

Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

Questions Posed by the UNITED STATES Regarding the Notification of COSTA RICA¹

The following communication, dated 9 April 2003, has been received from the Permanent Mission of the United States.

1. Are the Central American Regulations on Unfair Business Practices (“Regulations”) the sole legal authority by which Costa Rica can impose anti-dumping or countervailing duties?
2. Article 4 of the Regulations states that “[a]ll substantive aspects relating to unfair business practices shall be determined by the provisions of the instruments referred to in article 2 of those Regulations”. These instruments include the AD and SCM Agreements. Could Costa Rica explain whether it believes any requirements of the AD and SCM Agreements are *not* binding on Costa Rica pursuant to Article 4 of the Regulations?
3. Article 6 of the AD Agreement and Article 12 of the SCM Agreement contain provisions concerning procedures that investigating authorities must use in conducting anti-dumping and countervailing duty investigations. There are several provisions of these Articles that are not expressly addressed in the Regulations. These include:
 - (a) The requirement that authorities provide interested parties the opportunity to present information orally (Articles 6.2 of the AD Agreement and 12.2 of the SCM Agreement)
 - (b) The requirement that authorities provide timely opportunities for interested parties to see all information relevant to the presentation of their cases (Articles 6.4 of the AD Agreement and 12.3 of the SCM Agreement)
 - (c) The requirement that authorities protect confidential information (Articles 6.5 of the AD Agreement and 12.4 of the SCM Agreement)
 - (d) The requirement that authorities inform all interested parties of the essential facts under consideration before a final determination is made (Articles 6.9 of the AD Agreement and 12.8 of the SCM Agreement)

¹ G/ADP/N/1/CRI/2-G/SCM/N/1/CRI/2

Does Costa Rica consider these requirements of the AD and SCM Agreements ones pertaining to “substantive aspects” of investigations that are binding on Costa Rica pursuant to Article 4 of the Regulations? If not, how does Costa Rica implement these requirements of Article 6 of the AD Agreement and Article 12 of the SCM Agreement?
