

[Right to Examine Evidence]

International Antidumping Code:

6 (b) The authorities concerned shall provide opportunities for the complainant and the importers and exporters known to be concerned and the governments of the exporting countries, to see all information that is relevant to the presentation of their cases, that is not confidential as defined in paragraph (c) below, and that is used by the authorities in an antidumping investigation, and to prepare presentations on the basis of this information.

U.S. Treasury Regulations:

Section 14.6 a (a) makes generally available to any person all information, but not necessarily all documents, obtained by Treasury in connection with any antidumping proceeding. (There is no specific mention of the governments of exporting country). Summaries of factual documents prepared by officers or employees of the U.S., as distinguished from recommendations or evaluations, will be made available.

Information will be made available in specific or generalized form unless competitors would get a significant advantage, or the persons supplying the information would be adversely affected. Though Treasury has discretion over degree of disclosure, the names of particular customers, business or trade secrets, production costs, or distribution costs unless accepted for justifying quantity discounts or differences in circumstances of sale, ordinarily will not be disclosed. 14.6 a (c)(3).

S. 1726 (90th Congress):

Complainant and reviewing court would receive supplemental statement of information relied on by the Secretary, except confidential costs used to ascertain constructed value or justify claimed discounts for differences in quantities or circumstances of sale. Section: 6 [212 (c) and (i)].