

**THE EAST AFRICAN COMMUNITY
CUSTOMS UNION
(ANTI-DUMPING MEASURES)
REGULATIONS**

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(ANTI-DUMPING MEASURES) REGULATIONS**

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**THE EAST AFRICAN COMMUNITY CUSTOMS UNION
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**PART 1
PRELIMINARY PROVISIONS**

**REGULATION 1
Citation**

These Regulations may be cited as the East African Community Customs Union (Anti-Dumping Measures) Regulations.

**REGULATION 2
Purpose of the Regulations**

The purpose of these Regulations is to implement the provisions of Article 16 of the Protocol and to ensure that there is uniformity among Partner States in the application of anti-dumping measures and that to the extent possible, the process is transparent, accountable, fair, predictable and consistent with the provisions of the Protocol.

**REGULATION 3
Interpretation**

In these Regulations, unless the context otherwise requires:

"Committee" means the East African Community Committee on Trade Remedies established under Article 24 of the Protocol;

"Council" means the Council of Ministers established under Article 9 of the Treaty;

"Court" means the East African Court of Justice established under Article 9 of the Treaty;

"customs law of the Community" means the customs law of the Community as provided under Article 39 of the Protocol;

"dumping" in relation to goods means the situation where the export price of goods imported or intended to be imported into the Community is less than the normal value of like goods in the market of a country of origin as determined in accordance with the provisions of these Regulations and "dumped product" has the corresponding meaning;

"injury" unless otherwise specified under these Regulations means material injury to a domestic industry, threat of material injury to a domestic industry or material retardation of the establishment of that industry;

"investigating authority" means the authority charged with the responsibility of conducting anti-dumping investigations in a Partner State on behalf of the Committee for purposes of these Regulations;

"interested parties" includes:

- (a) an exporter or foreign producer or an importer of a product which is subject to investigation, or a trade or business association a majority of whose members are producers or exporters of that product;
- (b) the Government of the exporting country; and
- (c) a producer of the like product in a Partner State or a trade or business association a majority of whose members produce like products in the Partner States;

"levy" means the definitive or final legal assessment or collection of a duty or tax;

"like product" means a product which is identical, or alike in all respects to the product under consideration, or in the absence of that product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under consideration;

"margin of dumping" means the difference between the export price and the normal value of a product;

"Protocol" means the Protocol on the Establishment of the East African Community Customs Union;

"Secretary General" means the Secretary General of the Community appointed under Article 67 of the Treaty;

"transitional period" means the transitional period provided for under Article 11 of the Protocol;

"Treaty" means the Treaty for the establishment of the East African Community;

"WTO Agreement" for the purposes of these Regulations means the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade, 1994.

REGULATION 4 Application of the Regulations

1. These Regulations shall apply to investigations or reviews initiated under national legislation of a Partner State upon coming into force of the Protocol.
2. These Regulations shall be applied in conjunction with the existing national legislation of each Partner State for the conduct of anti-dumping investigations and reviews in each Partner State.
3. Where an investigation is initiated by a Partner State against another Partner State, during the transitional period, these Regulations shall apply.
4. Where an investigation is initiated by a Partner State against a foreign country, the provisions of the WTO Agreement shall apply.

REGULATION 5 Interim Provisions

1. A Partner State which does not have national legislation for the conduct of anti-dumping investigations undertakes to enact legislation to provide for the formation of an investigating authority for the conduct of such investigations which shall reflect the provisions of these Regulations, within such period as the Council may determine.
2. Where there is national legislation, the Partner States undertake to harmonise the legislation with these Regulations.

REGULATION 6
Conditions for Applying Anti-Dumping Measures

1. An anti-dumping measure shall be applied under the circumstances provided for in Article 16 of the Protocol.
2. A Partner State may apply an anti-dumping measure pursuant to investigations initiated and conducted in accordance with the provisions of these Regulations.

PART II
GENERAL PROVISIONS

REGULATION 7
Determination of Dumping

1. For purposes of these Regulations, a product is to be considered as dumped where it is introduced into the commerce of a Partner State at less than its normal value, and where the export price of such a product exported from another Partner State or a foreign country to the Partner State is less than the comparable price, in the ordinary course of trade, for a like product when destined for consumption in the exporting country.

2. (1) (a) Where there are no sales of a like product in the ordinary course of trade in the domestic market of the exporting country or where, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, such sales do not permit a proper comparison, the margin of dumping shall be determined by comparison with a comparable price of the like product when exported to an appropriate foreign country, provided that this price is representative, or with the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and for profits; and

(b) sales of a like product destined for consumption in the domestic market of the exporting country shall normally be considered a sufficient quantity for the determination of the normal value where such sales constitute five per centum or more of the sales of the product under consideration to the importing Partner State, provided that a lower ratio shall be acceptable where the evidence demonstrates that domestic sales at such lower ratio are nonetheless of sufficient magnitude to provide for a proper comparison.

- (2) Sales of a like product in the domestic market of the exporting country or sales to a foreign country at prices below per unit costs of production whether fixed or variable and administrative, selling and general costs may be treated as not being in the ordinary course of trade by reason of price and may be disregarded in determining normal value where the investigating authority determines that the sales are made within an extended period of time which shall not be less than six months, and not more than one year, in substantial quantities and at prices which do not provide for the recovery of all

costs within a reasonable period of time. Sales below per unit costs are made in substantial quantities where the investigating authority establishes that the weighted average selling price of the transactions under consideration for the determination of the normal value is below the weighted average per unit cost, or that the volume of sales below per unit costs represents not less than twenty per centum of the volume sold in transactions under consideration for the determination of the normal value. Where prices which are below per unit costs at the time of sale are above weighted average per unit cost for the period of investigation, the prices shall be considered to provide for recovery of costs within a reasonable period of time.

- (3) For purposes of this paragraph:
- (a) costs shall normally be calculated on the basis of records kept by the exporter or producer under investigation, provided that such records are in accordance with the generally accepted accounting principles of the exporting country and reasonably reflect the costs associated with the production and sale of the product under consideration;
 - (b) an investigating authority shall consider all available evidence on the proper allocation of costs, including that which is made available by the exporter or producer in the course of the investigation provided that the allocations have been historically utilized by the exporter or producer, in particular in relation to establishing appropriate amortisation and depreciation periods and allowances for capital expenditures and other development costs; and
 - (c) unless already reflected in the cost allocations under this sub-paragraph, costs shall be adjusted appropriately for those non-recurring items of cost which benefit future or current production, or for circumstances in which costs during the period of investigation are affected by start-up operations. The adjustment made for start-up operations shall reflect the costs at the end of the start-up period or, where that period extends beyond the period of investigation, the most recent costs which can reasonably be taken into account by the investigating authority during the investigation.

- (4) For purposes of this paragraph, the amounts for administrative, selling and general costs and profits shall be based on actual data pertaining to production and sales in the ordinary course of trade of a like product by the exporter or producer under investigation and where the amounts cannot be determined on this basis, the amounts may be determined on the basis of either:
 - (a) the actual amounts incurred and realized by the exporter or producer under investigation in respect of production and sales in the domestic market of the country of origin of the same general category of products;
 - (b) the weighted average of the actual amounts incurred and realized by other exporters or producers subject to investigation in respect of production and sales of the like product in the domestic market of the country of origin; or
 - (c) any other reasonable method, provided that the amount for profit so established shall not exceed the profit normally realized by other exporters or producers on sales of products of the same general category in the domestic market of the country of origin.
3. Where there is no export price or where it appears to an investigating authority that the export price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed on the basis of the price at which the imported products are first resold to an independent buyer, or where the products are not resold to an independent buyer, or not resold in the condition as imported, on such reasonable basis as the investigating authority may determine.
4. (1) A comparison between the export price and the normal value of a product shall be made at the same level of trade, normally at the ex-factory level, and in respect of sales made at as nearly as possible the same time. Due allowance shall be made in each case for differences which affect price comparability, including differences in conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics, and any other differences which are also demonstrated to affect price comparability. In the cases referred to in paragraph 3 of this Regulation, allowances for costs, including duties and taxes, incurred between importation and resale, and for

profits accruing, shall also be made. Where price comparability has been affected, the investigating authority shall establish the normal value at a level of trade equivalent to the level of trade of the constructed export price, or shall make due allowance as warranted under this paragraph. The investigating authority shall indicate to the parties in question the information necessary to ensure a fair comparison and shall not impose an unreasonable burden of proof on those parties.

- (2) Where the comparison under sub-paragraph 4(1) of this Regulation, requires a conversion of currencies, the conversion shall be made using the rate of exchange on the date of sale, provided that when a sale of foreign currency on forward markets is directly linked to the export sale involved, the rate of exchange in the forward sale shall be used. The date of sale shall be the date of contract, purchase order, order confirmation, or invoice, which establishes the material terms of sale. Fluctuations in exchange rates shall be disregarded and in an investigation the investigating authority shall allow exporters at least sixty days to adjust their export prices to reflect sustained movements in exchange rates during the period of investigation.
 - (3) Subject to the provisions governing fair comparison in sub-paragraph 4(1) of this Regulation, the existence of margins of dumping during the investigation phase shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable export transactions or by a comparison of normal value and export prices on a transaction-to-transaction basis. A normal value established on a weighted average basis may be compared to prices of individual export transactions where the investigating authority find a pattern of export prices which differ significantly among different purchasers, regions or time periods, and where an explanation is provided as to why the differences cannot be taken into account appropriately, by the use of a weighted average-to-weighted average or transaction-to-transaction comparison.
5. Where products are not imported directly from the country of origin but are exported to the importing Partner State from an intermediate country, the price at which the products are sold from the country of export to the importing Partner State shall normally be compared with the comparable

price in the country of export, provided that, comparison may be made with the price in the country of origin including, where the products are merely transhipped through the country of export, or such products are not produced in the country of export, or there is no comparable price for the product in the country of export.

6. The procedure for determination of dumping under this Regulation shall be undertaken in accordance with the procedures for on the spot investigations specified in the First Schedule to these Regulations.

REGULATION 8 **Determination of Injury**

1. For purposes of these Regulations, determination of injury shall be based on evidence and shall involve an objective examination of:
 - (a) the volume of the dumped imports and the effect of the dumped imports on prices in the domestic market for like products; and
 - (b) the consequent impact of the dumped imports on the domestic producers of like products.
2. With regard to the volume of the dumped imports, the investigating authority shall consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in the importing Partner State. With regard to the effect of the dumped imports on prices, the investigating authority shall consider whether there has been a significant price undercutting by the dumped imports as compared with the price of a like product of the importing Partner State, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. No individual or several of these factors may give decisive guidance to a determination of injury.
3. No individual or several of these factors may give decisive guidance but the totality of the factors considered shall lead to the conclusion that there has been a significant increase in dumped imports or price undercutting by the dumped imports.

4. Where imports of a product from more than one country are simultaneously subject to anti-dumping investigations, the investigating authority may cumulatively assess the effects of the imports only where they determine that:
 - (a) the margin of dumping established in relation to the imports from each country is more than *de minimis* as defined in paragraph 8(2) of Regulation 10 and the volume of imports from each country is not negligible; and
 - (b) a cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between the imported products and the like domestic products.
5. The examination of the impact of the dumped imports on the domestic industry concerned shall include an evaluation of all relevant economic factors and indices with a bearing on the state of the industry including actual and potential decline in sales, profits, output, market share, productivity, return on investments, utilisation 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. No individual or several of these factors shall give decisive guidance.
6. It shall be demonstrated that the dumped imports are, through the effects of dumping, as set forth in paragraphs 2 and 4 of this Regulations, causing injury within the meaning of these Regulations. The demonstration of a causal relationship between the dumped imports and the injury to the domestic industry shall be based on an examination of all relevant evidence before the investigating authority. An investigating authority shall also examine any known factors other than the dumped imports which at the same time injure the domestic industry, and the injuries caused by these other factors shall not be attributed to the dumped imports. Factors which may be relevant in this respect include the volume and prices of imports not sold at dumping prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and productivity of the domestic industry.
7. The effect of the dumped imports shall be assessed in relation to the domestic production of the like product where available data permits

separate identification of that production on the basis of such criteria as the production process and producers' sales and profits. Where separate identification of that production is not possible, the effects of the dumped imports shall be assessed by the 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.

8. A determination of a threat of material injury shall be based on facts and not on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which the dumping would cause injury shall be clearly foreseen and imminent. In making a determination regarding the existence of a threat of material injury, the investigating authority shall consider, the following factors:
 - (a) a significant rate of increase of dumped imports into the domestic market 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 the importing Partner State's market, 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.
9. The factors in paragraph 8 of this Regulation may not individually give decisive guidance but the totality of the factors considered shall lead to the conclusion that further dumped exports are imminent and that, unless protective action is taken, material injury shall occur.

REGULATION 9
Definition of Domestic Industry

1. For purposes of these Regulations, the term "domestic industry" shall be interpreted as referring to the domestic producers as a whole of the like products or to those domestic producers whose collective output of the products constitutes a major proportion of the total domestic production of those products, except that:
 - (a) where 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; and
 - (b) in exceptional circumstances the territory of the Partner States may, for the production in question, be divided into two or more competitive markets and the producers within each market may be regarded as a separate industry where:
 - (i) the producers within the competitive market sell all or almost all of their production of the product in question in that market; and
 - (ii) the demand in that market is not to any substantial degree supplied by producers of the product in question located elsewhere in the territory. In such circumstances, injury may be found to exist even where a major portion of the total domestic industry is not injured, provided there is a concentration of dumped imports into such an isolated market and provided further that the dumped imports are causing injury to the producers of all or almost all of the production within such market.
2. Where the domestic industry has been interpreted as referring to the producers in a competitive market as defined in sub-paragraph 1(b) of this Regulation, anti-dumping duties shall be levied only on the products in question consigned for final consumption to that competitive market. Where the law of the importing Partner State does not permit the levying of anti-dumping duties on such basis, the importing Partner State may levy the anti-dumping duties without limitation only where:

- (a) the exporters are given an opportunity to cease exporting at dumped prices to the area concerned or otherwise give assurances pursuant to Regulation 13 and adequate assurances in this regard have not been promptly given; and
 - (b) anti-dumping duties cannot be levied only on products of specific producers which supply the competitive market in question.
- 3. The procedure for determining dumping under this Regulation shall be undertaken in accordance with the procedures for on the spot investigations specified under the First Schedule to these Regulations.

PART III
ANTI -DUMPING MEASURES AND ANTI-DUMPING DUTIES

REGULATION 10
Initiation and Subsequent Investigations

- 1. Except as provided for in paragraph 6 of this Regulation, an investigation to determine the existence, degree and effect of any alleged dumping shall be initiated upon a written application by or on behalf of the domestic industry.
- 2. An application under paragraph 1 of this Regulation shall include evidence of dumping, injury and a causal link between the dumped imports and the alleged injury. Simple assertion, unsubstantiated by relevant evidence shall not be considered sufficient to meet the requirements of this Regulation. The application shall contain information which is reasonably available to the applicant on the following:
 - (a) the identity of the applicant, physical and postal addresses
and a description of the volume and value of the domestic production of the like product by the applicant. Where a written application is made on

behalf of the domestic industry, the application shall identify the industry on whose behalf the application is made by listing all known domestic producers of the like product or associations of domestic producers of the like product and, to the extent possible, a description of the volume and value of domestic production of the like product accounted for by such producers;

- (b) a complete description of the allegedly dumped product, the name of the country of origin or of export, the identity of each known exporter or foreign producer and a list of known persons importing the product in question;
 - (c) information on prices at which the product in question is sold when destined for consumption in the domestic markets of the country or countries of origin or export or, where appropriate, information on the prices at which the product is sold from the country or countries of origin or export to a foreign country or countries, or on the constructed value of the product and information on export prices or, where appropriate, on the prices at which the product is first resold to an independent buyer in the territory of the importing Partner State; and
 - (d) information on the evolution of the volume of the allegedly dumped imports, the effect of these imports on prices of the like product in 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 the domestic industry, such as those provided in paragraphs 2 and 4 of Regulation 8.
3. The investigating authority shall examine the accuracy and adequacy of the evidence provided in the application to determine whether there is sufficient evidence to justify the initiation of an investigation.

4. An investigation shall not be initiated pursuant to paragraph 1 of this Regulation unless the investigating authority has determined, on the basis of an examination of the degree of support for, or opposition to, the application expressed by domestic producers of the like product, that the application has been made by or on behalf of the domestic industry. The application shall be considered to have been made by or on behalf of the domestic industry where it is supported by those domestic producers whose collective output constitutes more than fifty per centum 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. No investigation shall be initiated where domestic producers expressly supporting the application account for less than twenty-five per centum of the total production of the like product produced by the domestic industry.
5. The investigating authority shall not, unless a decision has been made to initiate an investigation, publicise an application for or the initiation of an investigation. After receipt of a properly documented application and before proceeding to initiate an investigation, the investigating authority shall notify the government of the exporting country concerned of its decision to initiate an investigation.
6. Where in special circumstances, the investigating authority decides to initiate an investigation without having received a written application by or on behalf of a domestic industry for the initiation of such investigation, the investigating authority shall proceed only where it has sufficient evidence of dumping, injury and a causal link, as described in paragraph 2 of this Regulation, to justify the initiation of an investigation.
7. The evidence of both dumping and injury shall be considered simultaneously:
 - (a) in the decision whether or not to initiate an investigation; and
 - (b) in the decision to apply provisional measures during the course of the investigation in accordance with these Regulations.
8. (1) An application under paragraph 1 of this Regulation shall be rejected and an investigation shall be terminated as soon as the investigating authority concerned is satisfied that there is no

sufficient evidence of either dumping or injury to justify proceeding with the case.

- (2) There shall be immediate termination in cases where the investigating authority determines that the margin of dumping is *de minimis*, or that the volume of dumped imports, actual or potential, or the injury, is negligible. The margin of dumping shall be considered to be *de minimis* where this margin is less than two per centum, expressed as a percentage of the export price.
 - (3) The volume of dumped imports shall normally be regarded as negligible where the volume of dumped imports from a particular country is found to account for less than three per centum of imports of the like product in the importing Partner State, unless countries which individually account for less than three per centum of the imports of the like product in the importing Partner State collectively account for more than seven per centum of imports of the like product in the importing Partner State.
9. Anti-dumping proceedings shall not hinder the procedures of customs clearance.
 10. Investigations shall, except in special circumstances, be concluded within one year, and shall not in any case exceed eighteen months, after their initiation.

REGULATION 11

Evidence

1. All interested parties in an anti-dumping investigation shall be given notice of the information which the investigating authority requires an ample opportunity to present in writing all evidence which they consider relevant in respect of the investigation in question.
2. (1) Exporters or foreign producers receiving questionnaires used in an anti-dumping investigation shall be given at least thirty days to reply, after receipt of the questionnaires. Due consideration shall be given to any request for an extension of the thirty day period and, upon cause shown, the extension shall be granted.

- (2) Subject to the requirement to protect confidential information, evidence presented in writing by one interested party shall be made available promptly to other interested parties participating in the investigation.
 - (3) As soon as an investigation has been initiated, the investigating authority shall provide the full text of the written application received under paragraph 1 of Regulation 10 to the known exporters and to the investigating authority of the exporting country and shall make it available, upon request, to other interested parties involved. Where the number of exporters involved is particularly high, the full text of the written application shall instead be provided only to the investigating authority of the exporting country or to the relevant trade association.
 - (4) Due regard shall be given to the requirement for the protection of confidential information, as provided in paragraph 6 of this Regulation.
3. All interested parties shall have full opportunity to defend their interests throughout the anti-dumping investigations and the investigating authority shall, on request, provide opportunities to all interested parties to meet and present their views to each other taking into account the need to preserve confidentiality and the convenience of the parties. There shall be no obligation on any party to attend a meeting, and failure to do so shall not be prejudicial to that party's case. Interested parties shall have the right, upon good cause determined by the investigating authority, to present other information orally.
4. Oral information provided under paragraph 3 of this Regulation shall be taken into account by the investigating authority only where it is subsequently reproduced in writing and made available to other interested parties, as provided for in subparagraph 2(a) of this Regulation.
5. The investigating authority shall whenever practicable provide timely opportunities for all interested parties to access all information that is relevant to the presentation of their cases, which is not confidential as defined in paragraph 6 of this Regulation, and which is used by the investigating authority in an anti-dumping investigation, and shall give the interested parties opportunity to prepare presentations on the basis of this information.

6. Any information the disclosure of which would be of significant competitive advantage to a competitor or where the disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person acquired the information, or which is provided in confidence to an investigating authority, shall upon good cause shown, be treated as such by the investigating authority, that the information shall not be disclosed without specific permission of the party submitting it.
7.
 - (1) The investigating authority shall require interested parties providing confidential information to furnish non-confidential summaries of the information. The summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. In exceptional circumstances, the parties may indicate that the information is not susceptible to summarisation and in such circumstances, a statement of the reasons why summarization is not possible shall be provided.
 - (2) Where the investigating authority finds that a request for confidentiality is not warranted and where the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalised or summary form, the investigating authority may disregard the information unless it can be demonstrated to the satisfaction of the investigating authority from appropriate sources that the information is correct. Requests for confidentiality shall not be arbitrarily rejected.
8. Except in circumstances provided for in paragraph 10 of this Regulation, the investigating authority shall during the course of an investigation satisfy itself to the accuracy of the information supplied by interested parties.
9.
 - (1) In order to verify information provided or to obtain further details, the investigating authority may carry out investigations in the territory of other Partner States or foreign country as required, provided prior consent of the firms concerned is obtained and representatives of the government of the Partner States and foreign country in question, do not object to the investigations, using the procedures set out in the First Schedule to these Regulations.
 - (2) The investigating authority shall, subject to the requirement to

protect confidential information, make the findings of the investigations in sub-paragraph (1) available or shall disclose the information pursuant to paragraph 11 of this Regulation, to the firms to which they pertain and may make the results available to the applicants.

10. Where an interested party refuses access to, or does not provide necessary information within a reasonable period or significantly impedes the investigation, preliminary and final determinations, affirmative or negative, may be made on the basis of the facts available. The provisions of the Second Schedule to these Regulations shall apply to this paragraph.
11. The investigating authority shall, before a final determination is made, inform all interested parties of the essential facts under consideration which form the basis for the decision whether to apply definitive measures. The disclosure shall be made in sufficient time for the parties to defend their interests.
12. The investigating authority shall determine the individual margin of dumping for each known exporter or producer of the product under investigation. Where the number of exporters, producers, importers or types of products involved is so large as to make such a determination impracticable, the investigating authority may limit the examination either to a reasonable number of interested parties or products by using samples which are statistically valid on the basis of information available to the investigating authority at the time of the selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated.
13. (1) Any selection of exporters, producers, importers or types of products made under paragraph 12 shall be made in consultation with the exporters, producers or importers concerned.

(2) Where the investigating authority has limited its examination, as provided for in paragraph 12 the investigating authority shall nevertheless determine the individual margin of dumping for any exporter or producer not initially selected, who submits the necessary information in time for that information to be considered during the course of the investigation, except where the number of exporters or producers is so large that individual examinations would be unduly burdensome to the investigating authority and

prevent the timely completion of the investigation. Voluntary responses shall not be discouraged.

14. The investigating authority shall provide opportunities for industrial users of the product under investigation, and for representative consumer organisations in cases where the product is commonly sold at the retail level, to provide information which is relevant to the investigation regarding dumping, injury and causality.
15. The investigating authority shall take due account of any difficulties experienced by interested parties, in particular small companies, in supplying information requested, and shall provide any assistance practicable.
16. The procedures set out in this Regulation shall not prevent the investigating authority from proceeding expeditiously with regard to initiating an investigation, reaching preliminary or final determinations, whether affirmative or negative, or from applying provisional or final measures, in accordance with relevant provisions of these Regulations.

REGULATION 12

Provisional Measures

1. In critical circumstances where delay causes injury, the investigating authority, may in accordance with the provisions of this Regulation, apply provisional measures pursuant to a preliminary determination that there is clear evidence of dumping and consequent injury or threat of serious injury.
2. Provisional measures may be applied only where:
 - (a) an investigation is initiated in accordance with the provisions of Regulation 10 and a public notice to that effect is given and interested parties are given adequate opportunities to submit information and make comments;
 - (b) a preliminary affirmative determination of dumping and consequent injury to a domestic industry is made; and

- (c) the investigating authority has determined that the provisional measures are necessary to prevent injury from being caused during the investigation.
- 2. Provisional measures may take the form of:
 - (a) a provisional duty;
 - (b) an estimated security by cash deposit or bond, equal to the amount of the anti-dumping duty which shall not be greater than the provisionally estimated margin of dumping; or
 - (c) withholding of appraisement where the normal duty and the estimated amount of the anti-dumping duty shall be indicated and as long as the withholding of appraisement is subject to the same conditions as other provisional measures.
- 4. Provisional measures shall not be applied before the expiry of sixty days from the date of initiation of an investigation.
- 5. The application of provisional measures shall be limited to a period not exceeding four months or, on decision of the investigating authority, upon request by exporters representing a significant percentage of the trade involved, to a period not exceeding six months. Where the investigating authority, in the course of an investigation, determines that a duty lower than the margin of dumping would be sufficient to remove injury, these periods may be six and nine months, respectively.
- 6. The relevant provisions of Regulation 14 shall apply in the application of provisional measures.

REGULATION 13

Price Undertakings

- 1 Proceedings may be suspended or terminated without the imposition of provisional measures or anti-dumping duties upon receipt of satisfactory voluntary undertakings from any exporter to revise the prices of the product or to cease exports to the area in question at dumped prices to the satisfaction of the investigating authority that the injurious effect of the dumping is eliminated. Increases under price undertakings shall not be higher than necessary to eliminate the margin of dumping and shall be less than the margin of dumping where the increases would be adequate to remove the injury to the domestic industry.
- 2 A price undertaking shall not be sought or accepted from exporters except where the investigating authority makes preliminary affirmative determination of dumping and injury caused by the dumping.
- 3 A price undertaking offered may not be accepted where the investigating authority considers its acceptance impracticable, for example, where the number of actual or potential exporters is high or for other reasons, including reasons of general policy. In any such event, the investigating authority shall give to the exporter the reasons which lead the investigating authority to consider acceptance of an undertaking as inappropriate, and shall, to the extent possible, give the exporter an opportunity to make comments on these reasons.
- 4 Where a price undertaking is accepted, the investigation of dumping and injury shall nevertheless be completed where the exporter so desires or the investigating authority so decides. Where a negative determination of dumping or injury is made, the price undertaking shall automatically lapse, except in cases where such a determination is due to a large extent, to the existence of a price undertaking. The investigating authority may require that a price undertaking is maintained for a reasonable period consistent with the provisions of these Regulations. In the event that an affirmative determination of dumping and injury is made, the price undertaking shall continue consistent with its terms and the provisions of these Regulations.
- 5 A price undertaking may be suggested by the investigating authority, but no exporter shall be compelled to enter into the price undertaking. Failure by an exporter to offer a price undertaking, or to accept an invitation to offer a price undertaking, shall not prejudice the consideration of case.

The investigating authority may determine that a threat of injury is more likely to be realised where the dumping of imports continues.

- 6 The investigating authority may require any exporter from whom a price undertaking has been accepted to provide information relevant to the fulfilment of such a price undertaking and to permit verification of pertinent data, periodically.
7. Where there is a violation of a price undertaking, the investigating authority may:
 - (a) take expeditious actions which may include the immediate application of provisional measures, using the best information available; or
 - (b) levy definitive duties on products imported for consumption, within ninety days before the application of provisional measures.
8. Retroactive assessment shall not apply to imports entered into a Partner State before the violation of the price undertaking.

REGULATION 14
Imposition and Collection of
Anti-Dumping Duties

1. The decision to impose anti-dumping duties in cases where all requirements for the imposition have been fulfilled and the amount of the anti-dumping duties to be imposed shall be made by the Committee.
2. Where an anti-dumping duty is imposed in respect of any product, the anti-dumping duty shall be collected in the appropriate amount in each case, on a non-discriminatory basis on imports of the product from all sources found to be dumped and causing injury, except imports from those sources from which price undertakings under the terms of these Regulations are accepted. The investigating authority shall name the supplier or suppliers of the product concerned and where several suppliers from the same country are involved, and it is impracticable to name all these suppliers, the investigating authority may name the supplying country concerned. Where several suppliers from more than one country are involved, the investigating authority may name either all the suppliers

involved, or, where this is impracticable, all the supplying countries involved.

3. The amount of the anti-dumping duty shall not exceed the margin of dumping as provided for under Regulation 7.
4.
 - (1) Where the amount of the anti-dumping duty is assessed on a retrospective basis, the determination of the final liability for payment of the anti-dumping duty shall take place as soon as possible, within twelve months, and in any case shall not exceed eighteen months, after the date on which a request for a final assessment of the amount of the anti-dumping duty has been made. Any refund shall be made ninety days following the determination of final liability, pursuant to this sub-paragraph and where a refund is not made within ninety days, the investigating authority shall provide an explanation where requested.
 - (2) Where the amount of the anti-dumping duty is assessed on a prospective basis, provision shall be made for a prompt refund, upon request, of any duty paid in excess of the margin of dumping. A refund of any duty paid in excess of the actual margin of dumping shall be made within twelve months, and in any case not later than eighteen months, after the date on which a request for a refund, duly supported by evidence, has been made by an importer of the product subject to the anti-dumping duty. The refund authorised shall be made within ninety days of the decision.
 - (3) In determining the reimbursement to be made where the export price is constructed in accordance with this paragraph, the investigating authority shall take into account any change in normal value, costs incurred between importation and resale, and any movement in the resale price which is duly reflected in subsequent selling prices, and shall calculate the export price with no deduction for the amount of anti-dumping duties paid.
5. Where the investigating authority limits its examination in accordance with the provisions of paragraph 12 of Regulation 11, any anti-dumping duty applied to imports from exporters or producers not included in the examination shall not exceed:
 - (a) the weighted average margin of dumping established with respect to the selected exporters or producers; or

- (b) where the liability for payment of anti-dumping duties is calculated on the basis of a prospective normal value, the difference between the weighted average normal value of the selected exporters or producers and the export prices of exporters or producers not individually examined.
6. The investigating authority shall disregard for purposes of paragraph 5, any zero and *de minimis* margins and margins established under the circumstances referred to in paragraph 10 of Regulation 11. The investigating authority shall apply individual duties or normal values to imports from any exporter or producer not included in the examination who provides the necessary information during the course of investigations, as provided for in subparagraph 13(2) of Regulation 11.
7. Where a product is subject to anti-dumping duties in an importing Partner State, the investigating authority shall promptly carry out a review for the purpose of determining individual margins of dumping for any exporters or producers in the exporting country in question who have not exported the product to the importing Partner State during the period of investigation, provided that these exporters or producers can show that they are not related to any of the exporters or producers in the exporting country who are subject to the anti-dumping duties on the product. The review shall be initiated and carried out expeditiously in the importing Partner State. No anti-dumping duties shall be levied on imports from the exporters or producers while the review is being carried out. The investigating authority may, however, withhold appraisal or request guarantees to ensure that, where the review would result in a determination of dumping in respect of the producers or exporters, anti-dumping duties are levied retroactively to the date of the initiation of the review.

REGULATION 15

Retroactivity

1. Provisional measures and anti-dumping duties shall only be applied to products imported for consumption after decisions taken under paragraph 2 of Regulation 12 and paragraph 1 of Regulation 14, respectively, are effected, subject to the exceptions set out in this Regulation.

2. Where a final determination of injury other than a threat of injury or a material retardation of the establishment of an industry is made or, in the case of a final determination of a threat of material injury, where the effect of the dumped imports in the absence of the provisional measures, lead to a determination of injury, anti-dumping duties may be levied retroactively for the period for which provisional measures, if any, are applied.
3. Where the definitive anti-dumping duty is higher than the provisional duty paid or payable, or the amount estimated for the purpose of the security, the difference shall not be collected and where the definitive anti-dumping duty is lower than the provisional duty paid or payable, or the amount estimated for the purpose of the security, the difference shall be reimbursed or the duty recalculated, as the case may be.
4. Except as provided in paragraph 2 of this Regulation, where a determination of threat of injury or material retardation is made but no injury has occurred a definitive anti-dumping duty may be imposed only from the date of the determination of threat of injury or material retardation, and any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.
5. Where a final determination is negative, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.
6. A definitive anti-dumping duty may be levied on products imported for consumption within ninety days prior to the date of application of provisional measures where the investigating authority determines in the case of the dumped product that:
 - (a) there is a history of dumping which caused injury or that the importer was, or should have been aware that the exporter practices dumping and that, that dumping would cause injury; and
 - (b) the injury is caused by massively dumped imports of a product in a relatively short time which in light of the timing and the volume of the dumped imports and other circumstances such as a rapid build-up of inventories of the imported product is likely to seriously undermine the remedial effect of the

definitive anti-dumping duty to be applied, provided that the importers concerned are given an opportunity to comment.

7. The investigating authority may, after initiating an investigation, take measures as the withholding of appraisement or assessment as may be necessary to collect anti-dumping duties retroactively, as provided for in paragraph 6 of this Regulation, once they have sufficient evidence that the conditions in that paragraph are satisfied.
8. No duties shall be levied retroactively pursuant to paragraph 6 of this Regulation on products imported for consumption prior to the date of initiation of an investigation.

REGULATION 16
Duration and Review of Anti-Dumping
Duties and Price Undertakings

1. An anti-dumping duty shall remain in force only as long as and to the extent necessary to counteract dumping which causes injury.
2. The investigating authority shall review the need for the continued imposition of an anti-dumping duty, where warranted, on its own initiative or, provided that a reasonable period of time has elapsed since the imposition of the definitive anti-dumping duty, upon request by any interested party which submits positive information substantiating the need for a review. A determination of final liability for payment of anti-dumping duties, as provided for in paragraph 4 of Regulation 14, does not by itself constitute a review within the meaning of this Regulation. Interested parties shall have the right to request the investigating authority to examine whether the continued imposition of the duty is necessary to offset dumping, whether the injury is likely to continue or recur where the duty is removed or varied, or both. Where, as a result of the review under this paragraph, the investigating authority determines that the anti-dumping duty is no longer warranted, it shall be terminated immediately.
3. Notwithstanding the provisions of paragraphs 1 and 2 of this Regulation, any definitive anti-dumping duty shall be terminated within five years from the date of imposition, or from the date of the most recent review under paragraph 2 of this Regulation, where that review covers both dumping and injury, or is made under this paragraph unless the

investigating authority determines, in a review initiated before that date on its own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury. Where the amount of the anti-dumping duty is assessed on a retrospective basis, a finding in the most recent assessment proceeding under subparagraph 4(1) of Regulation 14 that no duty is to be levied shall not by itself require the investigating authority to terminate the definitive duty. The duty may remain in force pending the outcome of the review.

4. The provisions of Regulation 11 regarding evidence and procedure shall apply to any review carried out under this Regulation. The review shall be carried out expeditiously and shall normally be concluded within twelve months of the date of initiation of that review.
5. The provisions of this Regulation shall apply *mutatis mutandis* to price undertakings accepted under Regulation 13.

REGULATION 17

Public Notice and Explanation of Determinations

1. Where the investigating authority is satisfied that there is sufficient evidence to justify the initiation of an anti-dumping investigation pursuant to Regulation 10, the country whose products are subject to such investigation and other interested parties known to the investigating authority to have an interest in the investigation, shall be notified and a public notice shall be given.
2. A public notice of the initiation of an investigation shall contain, adequate information on the following:
 - (a) the name of the exporting country or countries and the product involved;
 - (b) the date of initiation of the investigation;
 - (c) the basis on which dumping is alleged in the application;

- (d) a summary of the factors on which the allegation of injury is based;
 - (e) the address to which representations by interested parties are to be directed; and
 - (f) the time-limits within which interested parties may present their views .
3. (1) A public notice shall be given of:
- (a) any preliminary or final determination, whether affirmative or negative;
 - (b) any decision to accept a price undertaking pursuant to Regulation 13;
 - (c) the termination of a price undertaking; and
 - (d) the termination of a definitive anti-dumping duty.
- (2) Each public notice shall set out in sufficient detail the findings and conclusions reached on all issues of fact and law considered material by the investigating authority. All public notices shall be forwarded to the country whose products are subject to such determination or undertaking and to other interested parties.
4. A public notice of the imposition of provisional measures shall set out, sufficiently detailed explanations for the preliminary determinations on dumping and injury and shall, due regard being paid to the requirement for the protection of confidential information, contain in particular:
- (a) the names of the suppliers, or where this is impracticable, the supplying countries involved;
 - (b) a description of the product which is sufficient for customs purposes;
 - (c) the margins of dumping established and a full explanation of the reasons for the methodology used in the establishment and comparison of the export price and the normal value under Regulation 7;

- (d) considerations relevant to the determination of the injury as set out in Regulation 8; and
 - (e) the main reasons leading to the determination.
- 5. A public notice of the conclusion or suspension of an investigation in the case of an affirmative determination providing for the imposition of a definitive duty or the acceptance of a price undertaking shall contain, all relevant information and reasons which lead to the imposition of final measures or the acceptance of a price undertaking, due regard being had to the requirement for the protection of confidential information. The public notice shall contain the information required under paragraph 4 of this Regulation, the reasons for the acceptance or rejection of relevant arguments or claims made by the exporters and importers and the basis for any decision made under paragraph 3 of Regulation 11.
- 6. A public notice of the termination or suspension of an investigation following the acceptance of a price undertaking pursuant to Regulation 13 shall include the non-confidential part of the price undertaking.
- 7. The provisions of this Regulation shall apply mutatis mutandis to decisions made under made Regulation 15 to apply anti-dumping duties retroactively and to the initiation and completion of reviews pursuant to Regulation 16.

REGULATION 18
Anti-Dumping Action on Behalf
of a Foreign Country

- 1. An application for anti-dumping action on behalf of a foreign country shall be made by the authorities of that foreign country to the authority of a Partner State to which the request is directed.
- 2. (1) An application under this Regulation shall be supported by:
 - (a) price information to show that the imports are being dumped; and
 - (b) detailed information to show that the alleged dumping is causing injury to the domestic industry concerned in the foreign country.

- (2) The government of the foreign country shall afford all assistance to the investigating authority of a Partner State in obtaining further information on the anti-dumping action, which the Partner State may require.
3. In considering an application for anti-dumping action on behalf of a foreign country, the investigating authority of the Partner State shall consider the effects of the alleged dumping on the industry concerned as a whole in that foreign country. The injury shall not be assessed in relation only to the effect of the alleged dumping on the industry's exports to the Partner State or even on the industry's total exports.
4. The decision whether or not to proceed with an anti-dumping action on behalf of a foreign country shall rest with the Partner State and where the Partner State decides to take action, it shall seek first the approval of the Council through the Committee.

PART IV

REGULATION 19 Consultation and Dispute Settlement

1. Notwithstanding the provisions of paragraph 13 of this Regulation, the procedures set out below shall govern the settlement of any disputes that may arise under these Regulations.
2. A Partner State shall afford fair consideration to, and adequate opportunity for consultation regarding representations made by another Partner State or foreign country with respect to any matter relating to these Regulations.
3. Where a Partner State considers that any benefit accruing to it, directly or indirectly, under these Regulations is nullified or impaired, or that the achievement of any objective being impeded by another Partner State or foreign country, it may, with a view to reaching a mutually satisfactory resolution of the matter, request in writing, for consultations with the Partner State or States or foreign country concerned. Requests for consultations shall be notified to the Committee through the Secretary General.
4.
 - (1) Where there is no mutual agreement within thirty days of the request for consultations, or such other time as may be mutually agreed upon, a Partner State or a foreign county which is a party to the consultations may refer the matter to the Committee for consideration.
 - (2) Where a provisional measure has a significant impact and the Partner State that requested for consultations considers that the provisional measure was taken contrary to the provisions of

paragraph 1 of Regulation 12, the Partner State which is a party to such consultations may refer the matter to the Committee for consideration.

5. The Committee shall at the request of the complaining party, carry out consultations to examine the matter basing upon:
 - (a) a written statement of the Partner State making the request including how a benefit accruing to it, directly or indirectly, under these Regulations is nullified or impaired, or how achieving the objectives of these Regulations is impeded; and
 - (b) the facts availed to the investigating authority in conformity with appropriate domestic procedures.
6. In examining the matter referred to in paragraph 2 of this Regulation the Committee shall:
 - (a) in its assessment of the facts of the matter, determine whether the investigating authority's establishment of the facts was unbiased and objective. Where the establishment of the facts was proper and the evaluation was unbiased and objective, even though the Committee might have reached a different conclusion, the evaluation shall not be reversed; and
 - (b) interpret the relevant provisions of these Regulations in accordance with the customs laws of the Community, laws of the Partner States and customary rules of interpretation of public international law. Where the Committee finds that a relevant provision of these Regulations admits more than one permissible interpretation, the Committee shall find the investigating authority's measure to be in conformity with these Regulations where it rests upon one of those permissible interpretations.
7. Confidential information provided to the Committee shall not be disclosed without formal authorisation from the person, body or authority

providing that information. Where the information is requested from the Committee but release of the information is not authorised, a non-confidential summary of the information, authorised by the person, body or authority providing the information, shall be availed.

8. The Committee shall submit its final report to the parties to the dispute. and circulate the report to all Partner States within ninety days of the date of request to the Committee.
9. Within thirty days of the issuance of the Committee's report to all Partner States, the report shall be adopted by the Council, unless one of the parties to the dispute formally notifies the Council of its intention to appeal to it for review of the decisions of the Committee, or where the Council decides by consensus not to adopt the report.
10.
 - (1) Where a Committee's report is appealed against, the Council shall issue its decision within thirty days from the date a party to a dispute formally notifies its intention to appeal. Where the Council considers that it cannot provide its report within thirty days, it shall inform the parties in writing of the reasons for the delay, together with an estimate of the period within which the report shall be submitted.
 - (2) In no case shall the proceedings exceed forty-five days.
 - (3) The Council shall issue its decisions in the form of directives.
 - (4) Where the Council fails to reach a decision on the matter, the complaining party may refer the matter to Court within twenty days.
11. Where no reference is made to court within twenty days, the Council shall authorise the complaining Partner State to take appropriate measures.
12. The provisions of these Regulations shall apply to investigations and reviews of existing measures, initiated pursuant to applications made on or after the coming into force of these Regulations.
13. The relevant provisions of the East African Community Customs Union (Dispute Settlement Mechanism) Regulations shall apply to the settlement of disputes under these Regulations.

PART V
MISCELLANEOUS PROVISIONS

REGULATION 20
Miscellaneous Provisions

1. An anti-dumping action shall not be taken except in accordance with the provisions of the Protocol and these Regulations.
2. For purposes of paragraph 3 of Regulation 16, existing anti-dumping measures shall be deemed to be imposed on a date not later than the date of coming into force of these Regulations.
3. Where the national legislation of a Partner State which is in force on the date of coming into force of these Regulations provides for the duration and review of anti-dumping duties, paragraph 2 of this Regulation shall not apply.
4. Each Partner State shall inform the Committee of any changes in its laws which are relevant to these Regulations and of the administration of these laws.
5. The Committee shall review annually the implementation and operation of these Regulations taking into account the objectives of the Regulations and report to the Council during the period covered by the reviews.

FIRST SCHEDULE

Regulations 7(6), 9(3) and 11(9)

Procedures for On the Spot Investigations

1. Upon initiation of an investigation, the investigating authority of the exporting country and the producers and exporters concerned shall be informed of the intention to carry out on-the-spot investigations.
2. Where in exceptional circumstances it is intended to include non-governmental experts on the investigating team, the producers and exporters and the investigating authority of the exporting country shall be informed.
3. Non-governmental experts on investigating team shall be subject to effective sanctions on cases of breach of confidentiality.
4. It shall be standard practice to obtain explicit consent of the producers and exporters concerned in the exporting country before the visit for on the spot investigation is finally scheduled.
5. As soon as the consent of the producers and exports concerned is obtained, the investigating authority shall notify the investigating authority of the exporting country of the names and addresses of the producers and exporters to be visited and the dates agreed for the visit.
6. Sufficient advance notice shall be given to the producers and exporters in question before the visit is made.
7. Visits to explain the questionnaire shall only be made at the request of producers or exporters of the exporting country and shall be made where the investigating authority or foreign country notifies the representatives of the Partner State in question and where the representatives of the Partner States do not object to the visit.
8. On the spot investigation to verify information provided or to obtain further details shall be carried out after the response to the questionnaire is received except where the producers or exporters of the foreign country agrees to the contrary and where the government of the exporting country is informed by the investigating authority of the anticipated visit and does not object to it. Prior to the visit the producers or exporters concerned

shall be advised of the general nature of the information to be verified and of any further information which needs to be provided and the advice so given shall not preclude requests to be made on the spot for further details.

9. Enquiries or questions by an investigating authority or producers or exporters of the exporting country which are essential to a successful on the spot investigation shall, whenever possible, be answered before a visit is made.

SECOND SCHEDULE

Regulation 11 (10)

Procedures for Obtaining Best Information Available

1. Within twenty-one days after the initiation of an investigation, the investigating authority shall specify in detail the information required from any interested party, and the manner in which that information shall be structured by the interested party in its response. The investigating authority shall also ensure that the interested party is informed of the consequences of not supplying information within the stipulated time. The investigating authority may make determinations on the basis of the facts available, including those contained in the application for the initiation of the investigation by the domestic industry.
2. The investigating authority may request an interested party to provide a response in both soft and hard copies. Where such a request is made, the investigating authority shall consider the reasonable ability of the interested party to respond in the preferred medium or computer language, and shall not request the interested party to use for its response a computer system other than that used by the interested party. The investigating authority shall not maintain a request for a computerised response where the interested party does not maintain computerised accounts or where presenting the response as requested would result in an unreasonable extra burden on the interested party, for example where the computerised response would entail unreasonable additional cost and trouble.
3. (1) All information which is:
 - (a) verifiable;
 - (b) appropriately submitted to be used in the investigation without undue difficulties;
 - (c) supplied in a timely fashion;
 - (d) where applicable, supplied in a medium or computer language requested by the investigating authority, shall be taken into account in making determinations.
- (2) Where an interested party does not respond in the preferred medium or computer language but the investigating authority finds that the other circumstances set out in paragraph 3(1) of this Schedule have been satisfied, failure to respond in the preferred medium or computer language shall not be considered to significantly impede an investigation.

4. Where the investigating authority does not have the ability to process information provided in a particular medium soft or hard copy, the information shall be supplied in any other form acceptable to the investigating authority.
5. The investigating authority shall not disregard information provided by any interested party even where such information may not be ideal in all respects, provided that the investigating authority is satisfied that the interested party acted to the best of its ability.
6. Where the investigating authority does not accept the evidence or information, it shall inform the supplying party immediately of the reasons for not accepting, and shall give the supplying party an opportunity to provide further explanations within a reasonable period, taking due account of the time limits of the investigation. Where the investigating authority deems the explanations unsatisfactory, it shall in the determination, state reasons for rejecting such evidence or information.
7. Where the investigating authority bases its findings, including those with respect to normal value, on information from a secondary source, including the information supplied in the application for the initiation of the investigation, it shall do so with special circumspection. In such cases the investigating authority shall, where practicable, check the information from other independent sources at its disposal, for example published price lists, official import statistics and customs returns, and from the information obtained from other interested parties during the investigation.