

Chapter VII: Antidumping Measures

Article VII.1 Antidumping Measures

1. Except as otherwise provided in this Chapter, the WTO Agreement shall govern the rights and obligations of the Parties in respect of the application of antidumping duties.
2. In the interest of promoting improvements to, and clarifications of, the relevant provisions of the WTO Agreement the Parties recognise the desirability of:
 - (a) establishing a domestic process whereby the investigating authorities can consider, in appropriate circumstances, broader issues of public interest, including the impact of antidumping duties on other sectors of the domestic economy and on competition;
 - (b) providing for the possibility of imposing antidumping duties that are less than the full margin of dumping in appropriate circumstances;
 - (c) having a transparent and predictable method for the imposition and collection of antidumping duty that provides for the expeditious assessment of definitive antidumping duties; and
 - (d) assessing the conditions of competition between the imported products and the conditions of competition between the imported products and the like domestic product pursuant to Article 3.3 of the *WTO Agreement on the Interpretation of Article VI of the General Agreement on Tariffs and Trade 1994*.
3. In the interest of ensuring procedural fairness and transparency in anti-dumping investigations, the Parties reaffirm their full adherence to their obligations under the relevant provisions of the WTO Agreement including in respect of:
 - (a) notification to the government of the exporting country upon receipt of a properly documented application for the initiation of an investigation;
 - (b) public notice and notification to all interested parties of the initiation of an investigation;
 - (c) notification to all interested parties of the information required by the investigating authorities in the investigation, and the provision of ample opportunity to present evidence in respect of the investigation;
 - (d) making available the application for the initiation of an investigation to all interested parties and the government of the exporting country upon the initiation of an investigation;
 - (e) making available to interested parties all evidence submitted by other parties, subject to the requirements to protect confidential information;
 - (f) the provision of a reasonable opportunity for interested parties to defend their interests, including in the context of a public hearing, by presenting their views, commenting on evidence and views of others, and offering rebuttal evidence and arguments;
 - (g) the provision of a reasonable opportunity for interested parties to see all information that is relevant to the presentation of their case, subject to the requirements to protect information designated as confidential by the provider;
 - (h) the provision to interested parties of an explanation of the methodologies used in determining the margin of dumping, and the provision of opportunities to comment on the preliminary determination;
 - (i) procedures for the submission, treatment and protection of confidential information submitted by parties, procedures to ensure that confidential treatment is warranted and procedures to ensure that adequate public summaries of confidential information are available;
 - (j) public notice and notice to all interested parties of preliminary and final determinations, which include sufficiently detailed explanations of the determinations of dumping and injury including in respect of all relevant matters of fact and law;
 - (k) public notice and notice to interested parties of the imposition of any provisional or final measures; and
 - (l) the provision of procedures for the judicial review of administrative actions relating to final determinations and reviews of determinations.

4. In an investigation, each Party shall provide the other Party with information concerning the point of contact in the investigating authority for that investigation.

5. All disputes between Parties arising in respect of the application of antidumping measures by either Party shall be settled in accordance with the WTO Agreement.