

e) Price undertakings: Several elements of Article 7 of the Code governing the use of price undertakings should be clarified. Article 7.1 should make explicit that only price undertakings can be accepted. The investigating authorities should also make public the details of the price undertaking with due regard for commercial confidentiality requirements. The undertaking should be subject to review and a sunset clause. Article 7.3 should also be clarified to stipulate that in the event that one of the parties to an undertaking requests that an injury investigation be continued and a finding of injury results, the undertaking shall continue in force.

f) Imposition and collection of anti-dumping duties: Article 8.2 of the Code requires that an anti-dumping duty be collected in the appropriate amounts in each case. This duty must not exceed the margin of dumping, and any amount paid in excess should be quickly reimbursed (Article 8.3). It should be clarified that the amount of anti-dumping duties payable should be determined at the time of entry of the subject good, or as nearly as possible thereafter. The duty payable should be established in the amount by which the normal value exceeds the export price. When the export price of a subject good reflects a non-dumped price (i.e. exporter is pricing up to normal value), no anti-dumping duties should be collected. To the extent feasible, individual normal values should be established and provided to each exporter at the time of or in advance of shipment in order for the exporter to be in a position to determine the extent to which anti-dumping duties will be assessed.

g) Transparency: The transparency of decisions is an essential element to ensure that Parties fulfil their obligation under the Code. In this regard, steps should be taken to incorporate the principles enunciated in the Anti-dumping Practices Committee Recommendation of 1983 concerning the transparency of anti-dumping proceedings, in particular providing access to relevant information and requiring the publication of a statement of reasons at the initiation, preliminary and final determination stages, as well as when an undertaking is accepted.

h) Time limits given to respondents: Respondents should always be provided with sufficient time to present evidence regarding the allegation of injurious dumping. The minimum 30 day period established by the Anti-dumping Practices Committee Recommendation of 1983 should be explicitly incorporated in the provisions of the Code.