

Improving the Transparency of Trade Remedy Investigations



SDCOM

SUBSECRETARIA DE DEFESA COMERCIAL
E INTERESSE PÚBLICO

2019 Seoul International Forum on Trade Remedies
Round Table Meeting for Representatives
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Overview

- 1. Transparency in anti-dumping specific investigations**
- 2. Transparency in the Brazilian Investigation Authority actions**
- 3. Final remarks**

Overview

1. Transparency in anti-dumping specific investigations

- 1.1. Public notices
- 1.2. Notifications
- 1.3. Disclosure of calculations
- 1.4. Questionnaires
- 1.5. Languages
- 1.6. Deficiency letters
- 1.7. Hearings
- 1.8. Website

2. Transparency in the Brazilian Investigation Authority actions

3. Final remarks

1. Transparency in anti-dumping specific investigations

1.1. Public notices

Brazilian public notices (initiation, preliminary determination and final determination) discloses in maximum detail the procedures, methodologies, phases and deadlines applicable throughout each investigation.



General provisions regarding such procedures, methodologies, phases and deadlines are established in the Brazilian Anti-Dumping Regulation (Decree No 8,058, of 2013).





1. Transparency in anti-dumping specific investigations

1.2. Notifications

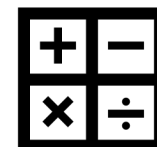
All public notices and changes made to main investigation deadlines are **notified to all known interested parties**, in order to guarantee further transparency and to stimulate their participation in the investigation.



1. Transparency in anti-dumping specific investigations

1.3. Disclosure of calculations

In addition to its public notices, Brazil discloses the preliminary and final dumping margin calculations to each exporter that received an individual rate.



1. Transparency in anti-dumping specific investigations

1.4. Questionnaires

Brazil stimulates parties to submit answers to questionnaires by granting them **at least 40 days to submit answers to questionnaires**. Such deadline is **often extended for an additional 30-day period**.



In addition, the Brazilian investigating authority identifies foreign producers and exporters on the basis of the **detailed import data** provided by the Secretariat of the Federal Revenue of Brazil, thus **looking beyond the information sent in the application** to ensure that all relevant exporters are properly identified.





1. Transparency in anti-dumping specific investigations

1.5. Languages

The Brazilian investigating authority accepts documents originally issued in any official WTO language without the need of translation to Portuguese (Law No 12,995, of 2014), thus reducing procedural requirements for document submissions.





1. Transparency in anti-dumping specific investigations

1.6. Deficiency Letters

The Brazilian investigating authority issues detailed deficiency letters, providing sufficient time for parties to comment on the identified deficiencies.





1. Transparency in anti-dumping specific investigations

1.7. Hearings

Upon request by any interested party, which must be submitted within **5 months from the initiation** of the investigation, Brazil conducts **formal hearings**. Such hearings are **notified to all interested parties**, as are the deadlines for indication of representatives and for submission of arguments that shall be presented by each party during the hearing. All other **deadlines** related to these hearings are established in the **Brazilian Anti-Dumping Regulation**.



1. Transparency in anti-dumping specific investigations

1.8. Website

The Brazilian investigating authority keeps **daily updated information** on all ongoing trade remedy investigations and public interest analyses on its **website**.



Overview

1. Transparency in anti-dumping specific investigations

2. Transparency in the Brazilian Investigation Authority actions

2.1. Modernization of trade remedy legislation

2.2. Public consultations

2.3. DECOM Digital System

2.4. Website

3. Final remarks

2. Transparency in the Brazilian investigation authority actions

2.1. Modernization of trade remedy legislation

Brazil initiated a modernization process of its trade remedy legislation in 2011, which was based on:



- a) the Brazilian investigating authority's experience accumulated over the years;
- b) WTO Dispute Settlement Body jurisprudence; and
- c) proposals discussed in the Negotiating Group on Rules.

2. Transparency in the Brazilian investigation authority actions

2.1. Modernization of trade remedy legislation

The first outcome of such process was the release of the **new Brazilian Anti-Dumping Regulation** (Decree No 8,058, of 2013).



Such regulation brought several **WTO Plus provisions**, especially with regards to transparency procedures, such as the **obligation to publish preliminary determinations** in original AD investigations and the **detailing of all phases and deadlines** applicable in such investigations.



2. Transparency in the Brazilian investigation authority actions

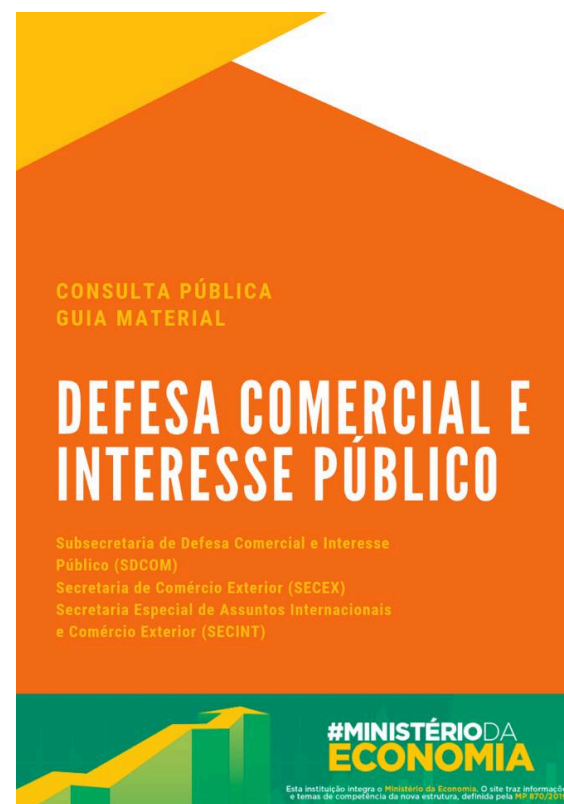
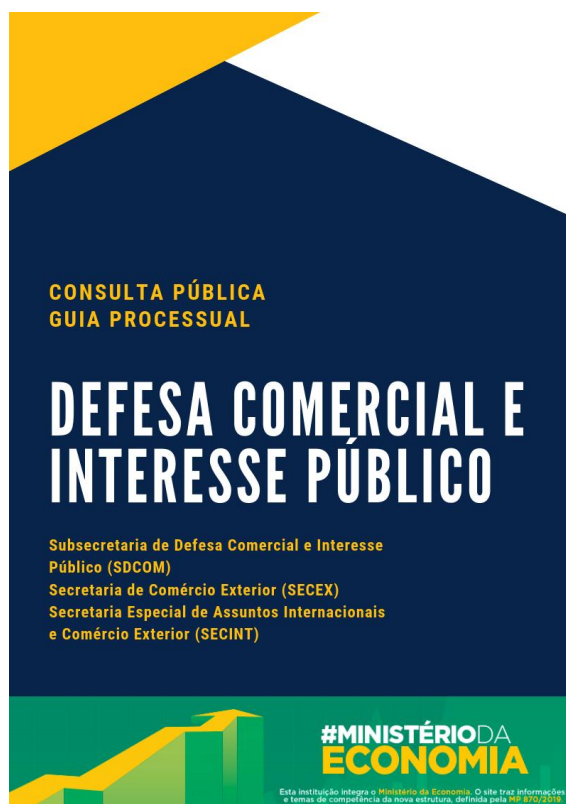
2.2. Public Consultations

Brazil starts **public consultation procedures** whenever it decides to publish a new legal act related to trade remedy investigations. All public consultations are **published in the Official Gazzete** and made available at the investigating authority's website.



2. Transparency in the Brazilian investigation authority actions

2.2. Public Consultations



2. Transparency in the Brazilian investigation authority actions

2.3. DECOM Digital System

In July of 2015, Brazil implemented the **DECOM Digital System** – DDS, which allowed interested parties to **submit documents and access anti-dumping investigations' case files from all over the world**. The system's main objective was to **increase transparency and participation** of interested parties in Brazilian AD investigations, as well as to **reduce costs for participation** in such processes.



As of June of 2018, DDS was **expanded to subsidies and global safeguards investigations** conducted by Brazil, thus covering all trade remedy instruments.

2. Transparency in the Brazilian investigation authority actions

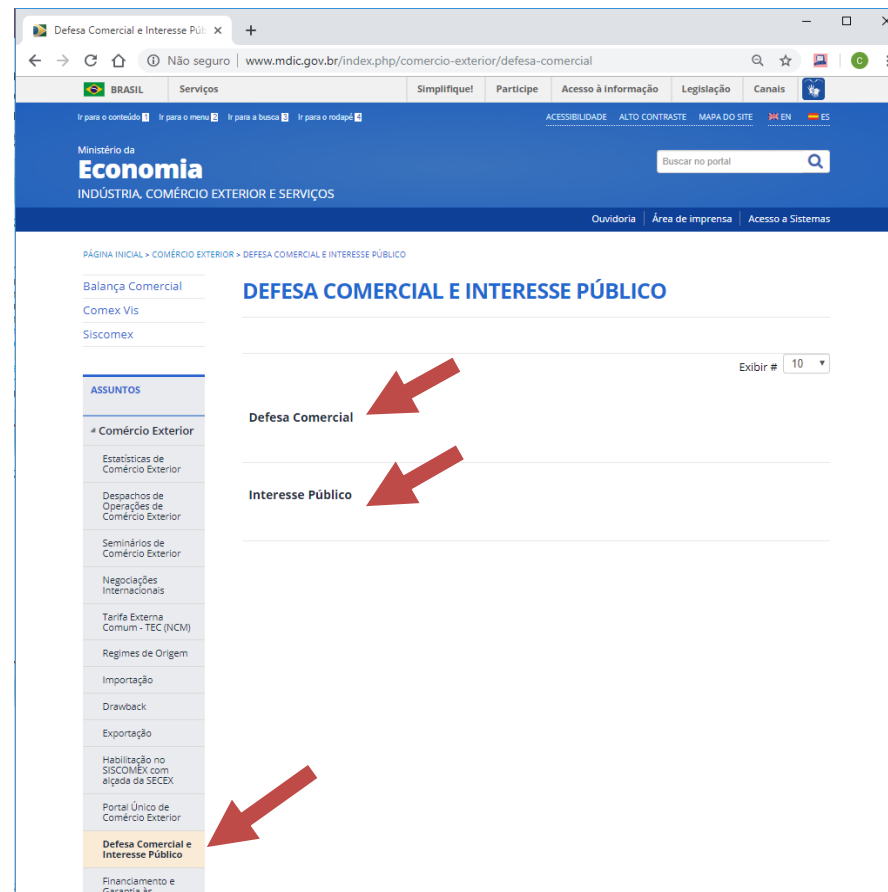
2.4. Website

In addition to keeping updated information on all of its ongoing trade remedy investigations, the Brazilian investigating authority's **website** also contains information on all **trade remedy measures in force in Brazil** and on all **trade remedy actions against Brazilian exports**. All Brazilian trade remedy **legislation, annual reports and statistics, procedural and material guidelines and public consultations** are also available online.



2. Transparency in the Brazilian investigation authority actions

2.4. Website – Trade Defese and Public Interest





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2. Transparency in the Brazilian investigation authority actions

2.4. Website – Trade Remedies

www.mdic.gov.br/index.php/comercio-exterior/defesa-comercial/305-defesa-comercial-2/...

Investigações em Curso

Atualizado em 01/04/2019

Clique AQUI (ou [investigacoesemcurso.csv](#)) para ter acesso à tabela com todas as investigações em curso, o que possibilita a seleção das investigações por produto, NCM, país, data de abertura e tipo.

PRODUTO	INVESTIGAÇÃO
Alto	Dumping (Revisão)
Alto-falante	Dumping (Revisão)
Cadeados	Dumping (Revisão)
Cartão semirrigido	Dumping (Revisão)
Cilindros laminadores	Dumping
Escovas para cabelo	Dumping (Revisão)
Etanolaminas	Dumping (Revisão)
Filme PET (Bareline e Peru)	Dumping
Fios de Náilon	Dumping (Revisão)
Laminados a frio	Dumping (Revisão)
Laminados planos de aço ao silício (Alemanha)	Dumping
Laminados planos de aço ao silício (China, Coreia, Tailândia)	Dumping (Revisão)
Laminados planos de baixo carbono e baixa liga (chapas grossas)	Dumping (Revisão)
Objetos de louça para mesa	Dumping (Revisão)

www.mdic.gov.br/index.php/comercio-exterior/defesa-comercial/305-defesa-comercial-...

Medidas em Vigor

Atualizado em 25/04/2019

Clique AQUI (ou [medidas_em_vigor.csv](#) / [medidas_extintas_em_vigor.csv](#)) para ter acesso à tabela com todas as medidas aplicadas em vigor, o que possibilita a seleção das medidas aplicadas por produto, NCM, país, vigência e tipo.

PRODUTO	MEDIDA	PRAZO DE VIGÊNCIA
Ácido adípico	Direito Antidumping Definitivo	01/04/2020
Ácido cítrico	Direito Antidumping Definitivo	18/10/2022
Acrilato de butila (EUA)	Direito Antidumping Definitivo	19/12/2019
Acrilato de butila	Direito Antidumping Definitivo	25/09/2020
Alto	Direito Antidumping Definitivo	04/10/2018
Alto-falantes	Direito Antidumping Definitivo	29/11/2018
Arame galvanizado	Direito Antidumping Definitivo	30/01/2020
Barra de aço	Direito Antidumping Definitivo	28/11/2021
Batatas Congeladas	Direito Antidumping Definitivo	17/02/2022
Borracha nitrílica (NBR)	Direito Antidumping Definitivo	13/08/2023
Cadeados	Direito Antidumping Definitivo	13/11/2018
Calçados	Direito Antidumping Definitivo	02/03/2021
Cartões esferográficos	Direito Antidumping Definitivo	19/03/2021
Cartão semirrigido	Compromisso de preço	13/09/2018
Chapas de gesso	Direito Antidumping Definitivo	26/09/2023



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2. Transparency in the Brazilian investigation authority actions

2.4. Website – Public Interest

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Avaliação de Interesse Público

Atualizado em 17/04/2019

Avaliações de Interesse Público em Curso em 2019

PRODUTO	INVESTIGAÇÃO OU MEDIDA DE DEFESA COMERCIAL RELACIONADA
Chapas de gesso	Direito antidumping definitivo
Filme PET (Bareine e Peru)	Investigação de prática de dumping
Laminados planos de aço ao silício (Aço GNO)	Direito antidumping definitivo
Magnésio Metálico	Direito antidumping definitivo (China) Direito antidumping definitivo (Rússia)
Resina de polipropileno	Direito antidumping definitivo (África do Sul, Coreia do Sul e Índia) Direito antidumping definitivo (EUA)
Tubos de ferro fundido	Investigação de prática de dumping

Avaliações de Interesse Público Encerradas em 2019

PRODUTO	INVESTIGAÇÃO OU MEDIDA DE DEFESA COMERCIAL RELACIONADA
Corpos moedores	Direito antidumping definitivo Direito compensatório definitivo

Overview

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3. Final remarks

It must be noted that most transparency procedures foreseen in the new Brazilian Anti-Dumping Regulation were already applied to recent subsidy investigations conducted by the Brazilian investigating authority.



Furthermore, Brazil intends to continue the modernization process of its trade remedy legislation (subsidies and safeguards, also), thus bringing more details on procedures, methodologies and deadlines applicable to Brazilian subsidy and global safeguard investigations.



Thank you!



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