



**Technical assistance for
capacity building of the
Comisión Reguladora de
Prácticas Desleales en el
Comercio y Medidas de
Salvaguardias (“National
Commission of Unfair Trade
Practices and Safeguard
Measures”)**

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Name:	PMU of the Tradecom Facility Programme	National Commission of Unfair Trade Practices and Safeguard Measures	BKP Development Research & Consulting GmbH
Address:	Av. des Gaulois N° 20 B-1000 Brussels Belgium	Calle Manuel de Jesús Troncoso No. 18, Ensanche Piantini, Santo Domingo República Dominicana	Romanstr. 74 80639 Munich Germany
Tel. number:	+32 2 743 00 20	+1 809 476 01 11	+49 89 1787 6047
Fax number:	+32 2 743 00 29		+49 89 1787 6049
Email address:	info@tradecom-acpeu.org	info@cdc.gob.do	bkp@bkp-development.de
	teddy.soobramanien@tradecom-acpeu.org	maximina.santana@gmail.com	
Contact persons:	Mr. Teddy Soobramanien	Mrs. Maximina Santana Mr. Mario Pujols	Ms. Ramona Kettenstock Dr. Derk Bienen

Date of report: 17 June 2010

Authors of report: Marius Bordalba and Drew Sundberg

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LIST OF ABBREVIATIONS

ACRONYM	MEANING
ACP	African, Caribbean and Pacific
AD	Anti-dumping
ADA	(WTO) Anti-Dumping Agreement
AIRD	Asociación de Industrias de la República Dominicana
ASCM	Agreement on Subsidies and Countervailing Measures
CEI-RD	Centro de Exportación e Inversión de la República Dominicana
EC	European Commission
EDF	European Development Fund
DICOEX	Dirección de Comercio Exterior, Secretaría de Estado de Industria y Comercio
GATT	General Agreement on Tariffs and Trade
IR	Inception Report
DSU	Dispute Settlement Understanding
EU	European Union
ISPRI	Institutional Support Programme for Regional Integration
OTCA	Oficina de Tratados Comerciales Agrícolas, Secretaría de Agricultura
SEIC	Secretaría de Estado de Industria y Comercio
SEREX	Secretaría de Estado de Relaciones Exteriores
TDIs	Trade Defence Instruments
TNA	Training Needs Assessment
ToR	Terms of Reference
TRTA	Trade-Related Technical Assistance
UTPs	Unfair Trade Practices
WTO	World Trade Organisation

EXECUTIVE SUMMARY

The project “Technical assistance for capacity building of the Comisión Reguladora de Prácticas Desleales en el Comercio y Medidas de Salvaguardias (“National Commission of Unfair Trade Practices and Safeguard Measures”)”, and funded by the TradeCom Facility Programme, started being implemented on 31 August 2009. The experts in charge of the implementation are Messrs. Marius Bordalba (Team Leader) and Drew Sundberg (Senior International Trade Lawyer).

After having met with officials from various institutions, and evaluated the replies to a questionnaire prepared by the experts, the IR was submitted on 18 September. In addition to the activities listed in the Terms of Reference, and bearing in mind that the main beneficiary, the Commission, was already conducting various safeguard investigations, the experts agreed to provide assistance in the context of ongoing investigations.

Between end of September and December 2009 the experts conducted several hands-on trainings on procedural and substantive issues concerning anti-dumping and countervail investigations. In addition, they started working on the study regarding domestic industries that may be affected by unfair trading practices. Several meetings took place with the private sector to identify the industries to be analysed and to gather information from them. The experts also presented a seminar on trade remedies and WTO Dispute Settlement. The audience included several public institutions. Finally, they advised the Commission on a wide range of issues concerning ongoing investigations. The objective of this advice was first to ensure that they would be conducted in full compliance with WTO requirements and second, to present international best practices in the field of investigations.

The Mid-term Report was submitted on 4 December 2009.

After the Christmas break, the experts continued with the hands-on trainings to the Commission and the drafting of the study regarding domestic industries that may be affected by unfair trading practices. This study report had 311 pages, excluding annexes. It was presented in a public seminar on 5 May. After incorporating the comments received, the report was submitted to the beneficiary. Each investigated industry received its part of the report too.

The experts also started drafting the standard documentation for anti-dumping and countervailing investigations. More than 200 different documents totalling more than 2,000 pages, including technical reports, determination and public notices, questionnaires for different stakeholders (some of them also in English), as well as a variety of communications to various interested parties and the WTO, were drafted and submitted for comments. After these were included, the documentation was finalised and some of it – e.g. the questionnaires – are already being used by the Commission.

The experts also prepared software to calculate the margin of dumping as well as to compute the price undercutting and underselling. The Commission officials were trained on the use of the software through two exercises based on real-life cases – including an actual reply to an anti-dumping questionnaire.

The experts continued to reply to questions that the Commission had with respect to ongoing investigations as well as with respect to WTO-related matters.

Besides supporting the Commission, the experts met with other public institutions. For instance two one-day tailor-made presentations were made with the Customs Department as well with OTCA – Ministry of Agriculture. Other meetings took place with Foreign Affairs as well as with the Tribunal.

The private sector also benefitted from several activities. Thus, the experts met more than 20 times with private sector representatives in the context of the preparation of the study report on domestic industries that may be affected by unfair trading practices. They also provided advice to private industries outside the scope of that study. Finally a large seminar took place in Santiago, the second largest city of the Dominican Republic. This activity was organised and held at the premises of one of the most prestigious universities, the PUCMM. The programme included both trade remedies as well as WTO Dispute Settlement matters.

The draft final report was circulated on 9 June 2010. On 11 June, the Final Report was presented in the Commission. On 17 June, Mr. Hugo C. Pérez from the EU Delegation was debriefed. After taking into account the comments received, the Final Report was submitted on 17 June 2010.

1 INTRODUCTION

Within the framework of the EDF funded “TradeCom – All ACP Institutional Trade Capacity Building Facility” [“the TradeCom Facility Programme”], BKP Development has been awarded the contract for the project “Technical assistance for capacity building of the Comisión Reguladora de Prácticas Desleales en el Comercio y Medidas de Salvaguardias (“National Commission of Unfair Trade Practices and Safeguard Measures”)” [“the Project”]. The contract was signed on 30 July 2009 with the project implementation starting on 31 August 2009. The experts in charge of the implementation are Messrs. Marius Bordalba (Team Leader) and Drew Sundberg (Senior International Trade Lawyer).

On 18 September, the IR for this project was submitted and the IR was approved on 2 October 2009. The Mid-term Report was submitted on 4 December 2009. After the Christmas holidays, the Team Leader returned on 2 January and the second Key expert shortly thereafter. The Team Leader left the Dominican Republic between 2 March and 6 April, when he returned to complete the work. The second Key Expert finished his work in April, after he exhausted the contracted time.

The draft final report was circulated on 9 June 2010. On 11 June, the Final Report was presented in the Commission. The presentation was attended by the Chairwoman of the Commission, Mrs. Maximina Santana; Commissioner Mario Pujols; the Executive Director of the Commission, Mrs. Gianna Franjul; and the Head of the Department of Investigations, Mrs. Luisa Astacio. Mr Humberto C. Pérez from the EU Delegation could not attend the presentation. However Mrs Gianna Franjul and Marius Bordalba met with him on 17 June to debrief him. Comments were received from Messrs. Pujols and Pérez. Adjustments have been made to the Final Report accordingly.

2 BACKGROUND

2.1 Starting Point

2.1.1 Background of the relevant institution

The Commission on Unfair Trading Practices and Safeguard Measures was established through Law No. 1-02. This body was created as a decentralized public body endowed with functional, judicial and financial autonomy, its own assets, and legal personality. The Commission is located in Santo Domingo, the capital of the Dominican Republic.

According to the above-mentioned Law, the duties of the Commission are:

- (a) to conduct, at the request of an interested party or *ex officio*, any investigation required for the purposes of this Law and its regulations in order to determine, where appropriate, the application of anti-dumping and countervailing duties and safeguard measures;

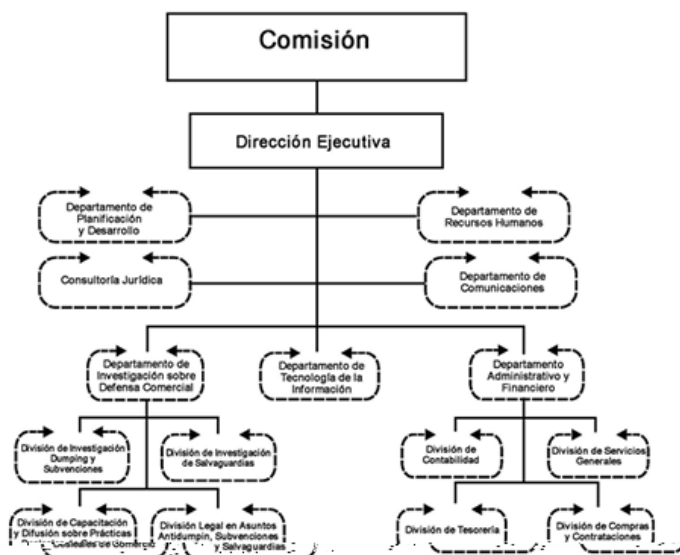
- (b) to issue duly reasoned decisions, in accordance with the rules laid down in this Law and its regulations;
- (c) to request the implementation of its resolutions by the Ministry of Finance, via the General Customs Directorate, and such other government authorities as may be involved in procedures and remedies specified under this Law;
- (d) to appoint the Executive Director of the Commission and technical and administrative staff required for the performance of its statutory functions;
- (e) to coordinate with other public institutions representation of the interests of the Dominican State in international agencies and other countries in matters falling within its sphere of competence;
- (f) to adopt its own rules of procedure and to draw up and present its budget of income and expenditures;
- (g) to set the fees payable for the reception and processing of applications for investigation.

The Commission was to be composed by 5 members, a President and 4 Commissioners. The members are appointed by the Executive for a period of 4 years, and confirmed by the Parliament.

Albeit established in 2002, the Commission was not composed until early 2008, when the Commissioners were finally appointed by the President and a budget allocated to it. In addition, there was a Department of Investigations to gather and evaluate data relating to the three trade remedy instruments. In 2008, the Commission was located within the Ministry of Industry and Trade (in Spanish: *Secretaría de Estado de Industria y Comercio*). Early 2009, the Commission moved to a larger building. The new premises were ready for use during the summer, when the furniture and equipment provided by inter alia the EU-funded project ISPRI arrived. This process continued until well into 2010, when new computers, PowerPoint projector, etc were received. The large meeting room however still needs furniture to make it fully functional, which is very much needed in light of the hearings that must be held by law in trade remedy investigations.

The Commission is structured as follows:

ESTRUCTURA ORGÁNICA PROPUESTA
COMISIÓN REGULADORA DE PRÁCTICAS DESLEALES EN EL COMERCIO Y MEDIDAS DE SALVAGUARDIAS



Source: <http://www.cdc.gob.do/estructura.html>

Below the Commission, there is an Executive Director. The Executive Director *inter alia* represents the Commission in outside events. Under it, there are several departments, the largest being the Department of Investigations. This Department has a Head, six investigators and an administrative assistant assigned to it. The backgrounds of the officials include economists, accountants, lawyers and an engineer. Since the start of the implementation of the Project, there have been several changes. In September, a lawyer resigned. A replacement started in April 2010. An accountant was hired early October 2009, resigning in March 2010. Her replacement joined the Commission in April 2010, resigning a few weeks later. During the second half of May 2010 a new accountant was hired.

The Department of Investigations still lacks some basic equipment such as laptops. It is also noted that some officials have regularly (serious) problems with their IT equipment which hampers their performance. In addition, the consultant is of the view that the workload of the officials exceeds what it should be in order for them to be able to perform optimally. This poses serious risks, especially at this stage in which they are not yet very experienced with the topics involved in trade remedy investigations. Fortunately, ongoing or terminated investigations have so far been related with safeguards and hence they have acquired experience with that instrument. However, they are currently dealing with their first AD application, which requires knowledge of different and highly technical skills. In summary, the consultant believes that in the short-term because of AD cases as well as the likely increase of safeguard actions, the Commission will need to expand the personnel of its Department of Investigations. Failure to do so, the quality of the assessments may suffer.

2.1.2 Gap analysis

Legislative background

As indicated elsewhere, the current legislative framework includes the Law No. 1-02 and its Implementing Regulation. The consultant is aware that the Commission, when it drafted the Implementing Regulation, became aware of a number of issues in which the Law No. 1-02 had to be amended, including outright violations of WTO Agreements. Where possible, the Commission tried to provide solutions through the Implementing Regulation and general provisions of the Dominican Constitution. However, it is clear that the Law needs to be amended in several respects. Moreover, following the application of the recently enacted Implementing Regulation it has become apparent that changes need to be introduced into that legal document.

The body in charge of implementing trade remedy instruments

Various officials serving either as Commissioners or as officials of the Department of Investigations have undergone a number of theoretical and practical trainings through activities organised by the WTO and other international donors. Recently, in 2009, a bilateral EU-funded project – the ISPRI – implemented an activity with the Commission that lasted for several months and which involved two experts.

In addition to capacity building activities, the knowledge of the Commission advanced quickly with on-the-job learning experience derived from the several safeguard cases that it has dealt with since early 2009. By now, four investigations have been fully completed – three were terminated in 2009 and one in 2010 – while another three safeguard investigations are ongoing at the time of writing this Report. In addition, since May 2010 the Commission is examining an application for the initiation of its first anti-dumping investigation. Thus, the Commission is acquiring new knowledge in this field. Finally, the Commission is also looking into the question of subsidies in neighbouring countries and assessing how to proceed in order to protect the interests of national producers.

In parallel, the Commission is also providing services to its exporters, mainly to help defend themselves against challenges from third countries. The Commission has been successful in its first such investigation, convincing the foreign country of the need to terminate the investigation. Currently, it is assisting another exporter in a similar case initiated in a Caribbean country.

Public sector (other than the Commission)

While in-depth technical knowledge is required only with the institution that conducts the investigations, information from various public sources is frequently necessary for the purpose of conducting any trade remedies investigation. Subsequently, implementation of any eventual measures will require the participation of various public bodies such as customs.

As far as the consultant is aware, some activities concerning trade remedies had been opened to the participation of public institutions other than the Commission. However, it became quickly evident that a lot of work remains to be done in order to bring the overall knowledge up to the required level. In addition, data in some cases need to be gathered by public or private institutions (currently it is not done), in other cases data collected is incomplete or wrong, and quite often when it is

collected, it is not presented in a meaningful manner (in all these cases, data would need to be revised and corrected).

While those matters do not directly pertain to trade remedies and hence the daily work of the Commission (for instance issues relating to the bad reporting of origin, values or classification of goods primarily concern the implementation of the country's customs laws, which are under the responsibility of the Customs Department), the lack of proper data affects the ability of using trade remedy instruments. This consideration, for instance, did not seem to be fully understood by for instance officials in the Customs Department.

Private sector

The private sector in the Dominican Republic had wrong perceptions, conceptually and otherwise, as to the role and requirements for the use of trade remedy instruments, in particular with respect to the use of safeguards. For instance, problems related with customs law, such as miss-classification of goods and wrong origin declarations, even health issues, were considered by some private companies as issues that could be appropriately addressed through trade remedy instruments.

Perhaps because of the traditional way of solving problems in the Dominican Republic, it was difficult for most businesses to understand that certain steps and requirements – established in the law – had to be met for the public institutions to be able to act against imports. The perception was that public institutions, with the Commission at its forefront, were neglecting their duties and were not offering solutions to their problems.

2.1.3 Gap identified at the start of the implementation

From the above analysis of the situation the Commission, other public institutions and private sector at the start of the implementation of this Project, the following gaps were identified:

- Need to review the enabling legislation. In the view of the consultant, a proper and WTO-compliant legislative framework is necessary to ensure the correct implementation of any trade remedy system. The Law No. 1-02 can be considerably improved in all senses, and several WTO-inconsistent provisions need to be removed. The Implementing Regulation should also be improved, making it more clear and structured to facilitate its reading and application and also to bring the experience in applying it.
- Knowledge (theoretical and practical). Some Commissioners and staff of the Department of Investigations had participated in events financed and implemented by the WTO and other international donors. Through the analysis performed at the start of the implementation it became clear that the theoretical knowledge was good to advanced for safeguards and anti-dumping and average to good for subsidies. Concerning practical knowledge however, the situation was not so good at the start of implementation.

Outside the Commission, the general level of knowledge was considerably lower.

- Resources (mainly staffing and funds). The resources available were quite good, especially since the set up of the new office is close to completion. Compared with other countries in the region, including Central America, the Commission is the best equipped investigating

authority. Its resources are even comparable with those of Peru, albeit – of course – it lacks the experience of that investigating authority. However, as noted above the equipment should be improved. More importantly, the accountant changed and the new one went through one single training (because she joined late in May 2010). Furthermore, a second accountant should probably be hired to work on future anti-dumping investigations.

2.2 Purpose, objectives, results and activities

The purpose, objectives and results to be achieved through this Project coincide with those set forth in Section 2 of the ToR. In line with them and the gaps identified above, the list of activities contained in Section 3 of the IR was agreed with the beneficiary.

It should be noted that the list of activities went beyond that contained in section 4.2 of the ToR. In particular, activity 10 aimed at providing *ad hoc* support to the Commission in *inter alia* the assessment of complaints, ongoing investigations, and WTO matters was included among the activities to be performed. It was assigned approximately 10% of the implementation time.

It must be further noted that even if gap analyses identified the need to review the legislation, this was not included in the ToR of the project. While discussed at the time of drafting the IR, it was concluded that the workplan was already full and hence the consultant has not been involved in that.

Nor the Project contemplated the provision of equipment, furniture etc. The Commission has repeatedly asked the consultant whether the Project contemplated financing to purchase books and similar materials related to the implementation of trade remedies. The consultant informed the beneficiary that unlike other TradeCom Projects, this one did not have a budget for that.

3 IMPLEMENTATION PROCESS

3.1 Implementation

Implementation started on 31 August 2009 and it spanned over a period of almost 10 months, until 11 June 2010, when the Final Report has been presented.¹ The work performed during the first part of the implementation is described in detail in the Mid-term Report.

Since December 2009, ten activities have been accomplished. Most of the work performed during this second stage of the implementation concerns activity 2, drafting of standard documentation for the Commission; activity 3, continuation of hand-on trainings to the Commission officials; activity 4, preparation of the software for computing the margin of dumping and the undercutting/underselling and train the Commission in the use of it; and finalisation of activity 6, concerning the study report on the domestic industries affected by unfair trading practices in the Dominican Republic. In addition, some presentations to the private sector and other public institutions have taken place. The

¹ It has therefore went beyond the 7 months established in the ToR. However, it was impossible to implement it in such a short period of time, especially since the Commission is very busy conducting investigations and hence the time it could dedicate to the Project was limited.

following sections describe in more detail the activities performed since the Mid-term Report was submitted. In addition, the annexed logframe summarising all meetings and presentations held may be consulted (see annex 1).

3.1.1 Activity 1.1: Prepare TNA questionnaire

See the IR.

3.1.2 Activity 1.2: Interaction with ISPRI

See the IR.

3.1.3 Activity 1.3: Analyse replies to TNA questionnaires

See the IR.

3.1.4 Activity 1.4: Brief the beneficiary

See the IR.

3.1.5 Activity 1.5: Refine priority list and incorporate in the IR

See the IR.

3.2 Activity 2: Preparation of standard documentation

3.2.1 Activity 2.1: Assess documentary requirements

See Mid-term Report.

3.2.2 Activity 2.2: Examine ISPRI's documentation

In line with what was stated in the IR and in the Mid-term Report, the consultant tried to avoid duplication of efforts. However, after having examined the few AD documents prepared by the ISPRI experts, and after having taken into consideration the comments of some users and a discussion with the Head of the Department of Investigations, it was agreed that new questionnaires would be developed by the consultant.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ Exchange of communications with ISPRI officials and experts ▪ Examination of preliminary and draft final reports prepared by ISPRI's experts

3.2.3 Activity 2.3: Documentation for AD investigations

The consultant continued examining documentation available and drafting standard documents for the Commission. On 24 February 2010, a complete set was submitted to the Commission for comments. Comments were received at the end of March and the set finalised early in May. It contains 107 files, pertaining to approximately 95 different documents. Documents intended for exporters and authorities of the exporting Member countries, have also been prepared in English. The list of documents submitted can be found in annex 4. It includes the application questionnaire and a guideline; questionnaires for exporters, importers, and the domestic industry; technical reports for the initiation, preliminary and final determinations; Commission resolution on initiation, preliminary and final findings; public notices of initiation of an investigation, preliminary and final determinations; verification reports; and communications.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ Analysis of existing documentation ▪ Discuss with the Commission the need to amend existing documents ▪ Drafting documentation ▪ Submit the drafts for comments ▪ Implement changes and submit the final version (electronic and printed form)

3.2.4 Activity 2.4: Documentation for countervailing investigations

Unlike dumping or safeguards documentation, there was no pre-existing documentation for countervailing investigations. A total of 110 files were drafted, pertaining to approximately 100 different documents. The type of documentation drafted is similar to that mentioned in section 3.2.3 *supra*. In addition to them, however, a questionnaire for the authorities of the exporting country was prepared. These documents were submitted during the second half of May 2010. The list of documents can be found in annex 4.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ Analysis of existing documentation ▪ Discuss with the Commission the need to amend existing documents ▪ Drafting documentation ▪ Submit the drafts for comments ▪ Implement changes and submit the final version (electronic and printed form)

3.2.5 Activity 2.5: Documentation for safeguards investigations

In addition to the documents prepared in the initial stage of the Project, and bearing in mind that the ISPRI project had already prepared several documents and that the Commission had already considerable experience in the implementation of this instrument, the consultant simply checked the

templates of the existing documents and made comments to improve them, where considered relevant.

Status	Activity completed
Output	<ul style="list-style-type: none">▪ Skeleton of the Technical Report leading to the final determination▪ Skeleton of the Final Determination▪ Comments to all pre-existing documents to improve them

3.3 Activity 3: Hands-on training for the Commission's staff

3.3.1 Activity 3.1: Assessment of practical training needs

See Mid-term Report.

3.3.2 Activity 3.2: ISPRI's assessment of training needs

See Mid-term Report.

3.3.3 Activity 3.3: Training on fundamentals of TDIs

See Mid-term Report.

3.3.4 Activity 3.4: Training on pre-initiation issues

In addition to the three trainings conducted during the initial stage of the implementation, the consultant performed new trainings on this matter for the new officials of the Commission in April and early May 2010.

Status	Activity completed
Output	<ul style="list-style-type: none">▪ Four trainings completed

3.3.5 Activity 3.5: Training on margin of dumping determinations

In addition to the seven trainings conducted during the initial stage of the implementation, the consultant performed new trainings on this matter for the new officials of the Commission in April and early May 2010.

Status	Activity completed
Output	<ul style="list-style-type: none">▪ Eleven trainings completed

3.3.6 Activity 3.6: Training on subsidy determinations

In addition to the four trainings conducted during the initial stage of the implementation, the consultant performed new trainings on this matter for the new officials of the Commission in April and early May 2010.

Status	Activity completed
Output	▪ Five activities completed

3.3.7 Activity 3.7: Training on injury and causality determinations

In addition to the four trainings conducted during the initial stage of the implementation, the consultant performed new trainings on this matter for the new officials of the Commission in April and early May 2010.

Status	Activity completed
Output	▪ Five trainings completed

3.3.8 Activity 3.8: Training on post-initiation procedural and investigatory issues

These trainings were performed during the second phase of the implementation of the project. It included trainings on verifications, specific matters relating to trade remedy investigations against agricultural goods, notifications, transparency questions, use of best information available, reviews, and rules of origin matters.

Status	Activity completed
Output	▪ Thirteen trainings completed

3.3.9 Activity 3.9: Safeguard investigations

There were no specific trainings on safeguards as specific issues relating safeguard investigations have been examined when examining the issues under other trainings. In addition, most advice on safeguards has been provided to the Commission under *ad hoc* advice in ongoing investigations. This was considered to be the most effective way to transmit knowledge since it could be applied to the particular facts of a case.

Status	Activity completed
Output	▪ Trainings already reported in sections 3.3.2 to 3.3.8 and <i>ad hoc</i> advice under activity 10

3.4 Activity 4: Develop software

3.4.1 Activity 4.1: Inventory of existing tools

While activity 4 is scheduled to be implemented in 2010, through interviews with staff of the Dept of Investigation the consultant confirmed that the Commission does not have available software tools for computing the margin of dumping or the price undercutting/ underselling.

Status	Activity completed
Output	▪ Determination that the Commission does not have currently tools to compute the margin of dumping and price undercutting/underselling

3.4.2 Activity 4.2: Develop software to compute the margin of dumping

The consultant developed the software to compute the margin of dumping in Excel. Where possible the different worksheets were linked among themselves in order to facilitate the work of the officials. The software was submitted early May. Several sessions were held to do two exercises, one of them based on a real response from an AD investigation. They served not only to ensure that they learned how to run the software but also to test the absorption of knowledge with respect to the margin of dumping calculation. Unfortunately because of the workload of the officials of the Department of Investigations, they could not dedicate sufficient time to work on the preparation of the calculations. To ensure that knowledge remains, the consultant included in the software precise instructions on the steps to be performed in order to compute the margin of dumping as well as the solutions to each of the two exercises.

Status	Activity completed
Output	▪ Software for computing the margin of dumping ▪ Four calculation sessions with Commission officials

3.4.3 Activity 4.3: Develop software to compute the price undercutting/underselling

Similar to activity 3.4.2, the consultant prepared software to compute the price undercutting and underselling. Because there is a wider range of approaches, the ability to link worksheets is limited. The software also includes step-by-step explanations so that the officials joining the Commission in the future have a guidance on how to perform the calculation. Because of the limited time available and the considerable time that the dumping calculation exercises took, an exercise to train the officials could not be completed. However, since there are some similarities with the AD calculation process and a step-by-step explanation in the software, the officials should be able to use it.

Status	Activity completed
Output	▪ Software for computing the price undercutting/underselling

3.4.4 Activity 4.4: Install software

There was no need to install the software as it was developed as Excel worksheets. Copies of the programme were sent to all the officials and the Commissioners so that everyone can have access, and use, them.

Status	Activity completed
Output	N.A.

3.4.5 Activity 4.5: Training on the use of the software

See comments under activity 3.4.2 and 3.4.3 above.

Status	Activity completed
Output	▪ Four calculation sessions with Commission officials

3.5 Activity 5: Bibliography

3.5.1 Activity 5.1: Inventory of existing materials

See Mid-term Report.

3.5.2 Activity 5.2: Draft and submit list of materials

See Mid-term Report.

3.6 Activity 6: Study report on domestic industries possibly affected by unfair trading practices or that may apply for safeguards

3.6.1 Activity 6.1: Conduct interviews

See Mid-term Report. In addition, after the sections of each of the industries the drafts were sent to the respective industries and meetings were held to review the findings and elicit additional information that could be useful to the Report. There have been for instance 3 meetings with the producers of juice and 4 with the producers of building wire.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ More than 15 interviews with the Commission; the Customs; OTCA; AIRD;² Fersan, Industrias Nigua, Aldoca, Pasteurizadora Rica and their consultants

3.6.2 Activity 6.2: Research

See Mid-term Report. In addition, as in section 3.6.1 the research was an ongoing activity until each of the chapters was completed. Thus, continuously until the finalisation of the Report, its main findings have been reviewed and updated.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ Contact information for exporters, importers and domestic industries ▪ Reconstructed data and trade statistics ▪ Export statistics to double check import data from Dominican Customs, and to determine export prices to third countries ▪ Domestic prices in exporting countries ▪ Legislation and other data pertaining to subsidies in certain exporting countries ▪ Financial statements of exporters ▪ Consumption data in the Dominican Republic ▪ Injury data ▪ Possible factors that are affecting the domestic industries other than dumped or subsidised imports

3.6.3 Activity 6.3: Seminar with private sector

See Mid-term Report.

3.6.4 Activity 6.4: Provide draft study to the Commission

The draft Study Report was originally scheduled to be completed by 4 December. The approach adopted was to send discrete parts of the Report as soon as they were ready and to incorporate comments as they were made available to the consultant. The complete final Report was submitted to the Commission early in June 2010. The belated submission of the Report was due mainly to the inclusion of a 100-page section analysing in-depth the subsidy programmes of some Caribbean countries. While this was not required as per the ToR, it was considered very useful for the Commission to develop this section as the Dominican Republic is facing an inflow of products from neighbouring countries and the domestic industries are complaining loudly about subsidies in those countries. The input provided through the Report may allow the Dominican Republic to argue before the WTO that some of these subsidies are currently already prohibited and hence they should be withdrawn immediately by the countries granting them. In other cases, the input may allow the Commission to initiate or conduct anti-subsidy investigations.

² AIRD (“Asociación de Industrias de la República Dominicana”) is the largest industry association in the Dominican Republic representing a broad cross-section of industries including textiles and fibres, agro-business, food & beverages, footwear, metals, plastics, pharmaceuticals and others. AIRD further represents a large number of regional and sectoral associations.

The final version of the Report, of 311 pages (excluding annexes), is divided in 8 sections. The first explains the methodology. The second examines the pre-initiation requirements applicable to the 3 instruments. Section 3 discusses horizontal issues affecting most if not all industries that may be considering to explore using these instruments. Section 4 starts with an examination of the requirements that must be shown for a programme to be subject to the provisions of the ASCM. After that several programmes supporting producers in four Caribbean countries have been examined. It has been determined that several of those programmes constitute subsidies that could be countervailed or that could even be targeted in a WTO proceeding. Section 5 examines for each of the five industries whether there is dumping/subsidies and injury caused by the dumped or subsidised imports. Section 6 contains conclusions and section 7 some recommendations and suggestions. Finally section 8 contains the bibliography.

Because some of the domestic industries provided confidential business information, a non-confidential version of the Report was prepared and submitted to the Commission.

Status	Activity completed
Output	▪ Portions of the Draft Study Report submitted

3.6.5 Activity 6.5: Submit final report and present study

See comments in section 3.6.4 above. On 5 May 2010, the half-day seminar to present the draft study Report took place in Hotel Santo Domingo. 32 participants from public institutions and private sector, including the AIRD and the domestic industries that were examined in the Study Report, attended it. The consultant presented the main findings and conclusions and replied all questions that came from the floor.

Status	Activity completed
Output	▪ Final Study Report submitted beginning of June 2010 (electronic and printed form) ▪ Seminar to present the Study Report held on 5 May 2010

3.7 Activity 7: Train public institutions on the use of TDIs

3.7.1 Activity 7.1: Identification of beneficiaries

See Mid-term Report.

3.7.2 Activity 7.2: Needs assessment

See IR.

3.7.3 Activity 7.3: Deliver tailor-made seminars

Two tailor-made activities were implemented during the second phase of the Project. These were two full-day seminars conducted in February and the beneficiaries were the OTCA, dealing with matters specific to agricultural goods, and the Customs Department, dealing generally with trade remedies and more specifically with the type and quality of information required from Customs for the purposes of implementing trade remedy investigations. The first activity had approximately 10 participants, while the second had between 45 participants.

The consultant contacted in several occasions to two other institutions that had expressed an interest in hosting targeted activities. In the case of the Tribunal a date was agreed in May but they cancelled last minute. In the case of the Secretaría de Estado de Relaciones Exteriores (SEREX), the consultant met with the contact point in the institution to discuss particular issues. However, no seminar finally took place as there was no such request.

Status	Activity completed
Output	<ul style="list-style-type: none">▪ 15 public sector institutions trained on TDIs in one full-day training program▪ 2 specialised trainings for the OTCA and the Customs Department

3.8 Activity 8: Train private sector on the use of TDIs

3.8.1 Activity 8.1: Identification of beneficiaries

See Mid-term Report.

3.8.2 Activity 8.2: Needs assessment

See IR.

3.8.3 Activity 8.3: Deliver seminars

The private sector has been invited to participate in three activities. First, in September 2009 an activity was hosted by the AIRD in which the Project was presented and in addition to that, the consultant explained the main conditions for being able to obtain protection through trade remedy instruments. The second activity took place in Santiago, the second largest city, and was hosted by a prestigious university. This university was in charge of organising the event. There were 68 participants, including academia and large, private companies located in the region of Santiago. The event covered the three trade remedy instruments as well as WTO aspect related to subsidies. The last activity was the presentation of the Study Report of activity 6, where again the consultant pinpointed the most troublesome issues related with the implementation of trade remedy instruments from the point of view of the private sector.

It should be noted that the consultant tried its best to have at least another large activity with the

private sector but due to the belligerent attitude of certain part of the private sector and their consultants, the Commission was rather reluctant in hosting, organising or even supporting holding any such seminar. In light of this, actions to support private sector were instead more targeted towards some industries – for instance those selected for the Study Report – or else to consultants that directly approached the consultant.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ Two seminars in Santo Domingo in September 2009 and May 2010 ▪ One seminar in Santiago, held in March 2010

3.9 Activity 9: Train public institutions and private sector on the WTO DSU

3.9.1 Activity 9.1: Identification of beneficiaries

See Mid-term Report.

3.9.2 Activity 9.2: Needs assessment

See IR.

3.9.3 Activity 9.3: Deliver seminars

In addition to the seminar held at the beginning of November for public institutions, which covered WTO DSU matters, a second activity – the presentation in Santiago referred to in section 3.8.3 *supra* – covered these topics. Since the audience in this case was mainly academia and private sector a more practical approach was followed in the presentation. Other comments made in section 3.8.3 are equally applicable to this section.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ 15 public sector institutions trained on WTO Dispute Settlement in one full-day training program ▪ One seminar in Santiago, held in March 2010, with 68 participants

3.10 Activity 10: *Ad hoc* advice to the Commission

The consultant has regularly taken the initiative of eliciting needs and providing *ad hoc* assistance to the Commission with a view to ensuring WTO-compliance of its decisions and practices, in addition to responding to specific issues or requests raised by the Commission.

3.10.1 Activity 10.1: Advice on ongoing investigations

The activities performed during the final phase of the project are of the same nature as those referred to in the Mid-term Report, to which reference is made.

Status	Activity completed
Output	<ul style="list-style-type: none">▪ Legal research and advice on ongoing investigations provided▪ Email and other written advice provided to Commission as requested

3.10.2 Activity 10.2: Advice on WTO matters

The consultant has provided ongoing advice to the Commission on matters such as notification requirements under the Safeguards Agreement, as well as matters relating to the implementation of Section 16 of the Protocol of Accession of China to the WTO. The consultant also assisted the Commission in preparing questions addressed to El Salvador in the context of its TPR, as well as with the preparation of the Commission's meeting of the Safeguards Committee of April 2010. The consultant finally advised the Commission on the steps to challenge multilaterally prohibited subsidies granted by neighbouring countries.

Status	Activity completed
Output	<ul style="list-style-type: none">▪ Legal research and advice on WTO trade defence agreements and case-law▪ Obligations under China's Protocol of Accession to the WTO▪ Email and written advice provided to Commission as requested

3.10.3 Activity 10.3: Review of legislation

See the Mid-term report.

3.10.4 Activity 10.4: Other activities

See the Mid-term report.

3.11 Activity 11: Draft and present the Final Report

The consultant submitted the draft Final Report to the Commission on 9 June 2010 and held the presentation of that Report on Friday 11 June 2010. The presentation started at 8.30am and was held at the Commission's premises. The Chairwoman, one Commissioner, and other personnel of the institution attended the presentation. Because of the representative of the EU Delegation could not attend the presentation, and bearing in mind that the Team Leader was still in the Dominican Republic, a debriefing session with the EU Delegation took place on 17 June. On behalf of the Commission, Mrs. Gianna Franjul – the institution's Executive Secretary – attended the meeting. Comments received up were taken into account and changes have been made where appropriate.

Status	Activity completed
Output	<ul style="list-style-type: none"> ▪ Submission of the draft Final Report ▪ Presentation of the draft Final Report ▪ Amend the Final Report as required and submit it to the beneficiary and TradeCom Facility

4 ACHIEVEMENT OF MANDATORY RESULTS

In this section of the Report, the fulfilment of the success indicators identified for each activity in Annex 6 to the IR will be assessed.

4.1 Activity 1: Carry out a TNA to assess the knowledge gap and propose a schedule of activities

For activity 1, the indicators are 1) a minimum number of meetings of meetings with the Commission staff, 2) submit a questionnaire to test core skills and 3) Prepare a matrix of results. The verification tool was the incorporation of the results of the matrix into the IR.

Based on the above, the consultant believes that the indicators have been fully met. First, several meetings took place with Commission officials before finalising the draft IR. Second, a questionnaire was drafted and the Commission circulated. Several responses were received. Third, based on the responses, the interviews and the knowledge that the consultant has of the Commission, a matrix of results was prepared. This was an essential input to the IR in general and, in particular, to the identification of the activities to be held.

4.2 Activity 2: Prepare standard documentation

For activity 2, three indicators are listed 1) to hold a minimum of coordination meetings with the Commission, 2) coordinate with ISPRI in order to avoid duplication and 3) complete a master list of documentary requirements. In line with this, three verification tools were identified 1) have a written inventory and list of all documentary requirements identified, 2) have written documentation ISPRI listing the documentation prepared under ISPRI and 3) have completed and submitted documentation for dumping, subsidies and safeguards in printed and CD form. Each will be examined in turn.

As far as indicator 1 is concerned, there were several meetings, surely more than 5, to discuss the documentary requirements of the Commission.

With respect to indicator 2, i.e. coordination with ISPRI, the consultant contacted the experts that implemented that activity and sought this information from them. In addition, the consultant requested the same information from ISPRI and examined the reports that the experts under that project submitted. Written track of the communications as well as ISPRI reports are verification tools which can be submitted if required.

Concerning the last indicator, a master list was prepared and from it the consultant started drafting them. This master list is document number 1 in each folder containing the documents prepared by the consultant. It should be noted that templates for more than 200 documents to be sued in anti-dumping or CVD were prepared. A few documents to be used in safeguard investigations were prepared. Most of them already existed, as they had been prepared under the ISPRI or by the Commission. In order to avoid duplication of work, the consultant merely read and commented them.

4.3 Activity 3: Hands-on training

The sole indicator is a minimum of 35 trainings completed on anti-dumping, CVD and safeguards. The verification tools are attendance lists and pre- and post training evaluation tests.

From the information contained in section 3.3 above, it can be noted that 39 half-day training activities were carried out by the consultant. These are activities that typically lasted for 2.5 to 3.5hr each. The enclosed logframe summarises the content of each of these activities as well as the participants (see annex 1).

With respect to the evaluation tests, because of the limited time available for each training and the heavy workload, it was not feasible for the officials of the Department of Investigations to do the same exercise twice. Because of this, the consultant prepared exercises which were given to the officials after the topic of the exercise had been covered by a training. They worked on it and normally on Fridays, time was set aside to review them. In general, the reviews were positive and showed that there had been an absorption of the matters covered by the trainings. However, because of the lack of time an overall review at the end of the Project could not be done. So, the consultant cannot come to any conclusion as to whether the absorption was of lasting nature.

Particularly troubling is the fact that the accountant trained from October 2009 to February 2010 quit her job with the Commission and that her replacement also quit after a lot of effort had been made by the consultant to re-do the trainings for her and a lawyer that also started in April 2010.

4.4 Activity 4: Dumping and injury software

Three indicators were listed 1) the development of dumping calculation software, 2) the development of price undercutting/underselling calculation software, and 3) complete on training to Commission officials. Four verification tools were listed in turn: 1) submission and 2) installation of the software, 3) list of participants and 4) evaluation tests.

Dumping and price undercutting/underselling software was prepared and submitted to the Commission in May 2010 and 4 training sessions were completed to review two sophisticated exercises. The logframe shows dates for these sessions. The officials of the Department of Investigations attended them.

With respect to the evaluation tests, see the comment made in section 4.3 above to the same issue.

4.5 Activity 5: Bibliography

The indicator in this case was one meeting with staff to take inventory of the existing information resources. The verification tool was a written list of bibliography.

The consultant checked with various officials, including a Commissioner, the Executive Director and the Head of the Department of Investigations, the resources available. Based on the information the written list was prepared and sent to the Commission for purchase.

4.6 Activity 6: Drafting a Study Report and present it

Three indicators are listed: 1) a minimum number of coordination meetings with public institutions and 2) private sector, and 3) the submission of the draft report for comments. The verification tools are 1) the completion of the written report, 2) a completed seminar and 3) the list of participants.

As far as the first and second indicators, the consultant held many meetings with the Commission as well as private sectors stakeholders (see logframe in annex 1), surely beyond the minimum number set forth in the IR. The draft report was sent in pieces, as and when available, to relevant parties for comments.

A seminar was presented on 5 May 2010, attended by 32 representatives of the public and private sector (see participants' list in annex 3).

4.7 Activity 7: Train public institutions on the use of TDI

Two indicators were identified: 1) a minimum number of coordination meetings with the public institutions and 2) a tailored training for each institution identified. As far as the verification tools are concerned, the list of written institutions, of participants of each meeting and of participants in each training event are set forth.

As the logframe shows, there were many meetings with the Commission or with the public institutions. Based on these discussions, a shortlist of 4 institutions was drafted: Tribunal, OTCA (Ministry of Agriculture), Ministry of Foreign Affairs and the Customs Department.

A general training activity for the public sector was carried out in November 2009. The list of participants for this activity was submitted in the Mid-term Report. Two tailor-made activities one-day presentations were carried out in February 2010, with OTCA and the Customs Department. A meeting was held with the focal point in the Ministry of Foreign Affairs (no presentation could be scheduled in spite of the attempts of the consultant). Efforts were also made with the Tribunal and a presentation was scheduled. However it was cancelled last minute. Since this occurred in May 2010, there was no room to re-schedule it.

In sum, while it would have been desirable to have tailor-made meetings with more public institutions, the consultant made all reasonable efforts for that to happen. In that regard, it is recalled that one of the dependencies was the prompt cooperation from the identified public sector institutions.

4.8 Activity 8: Train the private sector on the use of TDI

The indicators were in this case a minimum number of meetings with 1) the Commission and private sector and 2) two tailor-made seminars. The parallel verification tools were 1) a written list of private sector stakeholders, 2) list of participants in meetings, 3) written assessment of the capacity building requirements of the private sector and 4) list of participants in the training events.

A number of meetings with the Commission and the AIRD took place on 23 September 2009, which eventually led to the larger presentation of 30 September. As stated above, the consultant used this opportunity to explain the process of preparing a complaint and to bring a successful case. Some companies and consultants took the opportunity to criticise profusely the Commission for its “lax” attitude towards unfair trading practices. The meeting left a bitter aftertaste to both the Commission as well as the consultant. The Commission became suddenly reluctant to confront the private sector again, specially through activities organised and/or hosted by the AIRD, and hence no activity for the private sector at large could be agreed upon until 2010.

As stated above, there was one open-ended activity in March 2010, hosted by a university in Santiago. This activity was in terms of participation, the largest held in the context of the Project. The programme for this activity is included in annex 3 and the list of participants, in annex 3.

In addition to the above, there was participation of private sector representatives in the presentation of the activity 6 Report. This presentation went through the main findings and conclusions reached through the Study Report. The list of participants of this event is included as annex 3.

4.9 Activity 9: Train the public and private sector on the WTO DSU

The indicators relating to this activity were coordination meetings and a minimum of 2 seminars covering these topics. The verification tools were 1) a written list of identified private sector stakeholders, 2) an assessment of the capacity building requirements in this topic, 3) and 4) the list of participants to meetings as well as to training events.

Several meetings are recorded in the logframe between the consultant and the Commission to determine the WTO DSU topics to be covered by the November 2009 seminar. This programme reflected the capacity building needs that were noted at the time. The list of public sector participants to this first seminar was submitted in the Mid-term Report.

A second seminar, this time for the private sector, covering among others the WTO DSU issues, took place in Santiago in March 2010. The programme for this activity is included in annex 3 and the list of participants, in annex 3.

4.10 Activity 10: *Ad hoc* advice to the Commission

Since at the time of preparing the IR it was impossible to forecast what precisely the Commission would require, the indicator was set open-ended. The verification tools included 1) summaries of meetings held and 2) list of participants in meetings, both of which can be found in the logframe; and 3) written memoranda and advice. The consultant counted at least 15 such memoranda but this does not take into account the large number of replies that have been provided directly by email or orally.

4.11 Activity 11: Present the Final Report

The indicators are liaison meetings with the Commission to determine the participants and completion of a seminar presenting the results of the Project to the beneficiaries and stakeholders. The verification tools are the list of participants and the incorporation of the comments, if any, to the Final Report.

As far as the first indicator is concerned, it has been decided that invited to attend the presentation will be the Commission, as the main beneficiary, and the EC Delegation.

The presentation took place on Friday 11 June and lasted for more than two hours. The PPT presentation and the list of participants are enclosed as annex 5. On 17 June a de-briefing session was held in the EU Delegation. A copy of the presentation was handed over to Mr. Humberto C. Pérez.

5 IMPACT

The impact of the Project should be assessed in the short, and in the medium/long-term.

In the short-term, the aim of the Project was to quickly and ostensibly improve the level of knowledge, both theoretical and practical, of the Commission as well as of other stakeholders, including public institutions and private sector. In addition, the Project was to provide tools – such as software and templates for standard documentation – to the Commission to improve the efficiency and effectiveness when performing its duties.

The achievement of the indicators set forth in the IR constitute, in the view of the consultant, evidence that through the activities implemented and results achieved, the Project has had the impact sought on the Commission in terms of improvement of knowledge and provision of tools. In addition the trainings on the use of the software as well as the revision of the documentation was aimed at helping the Commission to familiarise itself with the tools which were prepared by the Project. The Project has also been supporting, whenever requested, the day-to-day work of the Commission by providing advice concerning on the ongoing cases. As a result of that, for instance the consultant found out an important issue affecting an investigation, and upon discussing the matter with the Commission the investigation was terminated forthwith.

As far as the impact on the other public institutions, the consultant does not have any hard evidence that the Project will have/has had any particular short-term impact. With respect to the Customs Department the changes to be made will require considerable time before they can be realistically be expected to materialise. They require a major change in the attitude of the Customs Department.

Finally, the consultant has seen significant improvements in the level of knowledge of some consultants and companies since the beginning of the implementation of the Project. However, there are other companies and consultants that favour “old approaches”, such as using influences to obtain results. The consultant hopes that in the mid- and long-term, the consultants trained to build up cases based on technical strength rather than on political connections will prevail as they start winning cases. Fortunately, so far the Commission could avoid adopting decisions following external pressures.

The assessment of mid- and long-term impact is more difficult as it depends on many factors such as whether the Commission will be able to retain the officials that have been trained, that the private sector continues to see trade remedies as a tool which can be used to solve existing problems caused by imports, etc. However, if the Commission continues to make use of the TDIs, in the view of the consultant, the Project will continue to have a significant impact on the daily work of the institution, through not only the practical knowledge transferred but also through the tools developed.

With respect to the impact on other public institutions as well as on the private sector, see the comments above.

6 SUSTAINABILITY OF THE RESULTS

A number of factors that may affect the sustainability of the Project’s results are examined below.

In the view of the consultant, the sustainability of the results depends firstly on the Commission continuing to be a credible institution in the eyes of the main clients of its services, namely the domestic industries in the Dominican Republic. At present, as the AIRD meeting of 30 September 2009 demonstrated, an important part of the private sector is disappointed with the performance of the Commission.

The consultant believes that the credibility of the Commission depends largely on its performance in the currently ongoing cases. If the Commission succeeds to build-up technically solid cases, ended with the imposition of measures, its position vis-à-vis the private sector will be strengthened. This will reinforce in turn the reputation of the institution. By contrast, if the Commission for instance is not able to proceed with cases on loose grounds, or adoption of determinations are unduly delayed, or gives up to outside pressures, the reputation of Commission may quickly fall and put the existence of the institution at risk. Another serious risk for the institution would be a challenge before the WTO. For this reason, determinations should be thoroughly explained in public documents, based on facts on the record, as the consultant has stated in his presentations.

A second factor to be noted is that active steps should be taken by the Commission to ensure that the knowledge on dumping and subsidies does not become obsolete. The risk exists because all but

one application concern safeguards, and all completed or ongoing investigations concerned safeguards. Until an anti-dumping or countervailing investigation is initiated, a number of actions may be performed to keep updated:

- Carry out trainings and activities with the private sector to vulgarise the knowledge it has acquired during the trainings;
- Actively assist Dominican companies targeted in anti-dumping or CVD investigations abroad;
- Analyse regularly whether there may be Dominican industries affected by unfair trading practices and disclose the findings to the relevant industries;
- Examine the possibility of bringing a WTO dispute against subsidies that may affect the interests of Dominican companies;
- Participate in meetings of the Committees on Anti-Dumping and on Subsidies and Countervailing Measures;
- Participate in the Rules Negotiating Group work;
- Review the existing Dominican legislation to improve it in light of its experience and newly acquired knowledge;
- Continue with the process of review and publication of the documentation developed by the Project;
- Do exercises to continue practising with the software prepared under the Project; and
- Training of the new accountant by the trained staff.

7 CONCLUSIONS AND RECOMMENDATIONS

From the previous sections, the consultant notes that a constant effort has been made by the consulting team to accommodate the many needs of the Commission at this crucial moment of its existence. Proof of this was the inclusion of an additional activity, namely the *ad hoc* support in ongoing cases, in spite that the ToR were already very demanding. This activity consumed an important amount of time.

All of the activities listed in the ToR, and those added, were implemented. More important, the indicators set forth for each activity were almost all achieved, in some cases exceeded – for instance the number of hands-on trainings, as the verification tools demonstrated. The results achieved include a better technical and practical knowledge of the three instruments as well as possession of a number of useful tools to facilitate the work of the Commission. This however will only happen to the extent that this knowledge does not become obsolete and the tools are fully used by the Commission.

In spite of the above, much work still remains to be done. The legislation needs to be reviewed and amended. The Commission should dedicate efforts to ensure that this process is completed quickly. However, the consultant advises the Commission to have the text reviewed by the WTO Secretariat, and perhaps other sources, in order to ensure WTO compatibility of the new provisions.

The consultant notes that the Department of Investigations requires some equipment such as better desktops and one or two laptops for on site verifications. In addition to that, the consultant

recommends that if anti-dumping and/or countervailing investigations are to be initiated, and bearing in mind that there is no practical experience in the Commission, a foreign experienced expert is hired to work full-time for the Department of Investigations for one or two full years. This expert should be involved in all investigative steps.

The consultant noted that some important changes in the Department of Investigations personnel occurred during the implementation of the Project. The consultant reiterates that at this stage the Commission should make all reasonable efforts to ensure the stability and ongoing training of the personnel of the Department of Investigations. It is suggested that the Commission quickly establish and implement active policies to ensure, through appropriate incentives, that personnel qualified personnel remains in the institution. A comment was made in the sense that the Commission has limited financial means which affect its ability to keep personnel. The consultant is of the view that the budget allocated to the institution should increase for the Commission to be able to perform its duties.

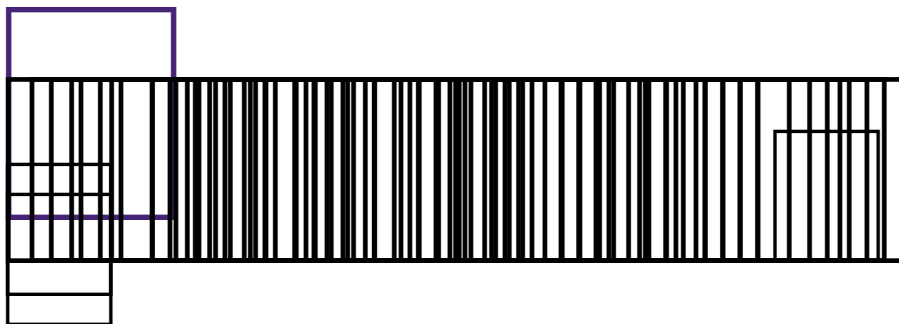
Finally, because only one out of the five members of the Commission works full-time for the Commission, and because only the Department of Investigations has been attending the in-house training activities of this Project, the consultant recommends that the Commission expressly entrusts the Department of Investigations with the responsibility to make full analysis of the information gathered in the context of the investigations, including making recommendations to the Commission on the determinations that it may make on all substantive and procedural matters.

Turning to matters outside the Commission, data from Customs constitutes an effective obstacle to the use of trade remedies. The quality of those data are to be verified in each single case and corrections/adjustments must be made to ensure completeness and reliability. The Commission will need to continue working actively with Customs to improve the collection and reporting of data. Following a comment received, the consultant has included Annex 6 to this Final Report, summarising some of the most important problems noted with Customs.

Lastly, an important part of the private sector has shown not to have the minimum required technical level of knowledge with respect to the implementation of trade remedy instruments. The Commission is advised to step up efforts to vulgarise knowledge of technical aspects linked with investigations. Materials developed under this Project for the hands-on training of the Commission may be used to this effect. Guidelines have been prepared under this Project which could be a tool to explain the pre-initiation process as well as sources of information for would-be applicants.

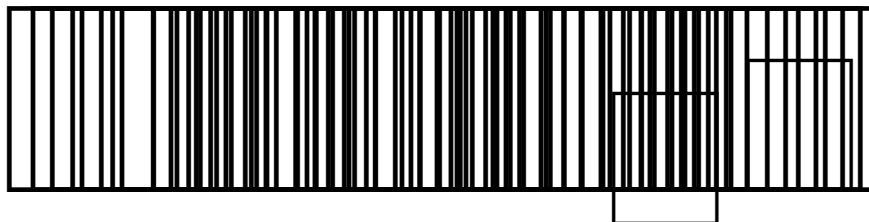
APPENDIX 1: LOG OF MEETINGS AND TRAININGS

(for meetings and trainings up t the first week of December, see Annex 1 to the Mid-term Report)



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
9/12/09	Company: Fersan • C. Fernandez; J. Rivas Consult: DS	6	Meeting to follow up on data requests for activity 6 study.	2.0 hrs
9/12/09	Commission: • M. Pujols; H. Ramirez Consult: MB/DS	3, 10	Meeting to discuss Commission potential case, advice on TDI questions.	1.5 hrs
10/12/09	Commission: • Luisa Consult: MB	10	Meeting with Commission to discuss legal and procedural implications of certain amendments to the investigation scope being requested by an interested party	
10/12/09	Company: Fersan • C. Fernandez; J. Rivas Consult: DS	Act(s): 6	Meeting to follow up on data requests for activity 6 study.	3.0 hrs

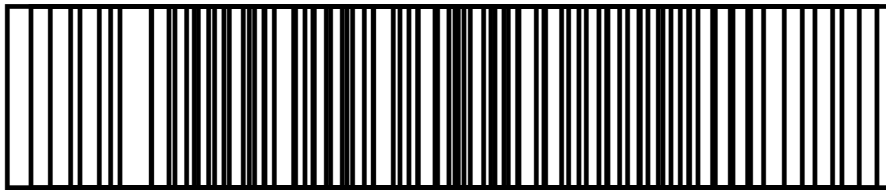
(*) This log is solely a list of trainings as well as meetings with beneficiaries/counterparts. No other activities, work or communications are included



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
26/1/10	Commission: Commissioners (minus Maximina), Giana Private sector: AIRD representatives, Consult: DS	6, 10	Meeting with Commission and AIRD representatives to discuss unfair trade practices; in particular, potential subsidies granted by El Salvador	1.5 hrs

Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
03/2/10	Commission: Department of Investigation Consult: MB	3	Training to the Commission investigation department on TDI procedures involved in verification visits of the domestic industry	2.0 hrs
04/2/10	Commission: Hugo Consult: MB/DS	3, 6, 7, 8	Breakfast meeting with Commissioner Hugo to coordinate activities.	2.5 hrs

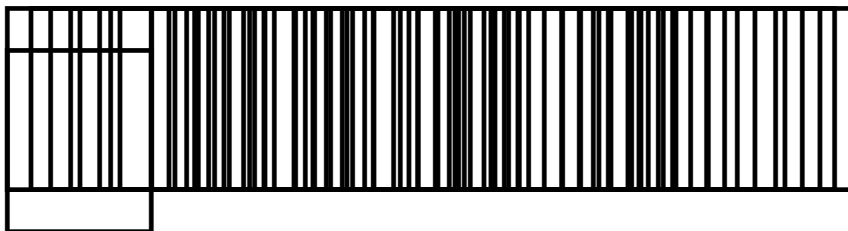
Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
9/2/10	OTCA: See participants list Annex. No. of OTCA participants: 10 Consult: MB/DS	7	Full day training to OTCA staff on TDI, methodologies, law and procedure. Tailored presentation on TDI issues affecting agricultural products (e.g. national anti-dumping, countervailing and safeguard cases affecting agriculture, agriculture specific provisions and issues in the TDI instruments, China-specific safeguards provision, subsidy issues pertaining to agricultural products)	1.5 hrs
10/2/10	Commission: Mario Pujols Consult: MB/DS	3,6, general	Working lunch with Commissioner Mario Pujols to discuss work progress, agenda items.	2.0 hrs
12/02/10	Commission: Investigation department Consult: MB/DS	3	Training on anti-dumping and anti-subsidy issues with particular emphasis on particularities of TDI cases involving agriculture products. Subsidy calculation methodologies in agriculture cases (e.g. "pass through" methodology for indirect subsidization).	2.0 hrs



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
15/2/10	DGA (Customs Department): See participants list Annex. No. of DGA participants: 10 Consult: MB/DS	7	Full day training to DGA staff on TDI, methodologies, law and procedure. Training on dumping, subsidies and safeguards requirements, substantive legal issues, and methodologies. Presentation tailored to the role of customs and customs data in assisting the Commission on Unfair Trade Practices in the course of TDI procedures. Discussion of problems identified in customs import data for use in the context of TDI investigations and possible solutions.	7.0 hrs
19/2/10	Commission: Investigation Department. Consult: MB	3	Training to the Commission on WTO anti-dumping, anti-subsidy and safeguards requirements with respect to notifications.	4.5 hrs



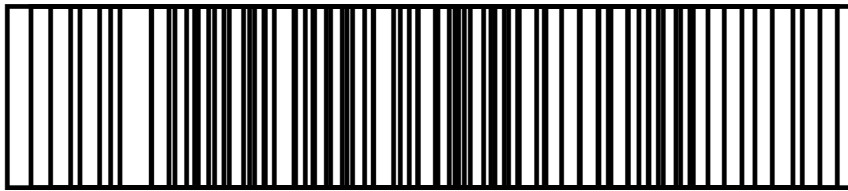
Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
15/2/10	Rica Jugos: Víktor Rodríguez y Alejandro Arteche Consult: MB	6	Meeting with Rica officials to discuss subsidy and dumping findings in with respect to imports of various types of juice within the context of the Activity 6 study report.	3.0 hrs
23/2/10	Commission: Mario Pujols, Consult: DS	7,9,10	Meeting with Commissioner Pujols to discuss subsidy issues in El Salvador et. And possible action against El Salvador with respect to alleged prohibited subsidies. Discussion of training seminars foreseen for the private sector in March.	1.0 hrs
23/2/10	Commission: Gianna Franjul, Carmelina De los Santos Consult: DS	3,7,9	Meeting with Gianna Franjul and Carmelina De Los Santos to discuss training schedule, organize logistics and other matters for the private sector training scheduled for March.	1.0 hrs
26/2/10	Commission: Investigation Department Consult: MB	3	Training to the Commission on obligations of investigating authorities with respect to transparency in TDI investigations (disclosure requirements and other)	3.0 hrs



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
01/3/10	Commission: Investigation Department Consult: MB	3	Training to the Commission with respect to legal and technical issues surrounding resort to "best information available" in TDI investigations.	3.0 hrs
3/3/10	Commission: Gianna Franjul Consult: DS	3, 8, 9, 10	Meeting on ongoing cases, issues and coordination of training agenda.	1.0
04/3/10	Commission: Investigation Department Consult: DS	3,10	Assistance to Investigation Department on ongoing cases.	2.0



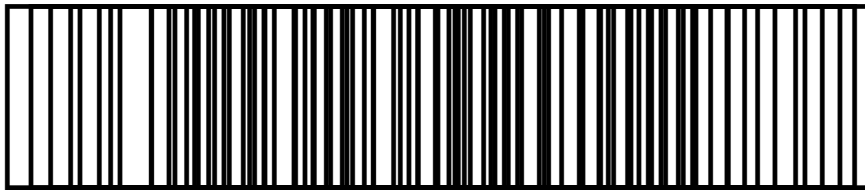
Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
8/3/10	Commission: Jaime Sanchez Consult: DS	3,8,9	Meeting to coordinate and prepare handouts, CDs and other materials of training event.	2.5
8/3/10	Commission: Gianna Franjul Consult: DS	8,9	Coordination with Gianna Franjul and contacts with Commissioner Maximina Sanchez concerning 1 day training event in for private sector in Santiago on WTO dispute settlement and TDI.	1.0
10/3/10	Commission: Gianna Franjul, Mario Pujols Private Sector: See list of participants Consult: DS	8,9	Full day training seminar to private sector at Hotel Santo Domingo in Santo Domingo, on WTO dispute settlement and the using of trade defense instruments.	8.0
10/3/10	Private Sector: Wilfredo Arbaje Consult: DS	6,8,9	Meeting with Wilfredo Arbaje, private consultant for Industrias Nigua S.A., concerning Act. 6 report and further input on TDI cases ongoing.	2.0
11/3/10	Commission: Gianna Franjul, Mario Pujols Private Sector: See list of participants Consult: DS	8,9	Full day training seminar to private sector at Hotel Santo Domingo in Santo Domingo, on WTO dispute settlement and the using of trade defense instruments.	8.0



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
15/3/10	Commission: Gianna Franjul Consult: DS	8,9	Coordination with Gianna Franjul and contacts with Commissioner Maximina Sanchez concerning 1 day training event in for private sector in Santiago on WTO dispute settlement and TDI.	1.0
16/3/10	Department of Foreign affairs: Ambassador Rafael Nunez Consult: DS	7	Meeting with Ambassador Nunez to follow up on previous training activity in 2009 and discuss possible coordination/trainings for the Department of Foreign affairs on specified WTO and TDI issues.	2.0
17/3/10	Pontificia Universidad Católica Madre y Maestra: Sra. Martha Baez, et al. Private Sector: See list of participants Consult: DS	8,9	One day training event to the Private Sector in Santiago, Dominican Republic, on TDI and WTO Dispute Settlement, with participation by the University Pontificia Universidad Católica Madre y Maestra.	8.0
17/3/10	Pontificia Universidad Católica Madre y Maestra: Sra. Martha Baez et al. Consult: DS	8,9	Dinner meeting with Martha Baez and various University representatives with respect to possible future cooperation and training on TDI.	2.5



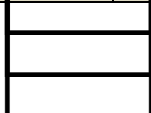
Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
22/3/10	Commission: Gianna Franjul Consult: DS	3, 6, 10	Meeting with Commission to discuss project activities, training agenda.	0.5
23/3/10	Commission: Investigation Department Consult: DS	10	Meeting assisting with questions from investigation department concerning safeguards procedures.	2.0
24/3/10	Commission: Investigation Department Consult: DS	3	Training to the Commission with respect to anti-dumping, anti subsidy investigative procedure.	3.0 hrs
25/3/10	Commission: Investigation Department Consult: DS	3	Training to the Commission with respect to anti-dumping, anti subsidy investigative procedure.	3.0 hrs



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
29/3/10	Commission: Investigation Department Consult: DS	3	Training to the Commission with respect to anti-dumping, anti subsidy investigative procedure / investigation.	3.0 hrs
30/3/10	DR Commission: Gianna Franjul EU Commission: Humberto Cristian Pérez Consult: DS	General	Steering Committee meeting with Sr. Humberto Cristian Pérez of the European Commission. Update on project deliverables and activities together with representative from the Dominican Republic Commission Ms. Gianna Franjul	1.0



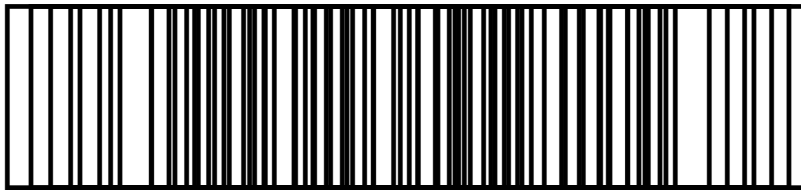
Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
05/4/10	Commission: Investigation Department Consult: DS	3	Training to the Commission with respect to anti-dumping, anti subsidy investigative procedures / investigation, including inter alia dumping/subsidy reviews, circumvention.	3.0 hrs
05/04/10	Commission: Gianna Franjul, Luisa Astacio Consult: DS	10	Meeting and telephone conference call with Commissioner Mario Pujols and representative of Dominican customs concerning legal issues concerning the correct application of safeguard duties in a pending case and discussion of memorandum on this issue.	0.5
05/04/10	Commission: Luisa Astacio Consult: MB	3, 10	Meeting with Luisa Astacio concerning ongoing case issues and update on project activities.	1.5
07/04/10	Commission: Mario Pujols Consult: MB, DS	3,10, general	Breakfast meeting with Commissioner Mario Pujols concerning ongoing safeguard cases and project activities.	2.5
08/04/10	Commission: Investigation Department Consult: DS	3	Training seminar with respect to TDI related rules of origin issues, safeguard investigative procedure.	2.5
09/04/10	Rica Jugos: Viktor Rodríguez Consult: MB	6	Meeting with representatives from Rica Jugos with respect to analysis and outcomes of activity 6 study report in terms of dumping, subsidies.	2.5



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
05/4/16	Commission: New staff Consult: MB	3	Training of the new staff on substantive aspects of TDI	Full day
05/4/17	Commission: New staff Consult: MB	3	Training of the new staff on substantive aspects of TDI	4.5 hrs

Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
05/4/19	Private consultant: Roberto Despradel Consult: MB	10	Meetings with Roberto Despradel to address issues regarding an anti-dumping application that he is preparing; search for additional information on the internet and send it to him	7.0 hrs
05/4/23	Commission: New staff Consult: MB	3	Training of the new staff on procedural aspects of TDI	Full day

Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
26/4/10	Commission: New staff Consult: MB	3	Training of the new staff on procedural aspects of TDI	Full day
28/4/10	Commission: Aracelys Consult: MB	10	Discussion regarding an ongoing investigation	1 hr
30/4/10	Commission: New staff Consult: MB	3	Training of the new staff: recap exercises	Full day



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
5/5/10	Seminar Presentation of Study of Activity 6 Consult: MB	6	8.30-13.00h presentation to an audience composed by the Commission, other public institutions and representatives of the private sector	4.5hr
6/5/10	AIRD: Wilfredo Arbaje Consult: MB	6	Business lunch to discuss about study and actions that AIRD can support to challenge subsidies	2hr
7/5/10	ALDOCA: Mr. Flavio Rodríguez & Alina Cabrera Consult: MB	6	Meeting to discuss results the study report as far as electrical wires are concerned	2.0hr



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
10/5/10	Commission: Department of Investigation Consult: MB	4	Calculation exercise to train Department officials on the use of the calculation programme developed by the consultant	2hr
11/5/10	Commissioners Consult: MB	2	Presentation of the AD documentation prepared under the project	1hr
14/5/10	Commission: Department of Investigation Consult: MB	4	Calculation exercise to train Department officials on the use of the calculation programme developed by the consultant	3hr



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
19/5/10	Commission: Department of Investigation Consult: MB	4	Calculation exercise to train Department officials on the use of the calculation programme developed by the consultant	2.5hr



Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
26/5/10	Commission: Department of Investigation	4	Calculation exercise to train Department officials on the use of the calculation programme developed by the consultant	2.5hr

	Consult: MB			
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Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
1/06/10	ALDOCA y Rivera & Rivera Consult: MB	6	Meeting to discuss the chapter of the Study concerning cables	3.5hr

Date	Attendees	Activity Concerned	Summary (Outputs, Decisions, Results)	Comments / Follow-up
08/6/10	ALDOCA y Rivera & Rivera Consult: MB	6	Meeting to discuss the chapter of the Study concerning cables	3.5hr
11/6/10	Commissioners & of Department of Investigations Consult: MB	11	Presentation of the Final Report	2.5hr

APPENDIX 2: LISTS OF PARTICIPANTS TO THE PRESENTATIONS DONE

ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES – POST-GRADO

Fecha: Marzo 17, 2010 – 6pm-10pm

Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Departamento	Teléfono	E-mail	Profesor
Alberto Fabián	Post-grado	809-877-3149	albertofabia@hotmail.com	Jeannette Domínguez
Ana Jennifer Balbuena	Post-grado	829-335-1243	Balbuena3@hotmail.com	Jeannette Domínguez
Berenice Romero	Post-grado	829-324-4044	Bere3118@yahoo.com	Jeannette Domínguez
Bianca Rivas	Post-grado	809-498-397	biancarivas@yahoo.com	Jeannette Domínguez
Carlos de la Rocha	Post-grado	829-727-5908	c.delarocha@leon.com.do	Jeannette Domínguez
Carolina Mera	Post-grado	809-729-4020	Mera_carolina@hotmail.com	Jeannette Domínguez
Cleotildes Beltré	Post-grado	809-710-4214	jessicabeltre@hotmail.com	Jeannette Domínguez
Dayana Castro	Post-grado	829-599-5065	Dayana_castro@hotmail.com	Jeannette Domínguez
Domingo Sosa	Post-grado	809-350-5797	Sosa.domingo@yahoo.com	Jeannette Domínguez
Felipe A Polo	Post-grado	809-996-7656	fpolo@brugal.com.do	Jeannette Domínguez
Franklin Torres	Post-grado	809-865-1113	Franklin_etj@hotmail.com	Jeannette Domínguez
Francisco Veloso	Post-grado	829-451-3116	velosoaguarda@gmail.com	Jeannette Domínguez
Félix Muñoz	Post-grado	809-753-0871	munozfe@gmail.com	Jeannette Domínguez

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ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES – POST-GRADO

Fecha: Marzo 17, 2010 – 6pm-10pm

Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Departamento	Teléfono	E-mail	Profesor
Germán Jáquez	Post-grado	809-543-0783	German_jaquez@hotmail.com	Jeannette Domínguez
Ivania Burgos	Post-grado	809-845-3168	iburgos@orange.com.do	Jeannette Domínguez
Ileana Germocén	Post-grado	809-580-1962 Ext.4525	igermocen@hotmail.com	Jeannette Domínguez
Ignacia López	Post-grado	809-350-3927	llopez422@gmail.com	Jeannette Domínguez
Jesús De Los Santos	Post-grado	809-779-3464	jedis16@gmail.com	Jeannette Domínguez
José Marcano	Post-grado	809-883-6214	jmarcano@orange.com.do	Jeannette Domínguez
José A. Marte	Post-grado	809-747-7787	alfredmarte@gmail.com	Jeannette Domínguez
Juan Ant. Vargas	Post-grado	809-860-3415	jvargasm@hotmail.com	Jeannette Domínguez
Katty Abinader	Post-grado	809-605-5555	k_ttylain@yahoo.com	Jeannette Domínguez
Karina Martínez	Post-grado	809-345-1197	Kamaleon34@yahoo.com	Jeannette Domínguez
Lenny Almeida	Post-grado	809-981-6140	Vianny.ulloa@gmail.com	Jeannette Domínguez
Luján Rosario	Post-grado	809-639-1869	rosariojerezlujanmagdalena@yahoo.com	Jeannette Domínguez
Luis Midence	Post-grado	829-858-6677	midencecomas@gmail.com	Jeannette Domínguez

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ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES – POST-GRADO

Fecha: Marzo 17, 2010 – 6pm-10pm Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Departamento	Teléfono	E-mail	Profesor
Maira Tineo	Post-grado	809-924-6086	Mavratine09@hotmail.com	Jeannette Domínguez
María López Silverio	Post-grado	829-812-3648	marialopezsilverio@hotmail.com	Jeannette Domínguez
Mariam Rodríguez	Post-grado	829-276-9897	Miha_24@hotmail.com	Jeannette Domínguez
Manuelina González	Post-grado	809-917-3720	Manuegc15@hotmail.com	Jeannette Domínguez
Marleny Lizardo	Post-grado	829-909-0170	marlenylizardo@hotmail.com	Jeannette Domínguez
Masahara Inuyama	Post-grado	809-796-3427	m-inuyama@yahoo.com	Jeannette Domínguez
Miguel A Salas	Post-grado	809-875-9317	Mas_mas17@hotmail.com	Jeannette Domínguez
Noris Raquel Espinal	Post-grado	809-602-3330	nespinal@ingenieriaestrella.com	Jeannette Domínguez
Nelson Pérez	Post-grado	829-763-6999	nelsonhush@hotmail.com	Jeannette Domínguez
Rut Herrera	Post-grado	809-783-8652	Rut94@hotmail.com	Jeannette Domínguez
Vianny Céspedes	Post-grado	809-853-9548	Vianny.ulloa@gmail.com	Jeannette Domínguez
Wendy Veras	Post-grado	829-470-1853	wendyveras3@hotmail.com	Jeannette Domínguez

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ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES – POST-GRADO

Fecha: Marzo 17, 2010 – 6pm-10pm Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Departamento	Teléfono	E-mail	Profesor
Yoneidy Medrano	Post-grado	809-430-3907	yoneidy@hotmail.com	Jeannette Domínguez
Gregoria Cepeda	Post-grado	809-825-6500 Ext. 6529	gcepeda@bancoresevas.com Rosa.lia19@hotmail.com	Jeannette Domínguez
Leonán Ureña	Post-grado	809-753-5019	Leonan81@gmail.com	Jeannette Domínguez
Enmanuel Batista	Post-grado	809-575-2718	Enmanuel_batista_29@hotmail.com	Jeannette Domínguez
Freddy Gómez	Post-grado	809-573-2805		Jeannette Domínguez

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ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES – ESTUDIANTES MERCADOTECNIA

Fecha: Marzo 17, 2010 – 6pm-10pm Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Departamento	Matrícula	E-mail	Profesor
Caroline Pérez	Mercadotecnia	2004-0020	Cary_02@hotmail.com	Iluminada Severino
Clanbel Ortiz	Mercadotecnia	2005-0097	Clari-ort@hotmail.com	Iluminada Severino
Ediannet Figaro	Mercadotecnia	2005-2013	yulimaxel@hotmail.com	Iluminada Severino
Eilín Díaz	Mercadotecnia	2006-0145	Aimee-diaz07@hotmail.com	Iluminada Severino
Geidy Román	Mercadotecnia	2006-1221	Jgma_13@hotmail.com	Iluminada Severino
José A. Domínguez	Mercadotecnia		Jose.dominguez@amefird.rd.com.do	Iluminada Severino
Juan Sierra	Mercadotecnia	2000-0586	juanfcosierra@hotmail.com	Iluminada Severino
Lisbeth Díaz	Mercadotecnia		Honeyliz_26@hotmail.com	Iluminada Severino
Mariana De Jesús	Mercadotecnia	2003-0881	Mariana86@hotmail.com marianeladjesus@gmail.com	Iluminada Severino
Meris Serrano	Mercadotecnia	2005-1811	merismsm@hotmail.com	Iluminada Severino
Rocio Núñez	Mercadotecnia	2004-2044	Rocio_mssn@hotmail.com	Iluminada Severino
Ruth Ottenwalder	Mercadotecnia		ruthottenwalder@hotmail.com	Iluminada Severino

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ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES – ESTUDIANTES MERCADOTECNIA

Fecha: Marzo 17, 2010 – 6pm-10pm Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Departamento	Matrícula	E-mail	Profesor
Leticia Fernández	Mercadotecnia		Lety_kare@hotmail.com	Iluminada Severino
Annerys Escarramán	Mercadotecnia		a_escarraman@hotmail.com	Iluminada Severino
Quisi Pérez	Mercadotecnia		ysivy@hotmail.com	Iluminada Severino
Francess Cayard	Mercadotecnia		Franssou27@yahoo.com	Iluminada Severino
Marcos López	Mercadotecnia		Cosmar38@hotmail.com	Iluminada Severino
Enrique Hernández	Mercadotecnia		Enrique-os@hotmail.com	Iluminada Severino
Yesenia Estrella	Mercadotecnia		Jessie2381@hotmail.com	Iluminada Severino
Luis Rodríguez	Mercadotecnia		Luis.x.rodriguez@delta.com	Iluminada Severino
Elaine Guzmán	Mercadotecnia		Elained.guzman@gmail.com	Iluminada Severino
Juan Visón	Mercadotecnia		ivanvisonl@gmail.com	Iluminada Severino

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ENTRENAMIENTO NEGOCIACIONES COMERCIALES INTERNACIONALES — EMPRESARIOSFecha: **Marzo 17, 2010**
6pm-10pm

Facilitador: Drew Sundberg

Lugar: Auditorio del TEP

Nombre	Empresa	Cargo	Teléfono	E-Mail
Altagracia de Pérez	Leomar Broker Services	Gerente	809-233-8277 – 809-330-6046	leomarservice@yahoo.com
Ivette Benoit Acosta	National Office Suppliers	Gerente	829-575-2607	benoiths@hotmail.com
Elsy Rosa	Acero del Cibao	Enc. Depto Internacional	809-247-2222	lsales@acerodelcibao.com
Domingo Villa	Leomar Broker Services	Asistente Depto. de Aduana	809-233-8277	leomarservice@yahoo.com
Rhina Garcia	PUCMM	Profesora Derecho	809- 721-9116	rhgarcia@pucmmsti.edu.do



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bkp DEVELOPMENT
RESEARCH & CONSULTING

Proyecto implementado por
BKP Development
Research & Consulting

Entrenamiento para la DGA sobre instrumentos de defensa comercial

Lunes, 15 de febrero de 2010
Santo Domingo

Lista de participantes

Titulo	Nombre	Contacto	Teléfono
Coordinadora	Vania Nairka	nibeato@ dga.gov.do	547-7070 ext 2234
Estudiante	Winston	Winston@hotmail.com	809-8699776
INGENIERO	JHON FELIX	JF.MERCADO @HOTMAIL.COM	809-696-3188
LIC.	Jco. Javier Glez.	alguido@DGA	809-310-3133
Enci. Catastrales LICENCIADO	Maria Marmeljo	ma.marmeljo	809-547-7070 ext 20
ING. DE SISTEMAS	NARCISO TIBURCIO	n.tiburcio@DGA.gov.do	829-855-0531
Lic. Sociología	Santiago Corriel	Santiago Corriel	809-355-8235 -11@HOTMAIL.COM
Lic. Filosofía y Letras	José Manuel	8091843-3526	(809) 547-9933 - ext. 4018
SUPERV. Genl. DGA	Juan O. Soto	DGA	8093303739
Ahorador II	JUAN S. CABRAL M.	Megaperito	809.592.2511
Ahorador II	Rosa M. Rueda	DGA	809 779-9208
Asistente Dpto. Inspección	ROSEL VENTURA	DGA	809 4395876 - lauroca
Enc. Verificación	Geny G. Mendez	809-696-9193	Geny Mendez
Enc. en Derecho / Voleros	JANET CASTRO C.	dra.janetcastro@gmail.com	809-740-1030 539-6008
Enc. Oficina Acceso Informacion	Taniel Aguiar	T.aguiar@dga.gov.do	(809) 547-7070 ext. 2515
Ahorador II	Rafaelin Muep	809-839-6008	Rafaelin Muep
Sub. Adm. ZFCA	Roberto Orlando L.	809283-0209	809.547.9933 ext. 4010



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Proyecto implementado por
BKP Development
Research & Consulting

Entrenamiento para la DGA sobre instrumentos de defensa comercial

Lunes, 15 de febrero de 2010
Santo Domingo

Lista de participantes

Titulo	Nombre	Contacto	Teléfono
Analista de Comercio Exterior	Zandra Brígida	zbriga@otcassa.gob.do	(809) 227-6188
Analista de Comercio Exterior	Ruber Pérez Ithorado	RPerez@otcassa.gob.do	809-705-5171
Analista Comercio Exterior	Julissa Ruiz	jruiz@otcassa.gob.do	809 227-6188
Analista Comercio Exterior	Massiel Cruz	mcruz@otcassa.gob.do	(809) 227-6188
Analista Comercio Exterior	Alexandra Estévez	aestvez@otcassa.gob.do	(809) 227-6188
Directora	Patsy Montes de Oca	pmontes@otcassa.gob.do	(809) 227-3164
Analista de Com. Ext.	Oscar R. Orija	ORIZA@OTCASSA.gob.do	227-6111 ext. 227
Analista de Com. Ext.	Yeodys A. Sierra	ysierra@otcassa.gob.do	547-1575 ext. 22
SECRETARÍA PUELO	Analista de Comercio	spuelo@otcassa.gob.do	227-3164 ext. 22
Analista Comercio Exterior	Ernesto Malina	emalina@otcassa.gob.do	227-6188 ext. 21



Este proyecto está financiado por la Unión Europea



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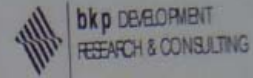
Proyecto implementado por
BKP Development
Research & Consulting

Entrenamiento para la DGA sobre instrumentos de defensa comercial

Lunes, 15 de febrero de 2010
Santo Domingo

Lista de participantes

Titulo	Nombre	Contacto	Teléfono	
Analista de Riesgo	OTIR FRANCISCO	809-975-9226	809-547-7070	ext. 2440
Analista de Riesgo	LEONARDO JAVIER	829-764-7402	"	"
Analista de Riesgo	Arach			
SUPERVISOR GERENCIAL	AUGUSTO RIVERA H	809-867-7711	809-547-7070	ext. 2410
Supervisor Gen. Oper.	Teodoro piang	809-722-8279	809-547-7070	ext. 2347
Auxiliar de Estadística	José Fajeda	809-688-6512	809-547-7070	ext. 2541.
Coor. Fiscalización	César Díaz	(809) 710-2286	(809) 547-7070	2246
Enc. Dpt. Internacional	Luisa Pimentel	e.pimentel@dgca.do	809 566 8913	
Insp. Residente	Rene Sánchez	809-8545786	809-686-7478	ext. 249
Abogado DPI	Michelle Medina	809-862-9481	809-547-7070	ext. 254
AFOADOR II	ALIASI SANTOS	809-876-2823	809-523-4058	
AFOADOR II	José Daniel Rosario	809 9173899	809 233-8294	
Auditor 1	Higinio Mercader	(809) 868-7898		
Emp. Vinculadas	Yaimela Roca	S. Antel Dga. (809) com. do	809 547-7070	* 3211
Economista	César García	ce.garcia@dgca.gov.do	(809) 566-3170	
Formulador de Proyectos	Freddy Domínguez	809 4929669	809-420-7070	
		—	Ext-2061	



LISTADO DE PARTICIPANTES confirmados

“Estudio sobre los sectores privados que pueden estar siendo afectados por prácticas desleales en el comercio o que pueden solicitar medidas de salvaguardias”

**Fecha: 5 de mayo de 2010
Santo Domingo, Rep. Dom.**

1. Maximina Santana, Comisión Defensa Comercial
2. Mario Pujols, Comisión Defensa Comercial
3. Hugo Ramírez, Comisión Defensa Comercial
4. Iván Gatón, Comisión Defensa Comercial
5. Biviana Riveiro, ANJE
6. Dircia Paulino, Asociación de Empresas Industriales de Haina
7. Domingo Viyella, FERSAN
8. Carlos Fernández, FERSAN
9. Marcos Cadet Pimentel, CONEP
10. Luis Guillermo, LG Consulting/ FERSAN
11. José Rivas, JR Consulting/ FERSAN
12. Flavio Rodríguez, Vicepresidente de Mercadeo y Ventas, ALDOCA
13. Claudia Mejía Ricart, Grupo Viccini
14. Viktor Rodríguez, Servicios de Consultoría Global, SCG
15. William Castro Rodríguez, DASA
16. César Jazmín, Procuraduría General Tributaria y Administrativa
17. Evelyn Escalante, Procuraduría General Tributaria y Administrativa
18. Magistrada Sarah Henríquez, Tribunal Superior Administrativo
19. Ana Silvia Andújar, FERSAN
20. Rafael Núñez, MIREX
21. Henri Olmos, MIREX
22. Ruth Montes de Oca, OTCA
23. Leslie Marmolejos, OTCA
24. Gianna Franjul, Comisión Defensa Comercial
25. Luisa Astacio, Comisión Defensa Comercial
26. Drew Sundberg, Proyecto TradeCom Facility
27. Marius Bordalba, Proyecto TradeCom Facility
28. María Marmolejos, DGA
29. Niurka Beato, DGA
30. Wilfredo Contreras, AIRD
31. Manuel Rodríguez, DICOEX
32. Máximo Peña, DICOEX

APPENDIX 3: PROGRAMME FOR THE SEMINAR OF MARCH 2010



Protección Jurídica
Carolina Medina / Madrid



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RESEARCH & CONSULTING

Proyecto de Asesoría Técnica
BID/2014/1000
Consultoría

Agenda

- Nación más favorecida (NMF) / Trato nacional

- Aranceles
- Obstáculos no aranceales, trámites burocráticos, etc
- Excepciones del artículo XXIV del GATT

- Tratamiento de las normas de la OMC
- Art. XXIV GATT – Requisitos

- ¿Cuánto se tarda en resolver una diferencia? De la solicitud de consultas a la implementación
- El papel del Gobierno y de las instituciones del sector público en el sistema de solución de controversias de la OMC
- El papel del sector privado en el sistema de solución de controversias de la OMC

- Aspectos finales
- Remedios – adecuados?
- Ejemplos

- Dumping
- Subvenciones

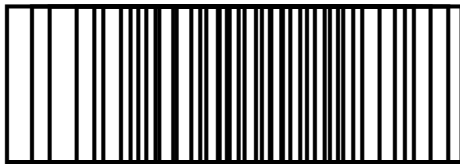
- Los cárteles y los monopolios?
- El caso especial de las salvaguardias
- ¿Qué tipo de argumento se debe utilizar y cuándo?

- Procedimiento
- Cooperación entre sector privado / rama de producción nacional y la Comisión Reguladora
- Pruebas - Tipo de información solicitada pre-inicio y en el curso de la investigación
- ¿Cómo obtener las pruebas?
- Aplicación de medidas (provisionales, definitivas)



- Alternativa – Negociar los compromisos relativos a los precios
- Seguimiento

APPENDIX 4: LISTS OF STANDARD DOCUMENTS DRAFTED FOR THE COMMISSION



#		Incluido?
1	Índice de documentos	√
2	Formulario_de_solicitud (español) + anexos en excel	√
3	Declaración_de_legitimación (español)	√
4	Guía_formulario_de_solicitud (español)	√
5	Cuestionario_de_muestreo_de_exportadores (español)	√
6	Cuestionario_de_muestreo_de_exportadores (inglés)	√
7	vacio	√
8	Cuestionario_de_muestreo_de_importadores (español)	√
9	Cuestionario_de_muestreo_de_productores_nacionales (español)	√
10	Cuestionario_para_exportadores (español) + anexos en excel	√
11	Cuestionario_para_exportadores (inglés) + anexos en excel	√
12	Cuestionario_para_importadores (español) + anexos en excel	√
13	Cuestionario_para_productores_dominicanos (español) + anexos en excel	√
14	Informe_tecnico_de_inicio (español)	√
15	Informe_técnico_preliminar (español)	√
16	Informe_sobre_hechos_esenciales (español)	√
17	Informe_técnico_final (español)	√
18	Informe_de_verificación_exportadores (español)	√
19	Informe_de_verificación_importadores (español)	√
20	Informe_de_verificación_productores_dominicanos (español)	√
21	Resolución_de_inicio (español)	√
22	Resolución_preliminar (español)	√
23	Resolución_final (español)	√
24	Aviso_publico_de_inicio (español)	√
25	Aviso_público_de_inicio (inglés)	√
26	Aviso_público_de_imposición_de_medidas_provisionales (español)	√
27	Aviso_público_de_imposición_de_medidas_provisionales (inglés)	√
28	Aviso_público_de_imposición_de_medidas_definitivas (español)	√
29	Aviso_público_de_imposición_de_medidas_definitivas (inglés)	√
30	Carta_acusando_recibo_del_formulario_de_solicitud (español)	√
31	Carta_notificando_solicitud_debidamente_documentada_a_autoridades_país_de_exportación (español)	√
32	Carta_notificando_solicitud_debidamente_documentada_a_autoridades_país_de_exportación (inglés)	√
33	Carta_rechazo_de_la_solicitud_al_solicitante (español)	√
34	Carta_rechazo_de_la_solicitud_a_autoridades_país_de_exportación (español)	√
35	Carta_rechazo_de_la_solicitud_a_autoridades_país_de_exportación (inglés)	√
36	Carta_sobre_inicio_investigacion_a_asociación_de_exportadores (español)	√
37	Carta_sobre_inicio_investigacion_a_autoridades_país_de_exportación (español)	√
38	Carta_sobre_inicio_investigacion_a_autoridades_país_de_exportación (inglés)	√
39	Carta_sobre_inicio_investigacion_a_exportadores (español)	√
40	Carta_sobre_inicio_investigacion_a_exportadores (inglés)	√
41	Carta_sobre_inicio_investigacion_a_importadores (español)	√
42	Carta_sobre_inicio_investigacion_a_productores_dominicanos (español)	√
43	Carta_sobre_inicio_investigacion_a_usuarios (español)	√
44a.	Carta_respuesta_a_solicitudes_de_prórrogas (español)	√
44b.	Carta_respuesta_a_solicitudes_de_prórrogas (inglés)	√
45	Carta_de_corrección_a_exportadores (español)	√
46	Carta_de_corrección_a_exportadores (inglés)	√
47	Carta_de_corrección_a_importadores (español)	√
48	Carta_de_corrección_a_productores_dominicanos (español)	√

49	Carta_de_corrección_formulario_solicitud (español)	√
50	Carta_preverificación_a_exportadores (español)	√
51	Carta_preverificación_a_exportadores (inglés)	√
52	Carta_preverificación_a_importadores (español)	√
53	Carta_preverificación_a_productores_dominicanos (español)	√
53a.	Carta_preverificación_a_autoridades_país_de_exportación (español)	√
53b.	Carta_preverificación_a_autoridades_país_de_exportación (inglés)	√
54	Carta_informando_de_la_determinacion_preliminar_a_asociación_de_exportadores (español)	√
55	Carta_informando_de_la_determinacion_preliminar_a_autoridades_país_de_exportación (español)	√
56	Carta_informando_de_la_determinacion_preliminar_a_autoridades_país_de_exportación (inglés)	√
57	Carta_informando_de_la_determinacion_preliminar_a_exportadores (español)	√
58	Carta_informando_de_la_determinacion_preliminar_a_exportadores (inglés)	√
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61	Carta_informando_de_la_determinacion_preliminar_a_usuarios (español)	√
62	Carta_enviando_aviso_publico_de_imposicion_de_medidas_provisionales_a_asociación_de_exportadores (español)	√
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64	Carta_enviando_aviso_publico_de_imposicion_de_medidas_provisionales_a_autoridades_país_de_exportación (inglés)	√
65	Carta_enviando_aviso_publico_de_imposicion_de_medidas_provisionales_a_exportadores (español)	√
66	Carta_enviando_aviso_publico_de_imposicion_de_medidas_provisionales_a_exportadores (inglés)	√
67	Carta_enviando_aviso_publico_de_imposicion_de_medidas_provisionales_a_importadores (español)	√
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69	Carta_enviando_aviso_publico_de_imposicion_de_medidas_provisionales_a_usuarios (español)	√
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74	Carta_informando_de_la_determinacion_definitiva_a_autoridades_país_de_exportación (inglés)	√
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77	Carta_informando_de_la_determinacion_definitiva_a_importadores (español)	√
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79	Carta_informando_de_la_determinacion_definitiva_a_usuarios (español)	√
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82	Carta_enviando_aviso_publico_de_imposicion_de_medidas_definitivas_a_autoridades_país_de_exportación (inglés)	√
83	Carta_enviando_aviso_publico_de_imposicion_de_medidas_definitivas_a_exportadores (español)	√
84	Carta_enviando_aviso_publico_de_imposicion_de_medidas_definitivas_a_exportadores (inglés)	√
85	Carta_enviando_aviso_publico_de_imposicion_de_medidas_definitivas_a_importadores (español)	√
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87	Carta_enviando_aviso_publico_de_imposicion_de_medidas_definitivas_a_usuarios (español)	√
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89	Carta_de_cierre_de_investigación_a_asociacion_de_exportadores (inglés)	√
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91	Carta_de_cierre_de_investigación_a_autoridades_país_de_exportación (inglés)	√
92	Carta_de_cierre_de_investigación_a_exportadores (español)	√
93	Carta_de_cierre_de_investigación_a_exportadores (inglés)	√

94	Carta de cierre de investigación a importadores (español)	√
95	Carta de cierre de investigación a productores dominicanos (español)	√
96	Carta de cierre de investigación a usuarios (español)	√
97	Acta de recibo general (español)	√
98	Formato para notificaciones de informes semestrales a la OMC (español)	√
99	Formato para notificaciones de medidas adoptadas a la OMC (español)	√



#		Incluido?
1	Índice de documentos	√
2	Formulario de solicitud (español) + anexos en excel	√
3	Declaración de legitimación (español)	√
4	Guía formulario de solicitud (español)	√
5	Cuestionario de muestreo de exportadores (español)	√
6	Cuestionario de muestreo de exportadores (inglés)	√
7	Cuestionario de muestreo de importadores (español)	√
8	Cuestionario de muestreo de productores nacionales (español)	√
9a	Cuestionario para gobierno país de exportación (español)	√
9b	Cuestionario para gobierno país de exportación (inglés)	
10	Cuestionario para exportadores (español) + anexos en excel	√
11	Cuestionario para exportadores (inglés) + anexos en excel	√
12	Cuestionario para importadores (español) + anexos en excel	√
13	Cuestionario para productores dominicanos (español) + anexos en excel	√
14	Informe técnico de inicio (español)	√
15	Informe técnico preliminar (español)	√
16	Informe sobre hechos esenciales (español)	√
17	Informe técnico final (español)	√
18	Informe de verificación exportadores (español)	√
19	Informe de verificación importadores (español)	√
20	Informe de verificación productores dominicanos (español)	√
21	Resolución de inicio (español)	√
22	Resolución preliminar (español)	√
23	Resolución final (español)	√
24	Aviso público de inicio (español)	√
25	Aviso público de inicio (inglés)	√
26	Aviso público de imposición de medidas provisionales (español)	√
27	Aviso público de imposición de medidas provisionales (inglés)	√
28	Aviso público de imposición de medidas definitivas (español)	√
29	Aviso público de imposición de medidas definitivas (inglés)	√
30	Carta acusando recibo del formulario de solicitud (español)	√
31	Carta invitando a consultas a autoridades país de exportación (español)	√
32	Carta invitando a consultas a autoridades país de exportación (inglés)	√
33	Carta rechazo de la solicitud al solicitante (español)	√
34	Carta rechazo de la solicitud a autoridades país de exportación (español)	√
35	Carta rechazo de la solicitud a autoridades país de exportación (inglés)	√
36	Carta sobre inicio investigación a asociación de exportadores (español)	√
37	Carta sobre inicio investigación a autoridades país de exportación (español)	√
38	Carta sobre inicio investigación a autoridades país de exportación (inglés)	√
39	Carta sobre inicio investigación a exportadores (español)	√
40	Carta sobre inicio investigación a exportadores (inglés)	√
41	Carta sobre inicio investigación a importadores (español)	√

42	Carta_sobre_inicio_investigacion_a_productores_dominicanos (español)	√
43	Carta_sobre_inicio_investigacion_a_usuarios (español)	√
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51	Carta_preverificación_a_exportadores (inglés)	√
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53a	Carta_preverificación_a_productores_dominicanos (español)	√
53b	Carta_preverificación_a_autoridades_país_de_exportación (español)	√
53c	Carta_preverificación_a_autoridades_país_de_exportación (inglés)	√
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55	Carta_informando_de_la_determinacion_preliminar_a_autoridades_país_de_exportación (español)	√
56	Carta_informando_de_la_determinacion_preliminar_a_autoridades_país_de_exportación (inglés)	√
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59	Carta_informando_de_la_determinacion_preliminar_a_importadores (español)	√
60	Carta_informando_de_la_determinacion_preliminar_a_productores_dominicanos (español)	√
61	Carta_informando_de_la_determinacion_preliminar_a_usuarios (español)	√
62	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_provisionales_a_asociación_de_exportadores (español)	√
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64	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_provisionales_a_autoridades_país_de_exportación (inglés)	√
65	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_provisionales_a_exportadores (español)	√
66	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_provisionales_a_exportadores (inglés)	√
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68	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_provisionales_a_productores_dominicanos (español)	√
69	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_provisionales_a_usuarios (español)	√
70	Carta_de_transmision_del_informe_de_hechos_esenciales (español)	√
71	Carta_de_transmision_del_informe_de_hechos_esenciales (inglés)	√
72	Carta_informando_de_la_determinacion_definitiva_a_asociación_de_exportadores (español)	√
73	Carta_informando_de_la_determinacion_definitiva_a_autoridades_país_de_exportación (español)	√
74	Carta_informando_de_la_determinacion_definitiva_a_autoridades_país_de_exportación (inglés)	√
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76	Carta_informando_de_la_determinacion_definitiva_a_exportadores (inglés)	√
77	Carta_informando_de_la_determinacion_definitiva_a_importadores (español)	√
78	Carta_informando_de_la_determinacion_definitiva_a_productores_dominicanos (español)	√
79	Carta_informando_de_la_determinacion_definitiva_a_usuarios (español)	√
80	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_definitivas_a_asociación_de_exportadores (español)	√
81	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_definitivas_a_autoridades_país_de_exportación (español)	√
82	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_definitivas_a_autoridades_país_de_exportación (inglés)	√
83	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_definitivas_a_exportadores (español)	√
84	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_definitivas_a_exportadores (inglés)	√
85	Carta_enviando_avisos_publicos_de_imposicion_de_medidas_definitivas_a_importadores (español)	√

86	Carta enviando aviso publico de imposicion de medidas definitivas a productores dominicanos (español)	√
87	Carta enviando aviso publico de imposicion de medidas definitivas a usuarios (español)	√
88	Carta de cierre de investigación a asociacion de exportadores (español)	√
89	Carta de cierre de investigación a asociacion de exportadores (inglés)	√
90	Carta de cierre de investigación a autoridades país de exportación (español)	√
91	Carta de cierre de investigación a autoridades país de exportación (inglés)	√
92	Carta de cierre de investigación a exportadores (español)	√
93	Carta de cierre de investigación a exportadores (inglés)	√
94	Carta de cierre de investigación a importadores (español)	√
95	Carta de cierre de investigación a productores dominicanos (español)	√
96	Carta de cierre de investigación a usuarios (español)	√
97	Acuse de recibo general (español)	√
98	Formato para notificaciones de informes semestrales a la OMC (español)	√
99	Formato para notificaciones de medidas adoptadas a la OMC (español)	√

APPENDIX 5: PPT OF THE FINAL REPORT AND LIST OF PARTICIPANTS TO THE PRESENTATION

Proyecto TRADECOM FACILITY
“Asistencia Técnica para la Mejora de
Capacidades de la Comisión de Defensa
Comercial”

Presentación del borrador del
Informe final

Santo Domingo, República Dominicana
11 de junio de 2010

Expositor: Marius Bortalba, Consultor, BKP Development

Información sobre el proyecto

- Proyecto financiado por la Unión Europea
- 31/Ago/09: Inicio del trabajo:
- 18/Sept/09: Presentación del borrador del Informe de inicio
- 2/Oct/09: CDC notifica la aprobación del Inf. de inicio
- 4/Dec/09: Presentación del Informe preliminar a TradeCom Facility
- 30/Mar/10: Reunión del Steering Ctte.
- 30/May/10: Finalización del proyecto

2

Objetivos y beneficiarios

- **Objetivos:**

Apoyo a la CDC para el desarrollo de conocimientos analíticos, establecimiento de procedimientos eficientes y apoyo.

de las RPN

protección y entrenamiento

as; DGA; OTCA;

y sector privado

- **Beneficiarios:**

CDC; Ministerio de Finanzas

otras instituciones públicas

3

es

puesto en el apoyo ad hoc en las áreas a cargo de la OMC), de las

dirigidas a la CDC en las instituciones

sector público y el

el sector privado (8)

4

Actividades

- Listado de actividades programadas en el Informe de inicio: 10 + 1 (a las cuestiones urgentes relativas a las investigaciones en curso / en las cuales:

- 6 estaban exclusivamente con las instituciones (2, 3, 4, 5 y 10) y 1 a otras instituciones públicas (7)
- 2 eran compartidas entre el sector público y el sector privado (6 y 9)
- 1 era exclusivamente para

Informe final

- Borrador enviado el 9 de junio
- Contenido:
 - Resumen del proceso de implementación
 - Análisis sobre el logro de los objetivos
 - Impacto del proyecto
 - Sostenibilidad de los resultados

...iones
ción de comentarios escritos y
ción y presentación de 3+3 copias

- Conclusión
- Recopilación de comentarios orales
- Finalización

5

Actividad 1

...ción de las necesidades de
ción y proponer calendario de
...les
... finalizada en Sept 09, con la
ción del Informe de inicio
...do dentro del mes
...res cumplidos

- Identificación de necesidades de capacitación
- Actividad de capacitación
- Presentación de resultados
- Indicadores de seguimiento

6

Actividad 2

- Documentación sobre AD y AS, y comentarios con respecto a SG (evitar duplicidad)
- Documentación AD presentada para que la CDC formule comentarios (finales de feb. 2010)
- Más de 90 docs para investigaciones AD y aprox. 100 para investigaciones AS (algunos en inglés)
- Documentación entregada en formato electrónico y impresa
- *Actividad finalizada* en mayo 2010 con la finalización de la redacción de la documentación
- Indicadores cumplidos

7

¿Qué queda por hacer?

- Validar los documentos de nuevo
- Hacer públicos algunos documentos (cuestionarios)
- Empezar a utilizar los documentos internos (informes técnicos, avisos públicos, notificaciones...)
- Adaptarlos dependiendo de la experiencia adquirida (p.ej. los cuestionarios)

8

Actividad 3

- Entrenamientos práctico de la Comisión
- Participación desigual del DEI en la etapa inicial; enero y febrero más consistente
- Se cubrieron todos los temas
- Se realizaron 39 actividades de medio día (contra 35 en el II)
- Mejora del conocimiento observada a través de los ejercicios
- *Actividad finalizada*; indicadores cumplidos

9

Actividad 3

- Comentarios adicionales:
 - Participación limitada de los Comisionados
 - La carga de trabajo regular, y actividades fuera de la República Dominicana, han afectado la participación en las actividades y la realización de los ejercicios
 - Efecto de los cambios en el personal (especialmente de los contadores)
 - Realización de capacitaciones internas y externas para evitar que se tornen obsoletos los conocimientos adquiridos

10

¿Qué queda por hacer?

- Realizar capacitaciones internas para nuevo personal y externas para refrescar los conocimientos
- Repetir los ejercicios
- Adquirir bibliografía
- Establecer vínculos con autoridades investigadoras
- Aplicación de los conocimientos adquiridos en investigaciones AD y AS (ofensivo y defensivo)

11

Actividad 4

- Desarrollo de programas en Excel para cálculo del margen de dumping y subvaloración
- Entrega de los mismos a la CDC en mayo 2010
- Realización de 4 entrenamientos sobre

- ~~Cálculo del margen de dumping~~
- ~~Mejora de conocimiento en el uso del mismo~~
- ~~Actividad finalizada; indicadores cumplidos.~~

12

¿Qué queda por hacer?

- Repetir los ejercicios de cálculo para familiarizarse rápidamente con los pasos
- Establecer vínculos con autoridades investigadoras para intercambio de experiencias
- Aplicación de los conocimientos adquiridos en investigaciones AD, AS y SG

13

Actividad 5

- Lista de bibliografía
- Entrega de la misma a la CDC en el año 2009
- Imposibilidad de financiar la compra bajo el proyecto
- *Actividad finalizada*; indicadores cumplidos

14

¿Qué queda por hacer?

- Encontrar financiamiento para la adquisición del material

15

Actividad 6

- Estudio sobre las RPNs afectadas por PDC
- Borradores de secciones enviados a partir de Dic 09
- Presentación del taller el 5/May/2010
- Finalización del Estudio en mayo 2010
- Aprox. 300 páginas; incluyendo una sección de análisis de subvenciones en 4 países
- Existen partes confidenciales
- *Actividad finalizada*; indicadores cumplidos

16

¿Qué queda por hacer?

- ¿Divulgación de partes del Estudio – en el website o en presentaciones – o de un resumen del mismo?
- Instrumento sobre la base del cual asesorar a solicitantes
- ¿Uso del mismo para iniciar de oficio?
- ¿Uso del mismo para atacar subvenciones a nivel de la OMC?

17

Actividad 7

- Talleres al sector público sobre IDC
- Dos tipos de actividades: generales y específicas a algunas instituciones
- Actividad general a inicios de Nov/09
- Actividades específicas para la OTCA y la DGA en Feb/09 (no fue posible con SEREX y TCAT)
- *Actividad finalizada*

18

¿Qué queda por hacer?

- CDC diseñe y implemente un programa de seminarios y talleres para otras autoridades públicas
- Trabajar de cerca con la DGA para la mejora de la calidad de la data sobre importaciones y exportaciones

19

Actividad 8

- Talleres al sector privado sobre IDC
- 1 taller realizado para el sector privado, en STG (Mar/10)
- 2 talleres realizados en el contexto de otras actividades (Sep/09 y May/10) con importante representación del sector privado
- Interacción a través de la actividad 6
- *Actividad finalizada*

20

¿Qué queda por hacer?

- CDC debería mejorar sus relaciones con una parte del sector privado
- Llevar a cabo capacitaciones adicionales dedicadas al sector privado
- Apoyar en lo necesario en la preparación de solicitudes
- Llevar a cabo exámenes periódicos de las importaciones, medidas AD y AS, y divulgar la información al sector privado

21

Actividad 9

- Talleres sobre ESD de la OMC
- 2 talleres realizados, uno en SD (Nov 09) y uno en STG (Mar/10)
- *Actividad finalizada*; indicadores cumplidos

22

¿Qué queda por hacer?

- La República Dominicana debería determinar que posición tomar con respecto a las subvenciones centroamericanas en la OMC, tomando en cuentas las propias debilidades
- Trabajar en el proceso de eliminar las subvenciones prohibidas de la Ley sobre Zonas Francas (y otra legislación)

23

Actividad 10

- Asesoramiento *ad hoc*
- Ha tomado la forma de memorandos, y otras comunicaciones escritas u orales
- Cubierto en su mayoría cuestiones relativas a investigaciones en curso o solicitudes bajo consideración y en menor medida OMC
- *Actividad finalizada*; indicadores cumplidos

24

Impacto

- Corto plazo:
 - Conocimiento práctico en la CDC y
 - Instrumentos: documentación y software

IDCs, las necesidades de implementar esos instrumen

- Medio y largo plazo:
 - Difícil de determinar

25

ilidad

C por parte del sector

nocimientos para que
o se olviden

Sostenib

- Factores:
 - Uso continuado de los ID
privado
 - Uso continuado de los co

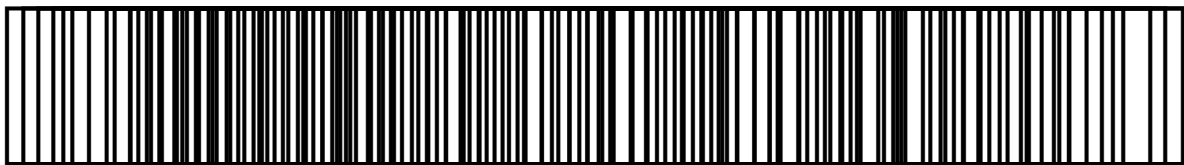
26

CONCLUSIONES

- Se acomodaron las solicitudes del beneficiario en lo posible
- Cambios en el marco legal
- Políticas para mantener el personal
- Apoyo al DEI de un experto externo
- DEI analice y formule recomendaciones sobre decisiones relativas a todos los aspectos de las investigaciones
- Trabajo con la DGA y el sector privado

27

APPENDIX 6: COMMENTS ON ISSUES RELATING TO DATA FROM THE CUSTOMS DEPARTMENT



1. Evaluar si las importaciones de un producto específico son objeto de dumping o subvenciones o si requieren medidas de salvaguardias y determinar si dichas importaciones están causando daño a la rama de producción nacional requiere datos aduaneros exactos, completos y fiables. Por consiguiente, contar con datos aduaneros fiables del país importador es un recurso probatorio crucial en el que se sustenta el examen. No obstante, durante el análisis de los datos aduaneros relacionados con los productos comprendidos en este Estudio, el consultor detectó una serie de inexactitudes y problemas generalizados que se analizan a continuación.

3.1.2.1 Volumen de importaciones

2. Un problema recurrente que presentaron todos los productos objeto del presente Estudio ha sido la falta de uniformidad en las mediciones de volúmenes registradas en los datos de importación. Por ejemplo, las operaciones de importación de fertilizantes se informan en kilos, toneladas métricas, toneladas cortas y algunas incluso en litros. Lo que es aún más importante es que para una parte considerable de las operaciones de importación no se indica ninguna medida de volumen. Por ejemplo, para más del 20% de las importaciones de fertilizantes realizadas durante 2008 no se especifica ninguna unidad de medida de volumen, sino que simplemente se indica el volumen como unidad.

3. Dichas inexactitudes generan problemas sustanciales al momento de computar tanto el volumen como el valor de las importaciones de un producto específico durante un período dado. En consecuencia, el primer paso para analizar los datos aduaneros de la República Dominicana requiere revisar operación por operación y convertir la unidad de medida a un patrón de medición estándar, lo cual en numerosas operaciones puede realizarse, por ejemplo, convirtiendo las toneladas a kilos. Convertir litros a kilos puede resultar más difícil ya que es discutible cuál es la fórmula de conversión exacta que debe utilizarse. Sin embargo, tal como se observó anteriormente, para muchas operaciones no se discrimina la unidad de medida del volumen de importación —o bien ésta no puede convertirse—, sino que simplemente se la enuncia como unidad. En estos casos, el volumen de importaciones no puede determinarse con ningún grado de certeza. De hecho, lo mejor que pudo lograrse es remitirse al valor de la operación y luego estimar el volumen probable sobre la base del precio cobrado. Esta práctica debería considerarse inadecuada sobre todo en los casos de investigaciones antidumping en los que precisamente se sospecha que el precio por unidad puede ser objeto de dumping y, por consiguiente, no puede establecerse mediante una fórmula de precio estándar.

4. Las consecuencias de la situación precedente resultan más que problemáticas en el caso de investigaciones antidumping, antisubvenciones o de salvaguardias. En términos sencillos, es imposible establecer con precisión el volumen de las importaciones de un producto específico durante un período dado sobre la base de los datos aduaneros de la República Dominicana. Esto, a su vez, implica que los precios promedio de importación no pueden determinarse con la exactitud apropiada a partir de dichos datos aduaneros.

5. Contar con datos exactos sobre el volumen y el valor de las importaciones es fundamental a los efectos de llevar a cabo procedimientos antidumping de conformidad con las normas de la OMC. Entre otros, el artículo 3.1 del Acuerdo antidumping de la OMC exige que:

“La determinación de la existencia de daño a los efectos del artículo VI del GATT de 1994 se basará en pruebas positivas y comprenderá un examen objetivo: a) del volumen de las importaciones objeto de dumping y del efecto de éstas en los precios de productos similares en el mercado interno y b) de la consiguiente repercusión de esas importaciones sobre los productores nacionales de tales productos”.

6. El artículo 3.2 del Acuerdo antidumping de la OMC establece que:

“En lo que respecta al volumen de las importaciones objeto de dumping, la autoridad investigadora tendrá en cuenta si ha habido un aumento significativo de las mismas, en términos absolutos o en relación con la producción o el consumo del Miembro importador.”

7. En otras palabras, el Acuerdo antidumping de la OMC exige que se realice una evaluación exacta del volumen y el valor de las importaciones durante el período de investigación y el período de investigación del daño a los efectos de llevar a cabo una investigación antidumping conforme a las normas de la OMC. Sin datos exactos, resulta imposible cumplir acabadamente con dicho requisito.

8. Los artículos 15.1 y 15.2 del ASMC de la OMC contienen disposiciones similares.

9. En el caso de las salvaguardias, contar con volúmenes de importaciones correctos es esencial a fin de determinar si se ha producido el aumento requerido en las importaciones, ya sea en términos absolutos o en relación con la rama de producción nacional, según lo exige el artículo 2.2 del Acuerdo sobre salvaguardias.

10. En resumen, la exactitud de los volúmenes de importaciones juega un papel central en todas las investigaciones sobre instrumentos de defensa comercial.

3.1.2.2 Clasificación

11. Algunos de los productores nacionales consultados sostuvieron que ciertas importaciones se clasifican bajo subpartidas arancelarias incorrectas. Por ejemplo, algunos fertilizantes importados que deberían clasificarse bajo la subpartida 31.05.90.90 se declararon en aduana bajo la subpartida 31.05.20.00. Dichos errores agravan los problemas derivados de la falta o la inexactitud de los datos aduaneros utilizados a fin de evaluar el dumping y el daño en el marco de una investigación antidumping o antisubvención.

3.1.2.3 Descripción incorrecta o incompleta del producto

12. Aun en el caso de aquellos productos que estaban clasificados bajo la subpartida arancelaria correcta, el consultor observó numerosos ejemplos en los que la descripción del producto importado — según surgía de los datos aduaneros— parecía ser incorrecta o inapropiada. Por ejemplo, en el caso de algunas operaciones de importación de papel higiénico no se identificaba el “tipo” o “modelo” de producto que se importaba. En términos específicos, de los datos aduaneros no surgía la cantidad de capas del papel higiénico importado (generalmente, 1, 2 o 3 capas) y la cantidad de hojas por rollo. En muchas investigaciones sobre instrumentos de defensa comercial, el producto investigado debe subdividirse en dos o más tipos o modelos sobre la base de la calidad u otras características que influyan en la comparabilidad de los precios. La falta de coherencia en la descripción de los productos hace que la comparación de los precios modelo por modelo resulte más difícil.

3.1.2.4 Origen

13. Cabe destacar que, al menos en el caso de una pequeña cantidad de operaciones de importación, el origen no preferencial correcto del producto era dudoso. Esto pudo haber influido en la determinación de los países específicos/Miembros de la OMC que deberían ser objeto de investigaciones antidumping o antisubvenciones individuales. En general, las investigaciones sobre salvaguardias deben realizarse indiscriminadamente en relación con las importaciones de todas las procedencias. No obstante, el origen no preferencial correcto de las importaciones sería pertinente en casos de salvaguardias relacionados con China conforme al artículo 16 del Protocolo de Adhesión de China (medidas de salvaguardias específicas de China) y a los efectos de determinar si los países en desarrollo Miembros que representan menos del 3% de las importaciones deben ser excluidos de las medidas de salvaguardias de conformidad con el artículo 9.1 del Acuerdo sobre salvaguardias.

3.1.2.5 Atenuación o soluciones posibles

Métodos y procedimientos aduaneros mejorados

14. Cualquier solución a largo plazo a los citados problemas relativos a los datos aduaneros debe basarse en un método de recopilación de datos mejorado por parte de la DGA. Los aspectos fundamentales que deben considerarse a los efectos de mejorar la recopilación de datos aduaneros incluyen:

- Mejor aplicación y sanciones mayores: Una mejor aplicación debe incluir, entre otras cosas, sanciones mayores a los importadores que suministren información aduanera incompleta o inexacta.
- Mejor comunicación entre la DGA y la CDC: La Comisión debe continuar haciendo hincapié en el papel fundamental de la DGA a los efectos de permitir una evaluación exacta y adecuada de las importaciones en casos relacionados con instrumentos de defensa comercial.
- Capacitación a la DGA sobre instrumentos de defensa comercial: Debe capacitarse a la DGA sobre el papel que desempeñan los datos aduaneros en las investigaciones sobre instrumentos de defensa comercial. En este sentido, el consultor dictó un seminario de dos días sobre investigaciones sobre instrumentos de defensa comercial y procedimientos de solución de diferencias de la OMC dirigido al sector público de la República Dominicana, incluidos representantes de la DGA. A su vez, en febrero de 2010 el consultor dictó un seminario de un día diseñado específicamente para la DGA y destinado a informar y capacitar sobre el papel que desempeña la DGA en las investigaciones sobre instrumentos de defensa comercial.

Utilización de datos de exportación, si los hubiere, a fin de verificar datos de importación

15. Toda vez que sea posible, los datos aduaneros de importación de la DGA de la República Dominicana deberán cotejarse con otras fuentes nacionales e internacionales de estadísticas comerciales. Entre otras cosas, las estadísticas de importación podrán cotejarse con las de exportación del (de los) país(es) de exportación considerado(s). Por ejemplo, las estadísticas actualizadas de exportación de El Salvador pueden consultarse en línea mediante la búsqueda por subpartida arancelaria del producto en cuestión. Así, por ejemplo, los datos de la República Dominicana registrados en 2009 relativos a la importación de papel higiénico desde El Salvador bajo la subpartida 48.18.10.00 se cotejaron con las estadísticas de exportación disponibles en línea en el sitio Web de “El Salvador Trade”.³ En las secciones subsiguientes del presente Estudio, se señalan las fuentes nacionales de estadísticas de exportación correspondientes a El Salvador, Costa Rica, Guatemala y Colombia (los países objeto de investigaciones antidumping, antisubvenciones y sobre salvaguardias en relación con los productos comprendidos en el presente informe). Además de las fuentes nacionales de estadísticas comerciales, se pueden utilizar fuentes internacionales como la base Trade Map del Centro de Comercio Internacional,⁴ que se detallan en las secciones de este informe específicas para cada producto.

³ <http://www.elsalvadortrade.com.sv>

⁴ <http://www.trademap.org>