping  
Groupe de travail de la mise en œuvre**

**DOCUMENT DE SÉANCE NON OFFICIEL\*\***

**COMMITTEE ON ANTI-DUMPING PRACTICES  
WORKING GROUP ON IMPLEMENTATION**

MEETING ON THURSDAY, 27 OCTOBER 2022 – FRIDAY, 28 OCTOBER 2022

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**Comité de Prácticas Antidumping  
Grupo de Trabajo sobre la Aplicación**

**DOCUMENTO DE SALA NO OFICIAL\*\***

**COMMITTEE ON ANTI-DUMPING PRACTICES  
WORKING GROUP ON IMPLEMENTATION**

MEETING ON THURSDAY, 27 OCTOBER 2022 – FRIDAY, 28 OCTOBER 2022

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\* In Original language only/En langue originale seulement/En el idioma original solamente.

\*\* Documents issued in the RD series are not official WTO documents. They usually appear in their language of submission and will not be translated systematically into the working languages of the WTO. They are intended for use in WTO meeting rooms and are attributed an unofficial symbol for archiving purposes only.

Les documents de la série RD ne sont pas des documents officiels de l'OMC. Ils ne paraissent généralement que dans la langue dans laquelle ils ont été communiqués et ne seront pas systématiquement traduits dans les langues de travail de l'OMC. Ils sont destinés aux salles de réunion de l'OMC et une cote non officielle leur est attribuée à des fins d'archivage.

Los documentos de la serie RD no son documentos oficiales de la OMC. Por lo general se distribuyen en el idioma en que han sido presentados y no se traducen sistemáticamente a los idiomas de trabajo de la Organización. Se distribuyen para su uso en las salas de reunión de la OMC y se les asigna una signatura no oficial a efectos de archivo únicamente.

Direct line: (+41 22) 739 69 20  
Email: [seref.coskun@wto.org](mailto:seref.coskun@wto.org)

**EMAIL**

To: All Members	Date: 29/09/2022
From: Burak Güreşçi Discussant AD Working Group on Implementation	

**Committee on Anti-dumping Practices:  
Working Group on Implementation  
Meeting on Thursday, 27 October – Friday, 28 October 2022**

Dear Colleagues,

As indicated in the annotated draft agenda for the next meeting of the Committee on Anti-Dumping Practices in document RD/ADP/31 dated 16 September 2022, the Working Group on Implementation will be meeting on Thursday, 27 October and Friday, 28 October 2022. The meeting will start at 10:00 a.m. and take place in person at the Centre William Rappard, and virtually via Interpretify.

This time, Members agreed to discuss issues relating to (i) defining the product under investigation and like products; (ii) product comparisons in dumping margin calculations; and (iii) sunset review investigations.

As the discussant for this session, I have prepared the attached outline of possible issues for this discussion. This outline is not a comprehensive list of issues, but I hope that it will serve as a good basis for reflection and will help us to structure the discussion.

If there are any other relevant questions you would like to see included in the discussion, I strongly encourage you to forward them to the Secretariat (Mr Seref Coskun, [seref.coskun@wto.org](mailto:seref.coskun@wto.org)) for inclusion in the outline. I would like this session to be as responsive as possible to your interests and needs.

Given the technical nature of the topics, I encourage the participation of capital-based officials who can both speak with authority about your own practices and benefit from the experience of others.

While the submission of papers is of course not required, I hope that many of you will do so, whether for circulation or distribution as room documents. I note that the early submission of papers would be desirable, as this will help colleagues to prepare for the meeting.

I look forward to this session where the Working Group will continue to serve as a forum for the exchange of information about practices and experiences among technical experts. These sessions represent a unique opportunity to hear directly from your colleagues about how to handle complex issues which we all confront in our day-to-day work as anti-dumping investigators.

Thank you very much for your cooperation.

**OCTOBER 2022  
AD WORKING GROUP ON IMPLEMENTATION:  
OUTLINE OF ISSUES FOR DISCUSSION**

**1 DEFINING THE PRODUCT UNDER INVESTIGATION ("PUI") AND LIKE PRODUCTS**

1. Who makes the determination regarding the definition of the product under investigation ("PUI")/like products?
2. Do you make an independent assessment of the PUI/like products in the pre-initiation phase? If so:
  - a. What information do you request in the application regarding the PUI/like products?
  - b. Do you seek clarifications from applicants or views of other interested parties?
  - c. Do you visit domestic producers in the pre-initiation phase to identify the PUI/like products or verify the information submitted?
  - d. What other sources might you use when making a PUI/like products determination? How do you keep confidentiality of pre-initiation phase?
3. In cases where the product is produced in separate stages by different economic actors how do you check the standing? How do you deal with potential "double counting" problems?
4. What kind of policy considerations do you take into account when identifying the PUI/like products (i.e., identifying a workable product definition; administrability of the potential final measures; potential implications for standing; identification of the interested parties)?
  - o What criteria do you apply with respect to duty collection? Do you use detailed product descriptions or prefer other criteria such as HS codes? Do you consult with the Customs Authorities on that matter?
5. What criteria do you take into account when identifying the PUI/like products?
  - Physical, technical or chemical characteristics?
  - Models?
  - Market standards?
  - Tariff classification?
  - Interchangeability of the products?
  - Similar end uses?
  - Products directly competing with each other?
  - Distribution channels?
  - Technical standards and specifications?
  - Prices?
  - Production process?
  - Use of common manufacturing facilities in production process?
  - Use of raw materials?
  - Quality or grade of the products?
  - Customer and producer perceptions of the product?
6. What is the role of the domestically produced products in determination of the PUI/like products?
  - a. Do you exclude products not produced by the domestic industry?
  - b. Do you exclude products that could potentially be produced by the domestic industry (i.e., where the domestic industry has the production ability, but certain types or grades of the product are currently being imported exclusively)?

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7. Do you make any analysis as to whether the products to be investigated are a single product?
    - a. When there are various models or types of the PUI/like products, under what conditions these models or types constitute a single product with sub-types?
    - b. What criteria/conditions do you consider when analysing whether different product types constitute a single product (similar end-use; sharing basic physical, chemical or technical characteristics; interchangeability; production process; etc.)
    - c. Is there any absolute minimum requirement which must be met in order that two (or more) products form a single product?
    - d. Do you consider the grade of the products when making an assessment on single product? How do you treat second grade products?
  8. Do you ever include key components, inputs, semi-finished products in your PUI/like products? If so, what criteria do you consider when making this decision?
    - a. Must the key components be exclusively dedicated to a certain product within the PUI/like products?
    - b. Must the key components/inputs, which are necessary to complete the final product, be imported together?
    - c. What criteria do you consider when deciding whether to include inputs or semi-finished products into your PUI/like products definition (i.e., value-added; interchangeability)?
  9. Do you provide a detailed description of the PUI/like products in your notices?
  10. Do you review the PUI/like products during the course of the investigation?
    - a. Is it possible to exclude certain products from the scope of the investigation or from the scope of the final measures although they are covered by the investigation? If so, under what conditions?
    - b. At what stage in the proceedings would you accept such claims? Do you have a deadline for comments on PUI/like products?
    - c. In case you decide to change the PUI/like products, do you send out revised questionnaires?
    - d. When you change the PUI/like products do you reconsider the standing?
    - e. Do you exclude products when there is a negative injury determination with respect to certain types/models?

## **2 PRODUCT COMPARISONS IN DUMPING MARGIN CALCULATIONS**

### *2.1 Gathering the information*

1. Do you ask complainants to provide information, either in the application or after the initiation, which will be used for product categorization and comparisons? Do you verify such information?
  - o How do you address issues related to the complainants' possible unfamiliarity with the way exporters categorize their products?
2. Do you send preliminary questionnaires to the exporters to define possible product categorizations prior to sending main questionnaires? If so,
  - a. What kind of information do you request?
  - b. Do you have a set of standard questions, or do you prepare these questionnaires on a case-by-case basis?
  - c. Do you have a comment period before issuance of the main questionnaire when interested parties can express views about the PUI/like products?
3. Are exporters aware of the product categorizations at the time they respond to the questionnaires? More specifically,

- a. Do you provide pre-established definitions or guidelines in the exporter questionnaires with respect to categorization of different product types, or
  - b. Do you ask exporters to make their own categorization? How do you evaluate the suggested categorization is acceptable?
4. What kind of information do you request from exporters to be used for product matching? Do you have a pre-established set of questions to match product types, or do you generate criteria to this end for each specific case? When this is the case, do the exporters have an opportunity to participate in this process or to make comments?

## *2.2 Substantive criteria*

5. What are the core criteria used for product categorization?
  - The physical, technical or chemical characteristics of the products?
  - Degree of substitutability of the products?
  - Differences/similarities in the materials used, design, and production process?
  - Differences in cost of production?
  - Specifications used by the industry and/or the exporter/producer itself?
  - Internal product coding system used by individual exporter/producer?
  - Functions and/or application field of the products?
  - Quality?
  - Grades?
  - Tariff classification?
  - Customer preferences and perceptions?
  - Distribution channels?
  - Branding?
  - Other factors?
6. Do any of the criteria have greater weight? Or do you apply a pre-established formula to combine multiple factors which are taken into consideration in product classification?
7. How do you decide what differences in the above criteria are important enough to categorize a group of products? Will you make adjustments with respect to differences that you have not used for the purpose of matching?
8. When comparing the products in dumping margin calculations, do you ever take into account factors other than physical characteristics (such as level of trade, quantities, sub- periods of the POI, etc)?

## *2.3 Assessing the information*

9. Do you provide information to the exporters about the criteria used for product matching? Do the exporters have an opportunity to comment on that product matching? If so, at what stage does this occur?
10. What do you do when the information submitted by the exporters is not consistent with the criteria suggested by the complainants or established by the investigating authority?
11. Do you use a standard set of rules on product matching for all exporters involved in the investigation? Or do you use tailor-made solutions for each individual exporter?
12. How do you deal with the data provided by the exporters when there are multiple factors affecting product categorization? Do you employ software support to match product types with multiple characteristics? If this is the case, is the software used flexible enough to reflect the special requirements of the investigation and the exporter involved?
13. Do you make dumping margin calculations segmented by different product types/models? If so, what do you do when the exported product types/models cannot match the ones sold in the domestic market of the exporting country?

### 3 SUNSET REVIEWS

1. Do you have any standards/basis or any written guidelines for sunset reviews?
2. How and when are sunset reviews initiated?
  - a. Do you have a specific timeframe for those investigations? When do you initiate such investigations? What is the duration of sunset reviews?
  - b. Do you initiate those investigations upon request or do you have *ex officio* investigations?
  - c. Do you have the same standing requirement as the original investigations?
  - d. Do you request the same set of information in the application?
3. What is the scope of sunset reviews; are those investigations conducted on a country-wide or exporter-specific basis?
4. Who are the interested parties in sunset reviews? When there are no imports after the imposition of measures, do you invite the exporters in the original investigation to participate in the sunset review?
5. According to your regulations;
  - a. Is it possible to extend or reduce the scope of the original investigation in terms of products or exporters?
    - Do you check the changes in the product definition over the implementation period? Do you modify the definition of PUI/like products for any reason (such as changes in the market; production technology; inputs used, etc.)
    - Is it possible to include new exporters? Do you accept requests from new exporters or do they need to apply separately for a new shipper investigation?
  - b. Is it possible to amend the measures?
  - c. Is it possible to combine an expiry review concerning exports from one or more countries with a new investigation concerning exports from third countries?
  - d. Is it possible to keep the measure for the country while repealing the measures for individual exporters?
6. Are the exporters required to submit the same questionnaire as in the original investigations or do you have different questionnaires for sunset reviews?
  - o Do you send those questionnaires only to the interested parties that cooperated in the original investigation? Do you accept responses from non-cooperative parties?
7. Do you make new dumping-margin calculations in sunset reviews?
  - a. If yes, in case of continuation of dumping, do you apply new margins? What do you do if exports to your country have ceased or have been made in unrepresentative quantities?
  - b. If not, how do you perform your assessment on the likelihood of continuation or recurrence of dumping?
8. In case of price undertakings, do you review the level of price undertaking? Is it possible to modify the level of price undertaking? Is it possible for the exporters to request for an adjustment in a sunset review?
9. What kind of factual basis/positive evidence do you use in making likelihood determination?
10. How do you assess the future market conditions? How do you deal with the speculative nature of the forward-looking analysis? For example, how do you assess likely development of import prices/volumes from countries concerned? In your assessments, do you use any data from outside the investigation period?

11. How do you assess non-cooperation of the exporters? Do you request full set of data for dumping margin calculation even though you do not perform margin calculation?
12. What standards do you apply to evaluate the likelihood of continuation or recurrence of injury?
  - a. How do you take into account the effects of the measures in force? Do you analyse the impacts of the measures on injury factors?
  - b. What kind of elements do you look at when assessing likelihood of recurrence or continuation of injury? Do you analyse all the injury factors listed in Article 3.4? Do you run any projections regarding capacity utilization, capacity investments, or exports to third countries, etc.?
13. Do you apply a public interest test or the lesser duty rule in sunset reviews?
14. What happens to the measures during the sunset review proceedings? Do you keep collecting the measures? If so, do you refund the collected anti-dumping duties depending on the outcome (termination or setting a lesser duty) of the investigation? Do you apply interest on refunded duties?
15. When the investigation extends beyond the five-year period, do you impose the results of the review retroactively?
16. What is the average share of cases that are subject to sunset reviews? How frequently you extend or terminate the measures as a result of sunset reviews?

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