

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/ADP/W/370**

**G/SCM/W/380**

16 July 1996

(96-1524)

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

Original: Spanish

QUESTIONS POSED BY VENEZUELA CONCERNING THE NOTIFICATION  
PROVIDED BY SAINT LUCIA<sup>1</sup> OF LAWS AND REGULATIONS  
UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 16 April 1996, has been received from the Permanent Mission of Venezuela.

Questions posed by Venezuela Concerning the Anti-Dumping and  
Countervailing Measures Legislation of Saint Lucia

Venezuela has the following questions concerning the Anti-Dumping and Countervailing Measures legislation notified by Saint Lucia in documents G/ADP/N/1/LCA/1 and G/SCM/N/1/LCA/1 dated 24 November 1995.

1. General

- (a) Could the delegation of Saint Lucia say whether the Marrakesh Agreement and its associated Agreements, including the Anti-Dumping Agreement (A-D Agreement) and the Agreement on Subsidies and Countervailing Measures (SCM Agreement), form part of Saint Lucia's domestic legislation?
- (b) What is the status of the WTO's A-D and SCM Agreements within Saint Lucia's domestic legislation and, in particular, in relation to the A-D and SCM legislation previously promulgated and any legislation which might be promulgated subsequent to the said Agreements?
- (c) How are the WTO's A-D and SCM Agreements applied and incorporated in Saint Lucia's domestic legislation?
- (d) Is it intended to introduce new A-D and SCM domestic legislation in order to implement the WTO's A-D and SCM Agreements? If so, what status will the new legislation have in relation to the WTO's A-D and SCM Agreements and other pre-existing legislation?

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<sup>1</sup>G/ADP/N/1/LCA/1-G/SCM/N/1/LCA/1.

2. Substantive aspects of the A-D and SCM legislation notified by Saint Lucia

2.1 Like goods, domestic industry, elements of injury, *de minimis* criteria, etc.

(a) Observations

Saint Lucia's A-D and SCM legislation appears to be inconsistent with the corresponding Agreements of the WTO, since it contains nothing concerning such aspects as like goods, domestic producers of like goods, criteria for determining injury or threat of injury, *de minimis* criteria, initiation of investigations, etc.

Questions

Could the delegation of Saint Lucia say whether the A-D and SCM investigating authority takes these aspects into account? Is there some additional legal instrument that deals with the above-mentioned aspects or is one to be adopted? Will the delegation of Saint Lucia confirm that these aspects are governed by the provisions of the WTO's A-D and SCM Agreements?

2.2 Competent authorities

(a) Observations

It is noted that Saint Lucia's A-D and SCM legislation grants wide discretion to the investigating and decision-making authority. This is the case with Articles 3.1, 3.1(b), 4.3 and 9.3 (... appears to the Minister or if he thinks fit ...), and 8.3 (adjustments as may appear to him to be proper).

Questions

Could the delegation of Saint Lucia say whether there exists any additional A-D and SCM legislation establishing clear and objective standards which limit the powers of the investigating and decision-making authority or whether such legislation is to be adopted? Will the delegation of Saint Lucia confirm that its investigating authorities are governed by the objective standards established in the provisions of the WTO's A-D and SCM Agreements?

2.3 Determination of subsidy

(a) Observations

It is noted that the SCM legislation of Saint Lucia does not appear to establish specificity criteria as provided for in Article 2 of the WTO Subsidies Agreement.

Question

Does the SCM legislation of Saint Lucia contain or take into account specificity criteria for the determination of the existence of subsidies, as set out in Article 2 of the WTO Subsidies Agreement?