

C. Investigation & Administration Procedures

Article 5

Initiation and Subsequent Investigation
[Substantiation of Complaint]

International Antidumping Code:

5 (a) Investigations shall normally be initiated upon a request on behalf of the industry¹ affected, supported by evidence both of dumping and of injury resulting therefrom for this industry. If in special circumstances the authorities concerned decide to initiate an investigation without having received such a request, they shall proceed only if they have evidence both on dumping and on injury resulting therefrom.

¹ As defined in Article 4.

Antidumping Act, 1921, As Amended:

Section 201 (b) implies that there be a preliminary dumping investigation by Treasury to determine whether the Secretary has "reason to believe or suspect, from invoice or other papers or from information presented to him or his delegate" that a margin of dumping exists.

Section 201 (a) requires the Tariff Commission to initiate the question of injury upon receiving advice from the Secretary of Treasury that merchandise is being, or is likely to be sold in the United States or elsewhere at less than its fair value.

U.S. Treasury Regulations:

The domestic industry's complaint must present detailed data reasonably available, as well as suggestions concerning specific avenues of investigation. 14.6 (b) (2) and 14.6 (b) (4).

Secretary may defer making an affirmative determination during the pendency of proceedings relating to similar merchandise from another country. He must consider the date of the complaints, the volume of sales involved in each proceeding, any hardship, and probably extent of delay which deferral would entail. 14.8 (a).

S. 1726 (90th Congress):

Regarding the consolidation of complaints, the Secretary of the Treasury would be required to consolidate all affirmative findings on complaints filed simultaneously, and to keep them consolidated when he forwards them to the Tariff Commission in order to permit appraisal of total impact of such dumped imports by the Commission. Hitherto, there have been as many