

**A GUIDE TO THE COMPLETION OF AN  
DUMPING  
COMPLAINT**

***BANGLADESH TARIFF COMMISSION***  
**Dhaka, Bangladesh**

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## **PART I**

### ***COMPLAINANT'S QUESTIONNAIRE-INFORMATION***

## **GENERAL INFORMATION:**

This is general information guide designed to assist producers in preparing a properly documented complaint that can be acted upon by the Bangladesh Tariff Commission (BTC). It is designed to illustrate what information is needed by the Bangladesh Tariff Commission for opening a formal investigation against allegedly dumped imports that are causing injury to the Bangladesh economy.

## **THE LEGISLATION:**

Cases will be undertaken under the authority vested in the Chairman of the Bangladesh Tariff Commission as per the SRO No. 210-Law/95/1643/Customs dated 30-11-1995, issued in pursuance of section 3 of the SRO No.209-Law/95/1642/Customs dated 30-11-1995 in consonance with sub-section 6 of section 18(B) of Customs Act 1969.

Any action taken under the specific provision of the Legislation can become an international trade issue as the action represents an accusation that a trading partner is trading unfairly. To the extent possible, effort must be undertaken to demonstrate that any action undertaken is being completed according to the WTO requirements. In discharging the responsibility vested in him, the Chairman of the Bangladesh Tariff Commission will be assisted by his Commission employees.

The Chairman of the BTC as the person responsible and the BTC as the agency required to complete the activity will use the following Directive as the guidepost through the execution of the dumping casework. This document is not legally binding and is only meant as a guide and is intended to answer many of the questions that may arise during the drafting of a complaint.

## **DOCUMENTATION:**

A complaint must be thoroughly documented and complainants must provide the best information available to them and, wherever possible, give supporting documentary evidence from commercial or publicly available sources.

All calculations should be explicitly shown as well as the sources of all the data used especially noting the period to which the data refers.

In the body of the complaint it is preferable to state only that which is absolutely necessary and place the rest of the information in annexes and tables having indicated them in the text itself.

All value figures must be converted to the same currency preferably taka.

## **CONFIDENTIALITY:**

The Bangladesh Tariff Commission will strictly respect the confidentiality of all documents that are marked as confidential. All interested parties will, upon request, be provided with a copy of the complaint once a proceeding has been initiated. Therefore, complainants should provide two versions of the complaint—one that is the confidential version and a second that is the

non-confidential version. This non-confidential version should omit data that are confidential business secrets but it should show trends and or levels these data predict. The preparation of the non-confidential version will be outlined later in the document.

It is suggested that electronic versions of all documentation be provided.

### **ISSUES THAT A DUMPING COMPLAINT SHOULD COVER:**

A dumping complaint should address the following:

- . General Information: Identification of the complainant, of the allegedly dumped products, and the country or countries of their origin, and of the other known parties concerned;
- . Prima facie evidence of dumping;
- . Prima facie evidence of alleged injury to Bangladesh industry;
- . Prima facie evidence of a causal link between the alleged dumping and the injury.

### **WHO MAY COMPLAIN:**

An investigation shall not be initiated unless the Chairman has determined, on the basis of an examination of the degree of support for or opposition to the application expressed by the 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" if it is supported by those domestic producers whose collective output constitutes more than 50 per cent 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. However, no investigation shall be initiated when domestic producers expressly supporting the application account for less than 25 per cent of total production of the like product produced by the domestic industry.

### **SPECIFIC DEFINITIONS:**

#### **Dumping:**

Dumping occurs when foreign producers sell their products to an importer in Bangladesh at prices lower than that in their domestic market, or at prices below the cost of production. Foreign producer's domestic selling price is referred to as its "normal value" of the product and may, under certain conditions, be the cost of producing and selling the product and an amount for profit or the selling price to a third country.

Products are *dumped* if their *selling price* to an importer in Bangladesh is *less than* the good's *normal value*.

