

Individual Treatment / All Others Rate



Known Producers or Exporters

- ◆ **Individual margin of dumping**--each known producer or exporter (*ADA6.10, Chinese AD Regulation Article:42*)
 - Cooperative producers/exporters
 - Non co-operative producers /exporters

Known Producers or Exporters

- ◆ **Exception: Limited Examination (sampling)**
 - **The reason:**

Impracticable to complete the examination timely due to the large number of exporters.
 - **The method:**

Statistically valid sampling method or the largest representative volume.

Known Producers or Exporters

- **The practice:**
 - **The first stage:** The decision on sampling investigation, relying on the customs data and the response or registration.
 - **The second stage:** issuance of sampling questionnaire : necessary information: export volume, value, the affiliation with other exporters
 - **The third stage:** the examination to the sampling questionnaire and carry on sample investigation.

Known Producers or Exporters

- **The final stage:** The individual margin to the selected respondents. Applying “**all others rate**” to imports from producers/exporters not included in the examination. (*ADA6.10 and ADA9.4, CAD Article 20 and Implementing rules on sampling*)
 - ◆ Known producers/exporters
 - ◆ Cooperation
 - ◆ Not selected for individual examination
 - ◆ weighted average margin of dumping of the selected producers/exporters. (*excluding zero margin, de minimis, fact available*)

Unknown Producers or Exporters

- ◆ **WTO** – No rules, principles or guidelines

Unknown Producers or Exporters

- ◆ Chinese practice

- ◆ public notice

“ It is generally recognised and accepted that the manner to inform unknown interested parties in an administrative or judicial proceeding is by way of public notices, including notices published in an official gazette or on the internet.”

*The Panel in China –BROILER PRODUCTS (US)
(WT/DS427/R), para. 7.303)*

- ◆ “does not provide necessary information within a reasonable period” (ADA 6.8)

Unknown Producers or Exporters

“in our view, this action by MOFCOM satisfied the requirement of Annex II:1 to “specify in detail the information required” of foreign producers and exporters, including those not known to MOFCOM, sufficiently to allow MOFCOM to conclude that the failure of such foreign producers or exporters to come forward constituted a failure to provide necessary information within the meaning of Article 6.8, and thus that the facts available could be used in making determinations with respect to such entities.”

*The Panel in China-HP SSST (Japan and EU)
WT/DS454/RWT/DS460/R Para. 7.218*

Unknown Producers or Exporters

✓ Best information is used to determine

i. Verified information

ii. Normally, information submitted by
the cooperative respondents

Unknown Producers or Exporters

- ✓ Fully information disclosure and explanations
- ✓ Normally, the levied rate of the co-operative companies



THANKS

Bai Ming (China)

baiming@mofcom.gov.cn