

GENERAL AGREEMENT ON

RESTRICTED

ADP/49/Add.1
12 October 1990

TARIFFS AND TRADE

Special Distribution

Committee on Anti-Dumping Practices

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REQUEST BY FINLAND FOR THE ESTABLISHMENT OF A PANEL
UNDER ARTICLE 15:5 OF THE AGREEMENT

Addendum

The following communication has been received from the Permanent Mission of Finland with the request that it be circulated to the members of the Committee.

In the request circulated in document ADP/49 Finland has essentially based its arguments on the fact that Australia has established normal value for custom built power transformers on the basis of Article 2.1 of the Agreement, although Finland considers that the various transformers sold in Finland and exported to Australia are not like products, as defined in Article 2.2 of the Agreement.

In the consultations Finland has also pointed out that Australia has changed its method of calculating normal value in a manner very disadvantageous to the Finnish exporter, without informing or consulting the exporter. Finland thinks that the omission to inform the exporter of the change in methodology and to give him an opportunity to comment constitutes a breach of the provisions on evidence, transparency and on the right to defend one's interests in Article 6 of the Agreement.

The terms of reference of the Panel have not yet been determined. Before that is done, Finland would like to inform the Committee on Anti-Dumping Practices of the above procedural circumstances so that all relevant facts are known when the Committee's Chairman proceeds to determining the terms of reference of the Panel.