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Committee on Anti-Dumping Practices

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 18.5 OF THE AGREEMENT

BRAZIL

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DECREE N° 1602 OF 23 AUGUST 1995

Regulates the Norms Governing
Administrative Procedures Regarding
the Imposition of Anti-Dumping Measures

The President of the Republic, by virtue of the powers vested in him by Art. 84, sections IV and VI, of the Constitution and taking into consideration the

provisions of the Agreement Regarding the Implementation of Article VI of the General Agreement on Tariffs and Trade - GATT 1994, approved by Legislative Decree n° 30 on 15 December 1994, and promulgated by Decree n° 1.355 of 30 December 1994, and Law n° 9.010 of 30 March 1995, wherein provision is made for the imposition of the measures established by the Anti-dumping Agreement,

DECREES:

TITLE I PROCEDURES

Chapter I PRINCIPLES

Art. 1. Anti-dumping measures may be imposed when imports of primary and non-primary dumped products cause injury to domestic industry.

1.1 Anti-dumping measures shall be imposed based on open investigations initiated and conducted pursuant to the provisions of this Decree.

1.2 Pursuant to the provision of Paragraph 5 of Article VI of GATT/1994, the import of a product may not be subject, simultaneously, to the imposition of the anti-dumping measure and a compensatory measure which is part of the GATT/1994 Agreement on Subsidies and Compensatory Measures.

Art. 2. It is within the competency of the Minister of Industry, Commerce and Tourism and the Minister of Finance to make the decision to impose, by joint action, provisional anti-dumping measures or definitive measures and approve price undertakings based on the findings of the Secretariat of Foreign Trade - SECEX, of the Ministry of Industry, Commerce and Tourism, which determines the existence of dumping and the resulting injury.

Art. 3. SECEX is responsible for undertaking the administrative process that is governed by this Decree.

Chapter II

DETERMINATION OF DUMPING

Art. 4. For the purposes of this Decree, the practice of dumping is considered to be the introduction of a product into the domestic market, including under the method of drawback, at an export price that is below the normal value.

Section I

Normal Value

Art. 5. Normal value is considered to be the price that is actually being charged for the like product under ordinary course of trade, for internal consumption in the exporting country.

5.1 The term "like product" shall be understood as an identical product, that is equal in all aspects to the product being examined, or, in the absence of such a product, another product that, although not exactly equal in all aspects, has characteristics closely resembling those of the product under consideration.

5.2 The term "exporting country" shall be understood as the country of origin and of exportation, except in the hypothesis provided for in Art. 10.

5.3 The sales of the like product for internal consumption in the exporting country shall be normally considered as being of sufficient quantity for determining their normal value, if they constitute 5% or more of the product's sales to Brazil, allowing a lower percentage when it shall be demonstrated that domestic sales at this percentage do occur in sufficient quantity to permit adequate comparison.

Art. 6. Should there be no sales of the like product in the ordinary course of trade in the domestic market or when, for reasons of special market conditions or low sales volume, adequate comparison is impossible, the normal value shall be based:

I. on the price of the like product being charged in exporting operations to a third country, as long as this price is representative; or

II. on the value as determined in the country of origin, taking into account the cost of production in the country of origin plus a reasonable amount for administrative and selling costs, in addition to a margin of profit.

6.1 For purposes of price, they may be considered as not being in the ordinary course of trade and thus not considered in determining normal value, those sales of the like product in the domestic market of the exporting country or sales to a third country, at prices below per unit (fixed and variable) costs of production, administrative and selling costs being included.

6.2 The provision of the preceding paragraph shall be applied only when it is shown that sales are made:

(a) over a long period, normally one year, but never less than six months;

(b) in substantial quantities, being considered as such those transactions taken into account for determining normal value, made at a weighted average price for sales below the weighted average unit cost, or a sales volume below the unit cost corresponding to 20% or more of the volume sold in transactions considered for determining normal value; and

(c) at prices that do not permit covering all costs within a reasonable period of time.

6.3 The provision of item "c" of the preceding paragraph does not apply when it is shown that the prices below the unit cost, at the moment of sale, are above the weighted average unit cost found in the course of the investigation.

6.4 Transactions among parties who are considered associated or who have agreed a compensatory arrangement among themselves may be considered as not being in the ordinary course of trade and not be taken into account in determining normal value, unless it is proven that the related prices and costs are comparable to those of operations among parties that are not so related.

6.5 The costs that are treated in item II of this article, shall be calculated based on the records kept by the exporter or by the producer of the product being investigated, as long as such records are pursuant to accepted accounting principles in the exporting country and reflect the costs related to the production and sale of the product in question.

6.6 Available evidence shall be considered regarding appropriate distribution of costs, including those furnished by the exporter or producer in the course of the investigation procedures, as long as such distribution has been traditionally used by the exporter or producer, particularly when determining adequate periods of amortization and depreciation and allowances resulting from capital expenses and other development costs.

6.7 Adequate adjustment shall be made for those non-recurring cost items that benefit future and/or present production, or for circumstances in which the costs observed in the course of the investigation period are affected by start-up operations, at least if they reflect on the distribution mentioned in the preceding paragraph.

6.8 The adjustments made due to start-up must reflect the costs verified at the close of the start-up period or, should such period extend beyond that covered by the investigation, the most recent costs that can be taken into account in the course of the investigation.

6.9 Calculation of the amount referred to in item II of this article, shall be based on effective production and sales data of the like product, done by the producer or exporter under investigation, during the normal course of trade.

6.10 When calculation of the amount cannot be done based on data mentioned in the preceding paragraph, it shall be done by means of:

(a) the actual amounts incurred and realized by the exporter or producer in question, relative to production and sale of products of the same category, in the domestic market of the exporting country;

(b) the weighted average of the actual amounts incurred and realized by other exporters or producers under investigation, in relation to the production and selling of the like product on the domestic market of the exporting country;

(c) any other reasonable method, as long as the amount stipulated for profit does not exceed the amount of profit normally made by other exporters or producers from sales of products of the same general category, in the domestic market of the exporting country.

Art. 7. When difficulties occur in determining a comparable price as in the case of imports originating in a country that is not predominantly oriented toward a market economy, where domestic prices are for the most part established by the State, the normal value may be determined based on the price charged or on the value determined for the like product in a third country that has a market economy, or on the price charged by the latter country for its exports to other countries, excluding Brazil, or, whenever this is not possible, based on any other reasonable price, including the price paid or to be paid for the like product in the Brazilian market, duly adjusted, if necessary, to include a reasonable margin of profit.

7.1 The choice of the third country with an adequate market economy shall take into account any reliable information presented at the time of selection.

7.2 The time frames of the investigation shall be taken into account and, whenever feasible, recourse shall be had to a third country with a market economy that is the object of the same investigation.

7.3 The interested parties shall be notified, immediately after the initiation of the investigation, regarding the third country with a market economy that is to be used, and a period of time shall be established for returning the respective questionnaires mentioned in the lead paragraph of Art. 27.

Section II

Export Price

Art. 8. The export price shall be the actual price paid or to be paid for the product exported to Brazil, free of measures, discounts and reductions actually granted and directly related to the sales under consideration.

Sole paragraph. In cases where there is no export price or where this appears unreliable, due to an association or compensatory arrangement between the exporter and an importer or a third party, the export price may be constructed using:

(a) the price for which imported products have been resold for the first time to an independent buyer; or

(b) a reasonable basis, in the case of products that are not to be resold to independent buyers, or not to be resold in the same condition as when they were imported.

Section III

Comparison Between Normal Value and Export Price

Art. 9. A fair comparison shall be made between the export price and the normal value, at the same level of trade, normally that of ex-factory level, in

respect of sales made at as nearly as possible the same time. The interested parties, as defined in paragraph 3 of Art. 21 shall be notified regarding the type of information necessary for ensuring a fair comparison, without requiring excessive burden of proof from them.

9.1 For purposes of adjustment in each case according to its specific characteristics an examination shall be made of the differences that affect price comparison, among them differences in the conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics and any other differences that demonstrably affect price comparability. When some of these factors overlap, duplication of adjustments already made shall be avoided.

9.2 For the purpose of imposition of the sole paragraph of Art. 8, adjustments shall also be admitted in function of costs incurred between importation and resale, including import measures, other taxes and profits accounted for.

9.3 In cases such as described in the preceding paragraph, if the comparison is affected, the normal value shall be established on a trade level equivalent to that of the constructed export price, or the adjustments provided for in paragraph 1 of this article may be made.

9.4 The amount of the adjustment shall be calculated based on relevant data corresponding to the period of investigation concerning the existence of dumping, referred to in paragraph 1 of Art. 25, or on data from the last available fiscal year.

9.5 In the event of a price comparison, as provided for in the lead paragraph of this article, requiring currencies conversion, the rate of exchange in effect on the day of sale will be used, except when there occurs a sale in foreign currency in forward markets directly linked to the export sale involved, and then the rate of exchange in the forward sale shall be used.

9.6 In normal situations, the day of sale shall be the contract date, the purchase order date or the date of confirmation of the order or of the invoice, whichever establishes the material terms of sale.

9.7 Fluctuations in exchange rates shall be ignored and, for purposes of investigation, a period of at least sixty days shall be considered necessary for the exporters to adjust their export prices, in order to reflect relevant alterations that have occurred during the period of the dumping investigation.

Art. 10. In the case of a product not being imported directly from its country of origin, but exported to Brazil from a third intermediary country, the provisions of this Decree shall also be applied and the price for which the product is sold to Brazil by the exporting country shall be compared with the comparable price in the exporting country.

Sole paragraph. The comparison may be made with the price in the country of origin, if:

- (a) the product is merely transshipped through the exporting country;
- (b) the product is not produced in the exporting country; or
- (c) there is no comparable price for the product in the exporting country.

Section IV

Margin of Dumping

Art. 11. The margin of dumping shall be the difference between the normal value and the export price.

Art. 12. The existence of a margin of dumping shall be determined based on a comparison between:

I.the weighted average normal value and the weighted average of the prices of all comparable export transactions; or

II.the normal value and the export prices on a transaction-to-transaction basis.

12.1 A normal value, determined by means of a weighted average, can be compared with the prices of specific export transactions in the case where a pattern of prices is found for exports that differs significantly among different purchasers, regions or time periods and if an explanation is given for the reason that such differences cannot be taken into account by the use of a weighted average-to-weighted average or transaction-to-transaction comparison.

12.2 Sampling techniques may be used to determine the normal value and the export prices, by using prices that appear with the most frequency or that are the most representative, as long as they include a significant amount of the transactions under examination.

Art. 13. Determining the individual margin of dumping for each one of the known exporters or producers of the product under investigation shall be the general rule.

13.1 In a case where the number of known exporters, producers and importers or types of products being investigated is so large that it becomes impractical to proceed with the determination cited in the preceding paragraph, the investigation may limit itself to:

(a)a reasonable number of interested parties or products, by means of valid statistical sampling based on information available at the time of selection;
or

(b)the largest percentage of the volume of exports from the country in question, which can reasonably be investigated.

13.2 Any selection of exporters, producers, importers or types of products that is made pursuant to the provision of the preceding paragraph, shall go into effect after consultation with the exporters, producers or importers, and their consent obtained, as long as the necessary information has been provided for selecting the representative sample.

13.3 Should any of the selected firms not furnish the requested information, another selection shall be made. If there is not enough time to make a new selection or if the new firms selected also fail to provide the requested information, the determination or decision shall be based on the best information available, pursuant to the provision of Art. 66.

13.4 The individual margin of dumping shall also be determined for each exporter or producer who has not been included in the selection, but who provides the necessary information when this is being considered in the course of the investigation process, with the exception of situations in which the number of exporters or producers is so large that analysis of individual cases implies a disproportionate burden and impedes conclusion of the investigation within the designated time period. Voluntary replies shall not be discouraged.

Chapter III

DETERMINATION OF INJURY

Art. 14. For the purposes of this Decree, the term "injury" shall be understood as material injury or the threat of material injury to an already established domestic industry or a material retardation in establishing such an industry.

14.1 Determination of injury shall be based on positive evidence and shall include an objective examination of:

(a) the volume of dumped imports;

(b) their effect on prices of the like product in Brazil; and

(c)the consequent impact of such imports on the domestic industry.

14.2 Regarding the volume of dumped imports, it shall be determined whether this is significant and if there has been a substantial increase in imports under such conditions, both in absolute terms or relative to production or consumption in Brazil.

14.3 For purposes of the investigation, an negligible volume of imports, coming from a certain country, is normally understood to be less than three percent of Brazil's imports of the like product, unless the countries that, individually, provide less than 3% of Brazil's imports of the like product, collectively are responsible for more than 7% of the product's imports.

14.4 As to the effect that dumped imports have on prices, it shall be taken into account whether there has been a significant price undercutting for imported products at dumped prices in relation to the price of the like product in Brazil, or whether such imports have had the effect of significantly depressing prices or impeding in a relevant way price increases which would have occurred in the absence of such imports.

14.5 None of these factors alone, nor several of them together, shall necessarily be considered as giving decisive guidance.

14.6 When imports of a product coming from more than one country are simultaneously subject to investigation, the effects of such imports shall be assessed cumulatively, if it is determined that:

(a)the margin of dumping established for each one of the countries is more than the de minimis and that the volume of imports from each country is not negligible; and

(b) the cumulative assessment of the effects of those imports is appropriate in the light of the conditions of competition between imported products and

the conditions of competition between the imported products and the like domestic product.

14.7 The margin of dumping shall be considered de minimis when, expressed as a percentage of the export price, it is below 2%.

14.8 The examination of the impact that dumped imports have on the domestic industry shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual or potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices; the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments.

14.9 The list of factors in the preceding paragraph is not exhaustive, nor can one or several of these factors necessarily give decisive guidance.

Art 15. A causal link must be demonstrated between the dumped imports and the injury to the domestic industry, based on an examination of:

I.relevant evidence; and

II.other known factors, besides the dumped imports, that could be causing injury to domestic industry at the same time, and such injuries, caused by factors other than the dumped imports, must not be attributed to those imports.

15.1 The relevant factors under these conditions include, inter alia, the volume and prices of imports that are not sold at dumping prices, the impact of the process of liberalization of imports on domestic prices, contraction in demand or changes in consumer patterns, trade restrictive practices by domestic and foreign producers, and competition between them, developments in technology, and the export performance and productivity of the domestic industry.

15.2 The effect of dumped imports shall be assessed in relation to the domestic industry, when available data permit separate identification of such production, based on criteria such as the productive process, producers' sales and profits.

15.3 If such separate identification of that production is not possible, the effects of dumped imports shall be assessed by examination of the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided.

Art 16. The determination of the existence of a threat of material injury shall be based on facts and on a convincing reason, not merely on allegation, conjecture or remote possibility. Change of the circumstances that could bring about a situation in which dumping would cause injury, must be clearly foreseen and imminent.

16.1 In making a determination regarding the existence of a threat of material injury, consideration shall be given, inter alia, to the following factors:

(a) a significant rate of increase of dumped imports, indicating the likelihood of substantially increased importation;

(b) sufficient freely disposable, or an imminent, substantial increase in capacity of the exporter indicating the likelihood of substantially increased dumped exports to Brazil, taking into account the availability of other export markets to absorb any additional exports;

(c) whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports, and;

(d) inventories of the product being investigated.

16.2 None of the factors in the preceding paragraph, by itself, will give decisive guidance, but the totality of these factors must lead to the conclusion that further dumped imports are imminent and that, unless protective action is taken, material injury would occur.

Chapter IV

DEFINITION OF DOMESTIC INDUSTRY

Art. 17. For the purposes of this Decree, the term "domestic industry" shall be interpreted as referring to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products, except that:

I. when producers are related to the exporters or importers or are themselves importers of the allegedly dumped product, the term "domestic industry" may be interpreted as referring to the rest of the producers;

II. in exceptional circumstances as defined in paragraph 4 of this article, Brazil is divided into two or more competing markets, and then the term "domestic industry" shall be interpreted as the group of producers in one of those markets.

17.1 For the purposes of this article, producers shall be considered as being related to the exporters or the importers only in the case where:

(a) one of them controls the other, directly or indirectly;

(b) both are controlled directly or indirectly by a third party;

(c) both control a third party directly or indirectly.

17.2 The cases cited in the preceding paragraph shall only be considered if there are reasons to believe or suspect that these relationships may lead the

producer in question to act in a manner different from those who are not part of such a relationship.

17.3 For purposes of this article, control is considered to exist when the former is legally or operationally able to exercise restraint or direction over the latter.

17.4 For purposes of imposing the provision of item II of this article, producers in each market may be considered as a distinct domestic industry, if:

(a) the producers within such a market sell all or almost all of their production of the product in question in that market;

(b) the demand in that market is not to any substantial degree supplied by producers of the product in question located elsewhere in the territory.

17.5 In the case of paragraph 4 of this article, injury may be found to exist, even when a major portion of domestic production is not being injured, provided there is a concentration of dumped imports in that market and these are causing injury to the producers of all or almost all of the production of that market.

Chapter V

THE INVESTIGATION

Section I

Application

Art. 18. Except as provided for in art. 24, an investigation to determine the existence, degree and effect of any alleged dumping shall be requested by the domestic industry or on its behalf by means of an application in writing, pursuant to the directions issued by SECEX.

18.1 The application cited in the lead paragraph must include evidence of dumping, injury and of a causal link between the dumped imports and the alleged injury, along with the following data:

(a) the identity of the applicant, and a description of the volume and value of the corresponding production by the domestic industry. In a case where the application is submitted on behalf of a domestic industry, the application must indicate the name of the industry on whose behalf it is being submitted and the name of the firms represented, as well the volume and value of the corresponding production;

(b) an estimate of the volume and value of national production of the like product;

(c) a list of the known domestic producers of the like product that are not represented in the application, and in so far as possible, an indication of the volume and value of the domestic production of the like product by such producers, as well as their opinion regarding support of the application;

(d) a complete description of the allegedly dumped product, the names of the respective country or countries of origin or export, the identity of each known exporter or foreign producer and a list of the known persons importing the product in question;

(e) a complete description of the product manufactured by the domestic industry;

(f) information about the representative price being charged for the product in question, when sold for consumption in the domestic market of the exporting country or countries, or in cases provided for in Art. 6, information about the representative sales price of the product by the exporting country or countries to a third country or countries, or about the constructed value of the product.

(g) information regarding the representative export price or, in cases provided for in Art. 8, information about the representative sales price of the product when sold for the first time to an independent buyer in Brazil.

(h) information on the evolution of the volume of allegedly dumped imports, the effect of these imports on prices of the like product on the domestic market and the consequent impact of the imports on the domestic industry, as demonstrated by relevant factors and indices having a bearing on the state of that industry.

18.2 Should the application contain confidential information, the provision of Art. 28 shall apply.

Art. 19. The application will undergo a preliminary examination in order to verify if it is appropriate or if complementary information is needed. The result of this examination shall be communicated to the applicant within twenty days from the date of submission of the application.

19.1 When complementary information is requested, a new examination shall be made in order to verify if further information is required or if the application is appropriate. The applicant shall be notified of the result of this examination within twenty days from the date of submission of the complementary information.

19.2 The applicant shall be notified if the application is appropriate or if it has been judged inadequate within a period of twenty days from the date of submission of new information.

19.3 The time period for attending to complementary information or new information that has been requested shall be determined by SECEX, according to the nature of the information, and the applicant shall be so notified.

19.4 The applicant shall have ten days, from the date of issue of the communication informing that the application is appropriate, to present as many copies of the complete text of the application, including the non-

confidential summary of the same, when such is the case, pursuant to the terms of paragraph 1 of Art. 28, as there are known producers and exporters and governments of the listed exporting countries.

19.5 In a case where the number of producers and exporters, cited in paragraph 4, is particularly high, copies of the application may be furnished only for submission to the governments of the listed exporting countries and to the corresponding representative associations.

Section II

Initiation of the Investigation

Art. 20. Evidence of dumping and the injury caused by it shall be considered simultaneously in the analysis to decide on initiation of the investigation.

20.1 With a basis on information from other sources that are promptly available, the appropriateness and adequacy of the evidence offered in the application shall be examined, in order to determine the existence of sufficient motives to justify the initiation of an investigation.

20.2 SECEX shall proceed to the examination of the level of support or rejection of the application as shown by other national producers of the like product, in order to verify whether the application was submitted by domestic industry or on its behalf. In the case of a fragmented industry that involves an especially large number of producers, support or rejection may be confirmed by using valid statistical sampling techniques.

20.3 An application shall be considered as being made "by domestic industry or on its behalf" if it is supported by those producers whose collective output constitutes more than 50% of the total production of the like product produced by that portion of the domestic industry expressing either support for or opposition to the application.

Art. 21. The applicant shall be notified of the decision, affirmative or negative, regarding the initiation of an investigation, within thirty days from

the date of the issue of the communication stating that the application is adequate.

21.1 The application shall be rejected and, consequently, the process shall be terminated, when:

(a) there is not sufficient evidence of the existence of dumping or of injury caused by the same, that would justify any investigation;

(b) the application was not submitted by the domestic industry nor on its behalf; or

(c) the domestic producers supporting the application account for less than 25% of the total production of the like product by the domestic industry.

21.2. Should the decision be affirmative, the investigation shall be initiated and a notice shall be published in the "Diario Oficial" (Official Gazette) regarding such decision. The known involved parties shall be notified and shall be granted a period of twenty days from the date of publication of the decision for an application requesting the qualifying of other parties that are considered as being interested, with the respective indication of their legal representatives, pursuant to the provision of relevant legislation.

21.3 For the purposes of this Decree the following are to be considered as interested parties:

(a) domestic producers of the like product and the association that represents them;

(b) importers or consignees of the goods under investigation and the association that represents them;

(c) foreign exporters or producers of the product in question and the associations that represent them;

(d)the government of the country exporting the product in question;

(e)other parties, either Brazilian or foreign, considered by SECEX to be interested.

21.4 As soon as the investigation is initiated and without prejudice to the right to confidentiality, the complete text of the application which requested it shall be furnished to the known foreign producers and exporters and to the authorities of the exporting country and must be made available to other interested parties, if required. In a case where the number of interested producers and exporters is especially large, the complete text of the application shall be furnished only to the authorities of the exporting country and to the corresponding representative associations.

Art. 22. After initiating the investigation, SECEX shall notify the Federal Revenue Secretariat of the Ministry of Finance, so that it may take the appropriate steps which, should it be the case, will provide for the imposition of definitive anti-dumping measures on the imports that are the object of the investigation, referred to in Art. 54.

Sole paragraph. The measures adopted by the Federal Revenue Secretariat, pursuant to this article, shall not hinder the procedures of customs clearance.

Art. 23. Prior to the decision to initiate an investigation, the existence of the application requesting it shall not be made public except in the case of the government of the exporting country concerned, which must be notified of the existence of a duly qualified application.

Art. 24. Under exceptional circumstances, the Federal Government, ex officio, may initiate the investigation as long as there is sufficient evidence of dumping, injury and a causal link between them which justifies the initiation of an investigation. The government of the country concerned shall be notified of the existence of such evidence, before the initiation of the investigation.

Section III

Conduction of the Investigation

Art. 25. In the course of the investigation, the evidence of dumping and injury caused by it, shall be examined simultaneously.

25.1 The period of investigation for ascertaining the existence of dumping must include the twelve previous months as close as possible to the initiation of the investigation, and, under exceptional circumstances, may be less than twelve months but never less than six.

25.2 The period of investigation regarding the existence of injury must be sufficiently representative to permit analysis as provided for in Chapter III, may not be less than three years, and shall necessarily include the period during which dumping is investigated.

Subsection I

Evidence

Art. 26. All interested parties in an anti-dumping investigation shall be given notice of the information required and shall have ample opportunity to submit, in writing, all evidence that they consider relevant in respect of the investigation in question.

Sole paragraph. Due consideration shall be given to any difficulties encountered by the interested parties, especially small enterprises, in providing requested information, and any possible assistance shall be given them.

Art. 27. All interested parties, except the governments of the exporting countries, shall receive questionnaires for purposes of the investigation and shall have forty days within which to return them. This period shall be counted from the date the questionnaires are issued.

27.1 Any requests for an extension of the forty-day period shall be duly considered and if its necessity is demonstrated, such extension may be authorized whenever practicable for a period of up to thirty days, taking into account the time periods of the investigation.

27.2 Additional or complementary information may be requested or accepted in writing throughout an investigation. The time period for providing requested information shall be stipulated based on the nature of the information and may be extended when a duly justified request is made. The time periods for the investigation itself must be taken into account both for information that is requested and for consideration of such additional information submitted.

27.3 Should any of the interested parties deny access to necessary information, not providing it on time or creating obstacles to the investigation, the findings related to preliminary or final decisions shall be composed based on the best information available, pursuant to the provision of Art. 66.

Art. 28. Information which is confidential by nature or which has been provided as being confidential by the parties in the investigation shall be treated as such, upon good cause shown, and shall not be disclosed without the specific permission of the party which has provided it.

28.1 The interested parties who provide confidential information must submit a non-confidential summary thereof, which permits a reasonable understanding of the information provided. In cases where it is impossible to provide a summary, the parties shall justify this in writing.

28.2 Should it happen that the information labelled confidential is not justified as such, and if the provider of the information is unwilling to make it public in its totality or in summary form, such information cannot be considered, unless it is demonstrated in a convincing manner and from reliable sources that such information is correct.

Art. 29. The industrial users of the product under investigation and representatives of consumers organizations, if the product is habitually sold on the retail market, shall have the opportunity to provide information which is relevant to the investigation.

Art. 30. In the course of the investigation, the accuracy of the information provided by the interested parties will be verified.

30.1 Should it become necessary and if feasible, investigations may be carried out in the territory of other countries as long as authorization is granted by the firms involved, and the representatives of the government of the country in question are notified and these have no objection to the investigation. The procedures described in Art. 65 shall apply to investigations undertaken in the territory of another country.

30.2 If it is necessary and feasible, investigations may be made in interested firms located in Brazil, as long as they have been previously authorized by such firms.

30.3 Subject to the requirement to protect confidential information, the results of investigations conducted pursuant to the preceding paragraphs shall be attached to the process.

Subsection II

Defence of the Interests of the Parties

Art. 31. In the course of the investigation, the interested parties shall have full opportunity to defend their interests. To this end, when requested, within the time period indicated in the directive ordering the initiation of the investigation, meetings shall be held where an opportunity shall be given to the interested parties to meet with those who have adverse interests, so that opposing views may be presented and rebuttal arguments offered.

31.1 The party requesting the meeting must submit, together with the application, a list of the specific points to be considered.

31.2 The known interested parties shall be notified, with at least thirty days notice, of the meeting and the points to be considered during the meeting.

31.3 There shall be no obligation to attend a meeting and the absence of any party shall not be prejudicial to its interests.

31.4 The interested parties must indicate their legal representatives who shall attend the meeting, at least five days before the meeting, and, up to ten days prior to the meeting, the arguments to be presented therein. The interested parties, if duly justified, may present additional information orally.

31.5 Information that is presented orally shall be considered only if it is reproduced in writing and made available to the other interested parties, within ten days following the meeting.

31.6 When such is the case, consideration shall be given to the need for preserving confidentiality and the convenience of the parties.

31.7 The holding of meetings shall not hinder SECEX from reaching a preliminary or final determination.

Art. 32. The interested parties may request, in writing, to examine the information contained in the process, which shall be promptly made available to the parties who have so requested, with the exception of confidential information and internal government documents. An opportunity shall be given so that these parties may defend their interests in writing based on such information.

Subsection III

Final Procedures Concerning the Conduction of the Investigation

Art. 33. Before completing the findings regarding the final determination, a meeting shall be called by SECEX, wherein the interested parties shall be notified regarding the essential facts under examination that are the basis of the findings, and allowing the interested parties a period of 15 days from the meeting to submit comments.

33.1 The National Confederation of Agriculture (CNA), the National Confederation of Industry (CNI), the National Trade Confederation (CNC) and the Brazilian Exporters Association (AEB) shall also be notified regarding the essential facts under examination that form the basis for the SECEX findings.

33.2 When the period provided for in the lead paragraph is over, the investigating process shall be considered as closed and information received later shall not be considered for purposes of the final decision.

33.3 The provisions of paragraphs 3, 4, 5 and 6 of Art. 31 also apply to this article.

Section IV

Provisional Anti-dumping Measures

Art. 34. Provisional anti-dumping measures may be applied only if:

I. an investigation has been initiated in accordance with the provision of Section II of Chapter V, a public notice of the decision to initiate an investigation has been published and the interested parties have been given adequate opportunity to submit information and make comments;

II. a preliminary affirmative determination has been made of dumping and consequent injury to a domestic industry;

III.the authorities cited in Art. 2 judge such measures necessary to prevent injury being caused during the investigation, and;

IV.at least sixty days have passed since the date of the initiation of the investigation.

34.1 The amount of the provisional anti-dumping measure may not exceed the margin of dumping.

34.2 Provisional anti-dumping measures shall take the form of a provisional duty or security, the amount of which shall be equivalent to that of the anti-dumping duty that is provisionally established.

34.3 In the case of the provisional duty, this shall be collected and in the case of the security this shall be paid by means of a deposit or bank bond, together with the term of responsibility.

34.4 The requirement of provisional measures may remain suspended until the final decision, as long as the importer offers an equivalent bond equal to the total amount of the obligation.

34.5 The interested parties shall be notified of the decision to impose provisional anti-dumping measures, the act that contains the decision shall be published in the "Diario Oficial".

34.6 The Federal Revenue Secretariat shall make provisions regarding the form for payment of the bond cited in paragraph 2.

34.7 The release by customs of goods subject to provisional anti-dumping measures shall depend on payment of the duty or of the bond.

34.8 The provisional anti-dumping measures shall remain in effect for a period of not more than four months, except in cases where, by decision of the authorities cited in art. 2 and by request of the exporters that represent a significant share of the trade in question, it may be extended to six months.

The exporters desiring an extension of the period of imposition of the provisional anti-dumping measures shall request such in writing, within thirty days prior to the end of the period that the measure is in effect.

34.9 Should it be decided in the course of the investigation that a provisional anti-dumping measure of less than the margin of dumping is sufficient to eliminate the injury, the periods provided for in the preceding paragraph shall be for six and nine months respectively.

Section V

Price Undertakings

Art. 35. Proceedings of the investigation and imposition of provisional or definitive anti-dumping measures may be suspended, if the exporter voluntarily assumes satisfactory undertakings to revise prices or to cease exports to Brazil at dumped prices, as long as the authorities cited in Art. 2 are convinced that said undertaking eliminates the injury resulting from dumping.

35.1 A price increase to fulfil these undertakings shall not be more than what is necessary to eliminate the margin of dumping, and may be limited to what is necessary to terminate the injury being caused to the domestic industry.

35.2 The exporters shall propose price undertakings or accept those proposed by SECEX only after there has been a preliminary determination that there is a case of dumping and the injury caused by it.

35.3 The exporters shall not be obliged to propose price undertakings nor forced to accept those offered. These facts shall not prejudice consideration of the case nor alter the preliminary findings which shall have been concluded.

35.4 SECEX has the right to refuse price undertaking offers if such acceptance is considered to be ineffective.

35.5 In the case of a refusal, and if it be possible, reasons shall be given to the exporter explaining why acceptance of the undertaking has been judged inappropriate, and the exporter shall be given the opportunity to respond.

Art. 36. After a price undertaking has been accepted the act containing the decision to approve such undertaking shall be published in the "Diario Oficial" and, depending on the case, shall contain the decision to continue or to suspend the investigation, and the interested parties shall be notified.

Sole paragraph. The investigation of dumping and injury must continue if the exporter so desires, or if the authorities cited in Art. 2 so decide.

Art. 37. The exporter with whom a price undertaking is agreed upon must periodically submit, if so requested, information relative to the fulfilment of the undertaking and shall permit verification of any relevant data.

Sole paragraph. Non-fulfilment of the provision of this article shall be considered as a violation of the undertaking.

Art. 38. In the case of an undertaking violation, without continuing the investigation, steps may be taken for immediate imposition by the authorities cited in art. 2 of provisional anti-dumping measures, based on the best information available, and the investigation shall recommence.

Sole paragraph. The interested parties shall be notified concerning the termination of the undertaking and the provisional anti-dumping measures being imposed. The act containing this decision shall be published in the "Diario Oficial".

Section VI

Conclusion of the Investigation

Art. 39. The investigations shall be concluded within one year from their initiation, except under exceptional circumstances when the time period may be up to eighteen months.

Art. 40. The applicant may, at any time, request the termination of the process. If approved, the investigation shall be closed. Should SECEX decide to continue the investigation, the applicant shall be notified in writing.

Art. 41. The investigation shall be terminated without imposition of anti-dumping measures in cases where:

I. there has not been sufficient evidence of the existence of dumping or of any resulting injury;

II. the margin of dumping is de minimis, according to the provision of paragraph 7 of Art. 14; or

III. the volume of actual or potential dumped imports, or the injury caused are negligible, according to the provision of paragraph 3 of Art. 14.

Art. 42. The investigation shall be closed with the imposition of measures, when SECEX reaches a final determination on the existence of dumping, of injury and of the causal link between them.

Sole paragraph. The amount of the anti-dumping duty shall not exceed the margin of dumping.

Art. 43. In a case where a price undertaking has been accepted, with subsequent continuance of the investigation:

I. if SECEX arrives at a negative conclusion concerning dumping or any resulting injury, the investigation shall be closed and the undertaking automatically terminated, except when the negative conclusion results, in large part, from the very existence of the price undertaking, a case where it

may be required to be maintained for a reasonable period of time, pursuant to the provisions of this Decree;

II. if the authorities cited in art. 2, based on findings by SECEX, conclude that there has been dumping and resulting injury, the investigation shall be closed and the imposition of the definitive duty shall be suspended while the undertaking is in effect under the terms to be established and pursuant to the provisions of this Decree;

43.1 For the purposes of this article, the provision of Art. 37 applies.

43.2 In the case of undertaking violation, steps may be taken for the immediate imposition, by the authorities cited in Art. 2, of anti-dumping measures, based on the findings of the investigation.

43.3 The interested parties shall be notified about the termination of the undertaking and about the anti-dumping duty imposed. The act containing this decision shall be published in the "Diario Oficial".

Art. 44. The act containing the decision to end the investigation in cases provided for in this Section shall be published in the Diario Oficial. Interested parties shall also be notified.

Sole Paragraph. In the case of a decision to conclude the investigation with the imposition of anti-dumping measures, the act that contains such a decision must name the supplier or suppliers in question, with the measures corresponding to each. In the case of the number of suppliers being especially high, the findings shall contain the name of the supplier countries involved, with the respective measures.

Chapter VI

IMPOSITION AND COLLECTION OF ANTI-DUMPING MEASURES

Section I

Imposition

Art. 45. For the purposes of this Decree, the expression "anti-dumping duty" signifies an amount of money equal to or less than the margin of dumping, calculated and imposed pursuant to this article, for the exclusive purpose of neutralizing the injurious effects of dumped imports.

45.1 The anti-dumping measure shall be calculated by imposing ad valorem or specific duties, either fixed or variable, or a combination of both.

45.2 The ad valorem duty shall be imposed on the customs value of the merchandise, on a CIF basis, judged in terms of the relevant legislation.

45.3 The specific duty shall be set in United States dollars and converted to Brazilian currency, under the terms of the relevant legislation.

Art. 46. Anti-dumping measures imposed on imports originating with known exporters or producers, that have not been included in the selection treated in Art. 13, but who have submitted the information requested, may not exceed the weighted average of the margin of dumping established for the group of exporters or producers selected.

46.1 For purposes of this article, zero or de minimis margins shall not be taken into account, nor the margins established under circumstances as mentioned in paragraph 3 of Art. 27.

46.2 The authorities cited in art. 2 shall impose an individually calculated duty on imports originating from any exporter or producer not included in the selection, who has submitted the information requested in the course of the investigation, as provided for in paragraph 4 of Art. 13.

Art. 47 To impose the provision of item II of art. 17, anti-dumping measures shall be due only on the products in question that are destined for final consumption in that market that has been considered a distinct domestic

industry, for purposes of the investigation, pursuant to the terms of paragraph 4 of Art. 17.

Section II Charges

Art. 48. When an anti-dumping duty is imposed on a product, this shall be collected independently of any obligations of a fiscal nature relative to its importation, in amounts that are adequate for each case, without discrimination, on all imports of the product that have been judged as being made at dumping prices and which are injurious to domestic industry, whatever their origin.

Sole paragraph. Measures shall not be charged on those imports proceeding from exporters with whom price undertakings have been agreed upon.

Section III Products Subject to Provisional and Definitive Anti-dumping Measures

Art. 49. Except in cases provided for in this Section, provisional anti-dumping measures and anti-dumping measures shall be imposed only on imported products that have been shipped for consumption after the date of the publication of the directive that contains the decisions cited in Arts. 34 and 42.

Art. 50. If the final decision is that dumping or its resulting injury does not exist, the amount of the provisional anti-dumping measures shall be returned if it has been collected, or if secured by a deposit it shall be returned, or in the case of a bank bond, this shall be cancelled.

Art. 51. If the final decision points to the existence of a threat of material injury or significant retardation in establishing an industry, without any material injury having occurred, the value of the provisional anti-dumping

measures, if they have been collected, shall be returned, or if secured by a deposit, this shall be returned, or in the case of a bank bond this shall be cancelled, unless it is verified that the dumped imports, in the absence of provisional anti-dumping measures, would have led to the verification of material injury, in which case the provisions in the following articles shall apply.

Art. 52. Should the final determination point to the existence of dumping and its resulting injury, the following shall be observed:

I. when the amount of the duty imposed by the final determination is less than the amount that has been provisionally collected or secured by a deposit, the excess amount shall be respectively returned or reimbursed;

II. when the amount of the duty imposed by the final decision is more than the amount that has been provisionally collected or secured by a deposit, the payment of the difference shall not be required;

III. when the amount of the duty imposed by the final decision is equal to the amount that has been provisionally collected or secured by a deposit, these amounts shall be automatically converted into a definitive duty.

Art. 53. In a case where the final determination is that dumping and resulting injury do exist, and when the amount of the duty imposed by the final decision, in the case of a guarantee by bank bond, is more than or equal to the amount that has been provisionally established, the amount corresponding to the secured amount will be collected immediately. When this amount is less than that of the provisional measure, only the amount equivalent to that established by the final decision shall be collected.

Sole paragraph. The collection of the amounts cited in the lead paragraph will cause the consequent extinction of the bank bond. In a case of non-payment, the bank bond shall be automatically executed, independently of any judicial or extra-judicial notice, under the terms of the relevant legislation.

Art. 54. Definitive anti-dumping measures may be charged on dumped imports which were entered for consumption up to ninety days before the imposition of the provisional anti-dumping measures, whenever it is found that, with regard to the product in question:

I. there is a history of dumping causing injury, or that the importer was aware or should have been aware that the producer or exporter practices dumping and that this would cause injury; and

II. the injury is caused by massive dumped imports of a product in a relatively short time, which, taking into account the period of time in which they occur and the volume of the dumped imports and also the rapid build-up of inventories of the imported product, is likely to seriously undermine the remedial effect of the definitive anti-dumping measures, as long as the importers involved are given the opportunity to comment;

Sole paragraph. Measures shall not be imposed on products that have been shipped for consumption prior to the date of the initiation of the investigation.

Art. 55. In the case of a price undertaking violation, definitive anti-dumping measures may be charged on imported products that have entered for consumption, up to ninety days prior to the imposition of the provisional anti-dumping measures, as seen in Art. 38, excepting those that had been shipped before the undertaking violation.

Chapter VII

DURATION AND REVIEW OF ANTI-DUMPING MEASURES AND PRICE UNDERTAKINGS

Art. 56. Anti-dumping measures and price undertakings shall only remain in force as long as there is a need to counteract dumping which causes injury.

Art. 57. Every definitive anti-dumping duty shall be terminated not later than five years after its imposition, or five years from the date of the conclusion of the most recent review that concerned dumping and injury.

57.1 The time period for imposition that is treated in the lead paragraph of this article may be extended by means of a substantiated request submitted by the domestic industry or on its behalf, by agencies or organs of the Federal Public Administration, or by SECEX, as long as it has been demonstrated that the expiry of the measures would very likely lead to a continuation or recurrence of dumping and injury.

57.2 The interested parties shall have a period of five months prior to the end of the enforcement period treated in the lead paragraph in order to respond in writing concerning the suitability of a review and to request a meeting if necessary.

57.3 The review shall proceed pursuant to the provision in Section III of Chapter V and must be concluded within twelve months from the date of its initiation. The acts which contain the decision to initiate and terminate a review shall be published in the "Diario Oficial" and the interested parties shall be notified.

57.4 The measures shall remain in effect throughout the review.

57.5 The provision in this article applies to price undertakings accepted pursuant to Art. 35.

Art. 58 There shall be a review, in whole or in part, of the decisions regarding the imposition of anti-dumping measures at the request of the interested party or by an organ or agency of the Federal Public Administration, or SECEX, as long as at least one year has passed since the imposing of the definitive anti-dumping measures and sufficient evidence is presented showing that:

I.the imposition of a duty has ceased to be necessary to neutralize dumping;

II.it would be improbable that the injury would subsist or recur if the duty were revoked or altered;

III.the actual duty is not or has ceased to be sufficient for neutralizing the dumping which is causing injury.

58.1 In exceptional cases of substantial changes of circumstance, or when in the national interest, reviews may be made at a shorter interval when requested by the interested party or organs or agencies of the Federal Public Administration, or by the investigating agency .

58. 2 If there are elements that justify the review, it shall be initiated and the act containing the findings shall be published in the "Diario Oficial" and the interested parties will be notified.

58.3 The review must be concluded within a period of twelve months from its initiation and shall adhere to the provision in Section III of Chapter V.

58.4 As long as the review has not been concluded, the measures shall not be altered and shall remain in effect until the end of the review.

58.5 The authorities cited in Art. 2, basing themselves on the result and in conformity with the evidence gathered during the course of the review, may eliminate, maintain or alter the anti-dumping duty. Should it happen that the duty in effect is higher than necessary for neutralizing the injury to domestic industry and is no longer justified, due restitution shall be made.

58.6 The act that contains the decision to terminate the review shall be published in the "Diario Oficial" and the interested parties will be notified.

58.7 The provision of this article applies to price undertakings accepted pursuant to Art. 35.

Art. 59 When a product is subject to anti-dumping measures, an immediate summary review shall be held, if so requested, in order to quickly determine the individual margin of dumping for any exporters or producers of the exporting country in question, who have not exported the product to Brazil in the course of the investigation period, as long as these exporters or producers can demonstrate that they have no relationship with the exporters or producers of the exporting country who are subject to anti-dumping measures imposed on their product.

59.1 During the summary review, anti-dumping measures shall not be charged on imports originating from the exporters or producers cited in the lead paragraph of this article.

59.2 Once the review has started, SECEX shall notify the Federal Revenue Secretariat so that it may take the necessary steps, should a case of dumping be determined, to charge anti-dumping measures on imports originating from the producers or exporters in question, starting with the date on which the summary review is initiated.

Art. 60. Anti-dumping measures may be suspended for a period of one year, which can be extended for a further year, should provisional alterations occur in market conditions, and as long as the injury does not recur or subsist in virtue of the suspension and the domestic industry is consulted.

Sole paragraph. Measures may be reimposed at any time if the suspension is no longer justified.

Chapter VIII

PUBLIC NOTICE AND EXPLANATION OF DETERMINATIONS

Art. 61. The act resulting from the decisions of the authorities cited in Art. 2, and the act by SECEX, shall be published in the "Diario Oficial" and shall contain detailed information regarding the conclusions reached for each issue of fact and law considered to be relevant.

Sole paragraph. For the purpose of notification, a copy of the directives mentioned in the lead paragraph of this article shall be sent to the government of the exporting country or countries of the products that have been under investigation and also to the other interested parties.

Chapter IX

ANTI-DUMPING ACTIONS ON BEHALF OF A THIRD COUNTRY

Art. 62 Third countries may apply for the imposition of anti-dumping measures through their own authorities.

62.1 Such an application must contain price information to show that the imports are being dumped and to show that the alleged dumping is causing injury to the domestic industry of that country.

62.2 Analysis of the application shall consider the effects of the alleged dumping on the industry concerned as a whole in the third country. The injury shall not be assessed in relation only to the effect of the alleged dumping on the industry's exports to Brazil, or even on the total exports of the product.

62.3 In order to initiate an investigation, the Brazilian government shall request approval from the Council for Trade in Goods of the World Trade Organization.

Chapter X

THE FORM OF PROCEDURAL ACTS AND TERMS

Art. 63. Procedural acts and terms do not depend on any special format, but the interested parties must observe the instructions of this Decree and of SECEX when preparing petitions and documents in general; otherwise they shall not be appended to the process.

63.1 Observance shall be required only of instructions that have become public prior to the beginning of the proceedings, or that shall have been specified in the communication to the party involved.

63.2 Procedural acts and terms shall be written and the meetings must be in the Portuguese language, with documents written in another language being submitted in translations done by an official translator.

63.3 Procedural acts are public and the right to consult the official records and to request a certificate regarding the progress of the investigation is restricted to the parties and their legally appointed representatives, pursuant to the provision of art. 32 regarding confidentiality of the information and of internal government documents.

63.4 Applications for the certificate shall only be accepted 30 days after the initiation of the investigation or from the submission of the last application for a certificate by the same party.

Chapter XI

THE DECISION-MAKING PROCESS

Art 64. The act or decisions, either preliminary or final, relating to the investigation, shall be adopted pursuant to a directive from SECEX.

64.1 Within a twenty-day period from the time it receives the findings from the Secretary of Foreign Trade, SECEX shall publish the act containing the decision to initiate an investigation, to extend the time of an investigation, to file the process at the request of the applicant, to initiate a review process concerning definitive measures or price undertakings, or to terminate the investigation without imposing any measures.

64.2 Within tens days from the date of reception of the findings by the Minister of State for Industry, Trade and Tourism and the Minister of State for Finance, acts shall be published which contain the decision to impose

provisional anti-dumping measures, extension of the measures, acceptance of the end of price undertakings, termination of the investigation with imposition of measures, suspension of a definitive duty, or the result of the review of definitive measures or price undertakings.

64.3 Under exceptional circumstances, even when there is evidence of dumping and of the resulting injury, the authorities cited in Art. 2 may decide, for reasons of national interest, in favour of suspending the imposition of measures or for the non-approval of price undertakings, or even, in accordance with the provision of the sole paragraph of Art. 42, in favour of the imposition of measures at an amount different than the one recommended and, in such a case, the act shall contain the reasons for such a decision.

TITLE II SPECIAL PROCEDURES

Chapter I ON-THE-SPOT INVESTIGATIONS

Art. 65 Upon initiation of an investigation, the authorities of the exporting country and the firms known to be concerned should be notified of the intention to carry out on-the-spot investigations.

65.1 In exceptional circumstances, when it is intended to include non-governmental experts in the investigating team, the firms and the authorities of the exporting country should be so notified, and these experts shall be subject to sanctions as provided for in Art. 325 of the Brazilian Penal Code, in the case of breach of confidentiality.

65.2 Explicit agreement must be previously obtained from the firms involved in the exporting country, prior to such a visit.

65.3 When the approval mentioned in the preceding paragraph has been received, the authorities of the exporting country shall be immediately notified, by means of a "note verbale", of the names and addresses of the firms that are to be visited, as well as the dates scheduled for such visits.

65.4 Sufficient advance notice shall be given to the firms in question before the visits are made.

65.5 Visits to explain the questionnaire, which is treated in the lead paragraph of Art. 27, may be made only at the request of the producer or exporting firm and may take place only if SECEX notifies the representatives of the country in question and there is no objection to the visit.

65.6 The visit shall be made after the questionnaire has been returned, unless the firm agrees otherwise and the government of the exporting country is notified of the anticipated visit and has no objection.

65.7 Prior to the visit, the firms involved shall be notified regarding the general nature of the information being sought, and, during the visit, may request supplementary clarifications due to the information received.

65.8 Replies to requests for information or to questions that are put by authorities or firms of the exporting country, that are essential to a successful on-the-spot investigation should, whenever possible, be answered before the visit is made.

Chapter II

BEST INFORMATION AVAILABLE

Art. 66. As soon as the investigation is initiated, the information required shall be specified in detail to the interested parties and the manner in which that information should be structured by the interested party in its response, as well as the time periods for submitting it.

66.1 The party shall be advised that if the information is not submitted within the specified period of time, it will imply that determinations will be made based on the facts available, including those contained in the request for initiating the investigation.

66.2 When the determinations are made, verifiable information shall be taken into account that has been appropriately presented and which, therefore, may be used in the investigation without any difficulty and which has been presented in good time.

66.3 Should SECEX not accept some information, the reason for the refusal shall be communicated immediately to the party so that the latter may provide new explanations within the established time periods, respecting the time limits of the investigation. Should the explanations be unsatisfactory, the reasons for refusal must appear in the published acts that contain any decision or determination.

66.4 Should an interested party not furnish requested information or furnish it only partially and this relevant information is not brought to the attention of the investigating authorities, the result may be less favourable to that party than if it had cooperated.

66.5 Should information from secondary sources be used in elaborating the determinations, including that submitted in the application, an attempt shall be made to compare the information with information from independent sources or with those originating with other interested parties.

66.6 SECEX may request that an interested party submit its replies in computer language.

66.7 If the interested party does not use computerized accounting or if the submission of the reply in this manner would mean an additional burden with an unjustified increase in costs and difficulties, that party shall be dispensed from presenting its reply pursuant to the previous paragraph.

66.8 Whenever SECEX does not have the specific means for processing the information, having received it in computer language incompatible with its operating system, the information must be submitted in the form of a written document.

Chapter III

GENERAL PROVISIONS

Art. 67. The time periods provided for in this Decree shall be counted continuously.

Art. 68. The time periods in this Decree may be extended once and for an equal period of time, except those for which extension is already provided for.

Art. 69. Acts practised contrary to the provisions of this Decree shall be considered null and void under the law.

Art. 70. The procedures established by this Decree shall not impede the competent authorities from acting promptly regarding any decisions or determinations, nor shall they hinder the procedures of customs clearance.

Art. 71. For the purposes of this Decree, the term "industry" also includes activities connected with agriculture.

Art. 72. The Minister of State for Industry, Trade and Tourism and the Minister of State for Finance shall pass complementary norms for executing this Decree.

Art. 73. This Decree takes effect on the date of its publication.