

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

Original: Spanish

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

Replies of Argentina<sup>1</sup> to Questions  
from Mexico<sup>2</sup>

The following communication, dated 14 October 1999, has been received from the Permanent Mission of Argentina.

**Replies to questions from Mexico concerning Decree 1326/98 regulating the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures, incorporated in Law No. 24,425.**

**1. How will the investigating authority resolve a conflict between the WTO Agreements and the notified rules and procedures? Which instrument takes precedence?**

First of all, there are no conflicts between the WTO Agreements and our national provisions regulating the Agreements. The decrees are issued to regulate the laws. In that regard, they establish the necessary time-frames for the procedure, the areas of competence of the different technical bodies involved and the authorities responsible for implementing the resolutions, depending on the body in question.

One clear example is the duration for investigations set by the WTO Agreement. In that case, Decree No. 1326/98 regulates the different time limits to be respected at different stages of the procedure. They are all coordinated to ensure that they do not exceed the maximum time-limit set by the applicable Agreement.

Consequently, the prevailing instrument will always be the WTO Agreements incorporated into national law by virtue of Law No. 24,425.

**2. Article 15, second paragraph: How many exporters would be considered to constitute a particularly high number, so that a single notification can be made to the authorities of the exporting country?**

The second paragraph of article 15 states that "... it shall provide to the known exporters and authorities of the exporting country, which so request, the full text of the application submitted (...), which shall also be made available to the other interested parties upon request. Where the number of

<sup>1</sup> G/ADP/N/1/ARG/1/Suppl.2-G/SCM/N/1/ARG/1/Suppl.2

<sup>2</sup> G/ADP/Q1/ARG/7-G/SCM/Q1/ARG/7

exporters involved is particularly high, the full text of application shall only be provided to the authorities of the exporting country".

Each investigation is treated as a separate case. Therefore, they would each have to be evaluated to determine whether the number of exporters involved would require the authority to provide each one with the full text of the application. If that proves to be too difficult, and it is felt that the situation could lead to arbitrariness, a copy of the entire text would be sent to the authorities of the exporting country.

Moreover, the proceedings are available to interested parties in the offices of the investigating technical bodies where interested parties can keep abreast of the progress of the investigation at every stage.

**3. Articles 21 and 22: Is the list of the authority's officials who will carry out an on-the-spot investigation or verification notified to the interested parties?**

**Can an external consultant (not an official of the investigating authority) assist in an on-the-spot investigation or verification?**

The list of officials appointed by the Authority to conduct an on-the-spot investigation is notified to the firm where the verification will be carried out as well as the authorities of the exporting country concerned.

A non-governmental expert may assist in an on-the-spot investigation or verification but only under the guidance of government officials. That alternative is provided for under Annex 1, paragraph 2 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

**4. Article 24: What are the conditions required by the authority to enable a thorough analysis to be made of the request for confidentiality of information submitted by the parties?**

When confidential information is submitted, the parties must justify the request for such treatment by the implementing authority. They must include a non-confidential summary of the information presented which is attached to the file, for perusal by all interested parties.

Once the requirements for making the application are fulfilled, the technical bodies study each specific case as the information can vary enormously. Generally, it is information which, if obtained by the other parties, could be prejudicial to the firm submitting it.

**Are the reports on the existence of injury, dumping and causal link as well as the technical opinions, analytical tables etc. prepared by the investigating authority attached to the public record?**

All the information released by the technical bodies with respect to the areas that fall within their competence, that is, the Unfair Competition Department of the Undersecretariat for Foreign Trade on the existence of dumping, the National Commission for Foreign Trade on the existence of injury and the causal link between both factors, as well as the opinions handed down by the Legal Department are attached to the investigation application file or to the investigation itself in the event that the Authority responds favourably to the opening of the investigation.

**Is there any mechanism whereby the representative and or legal counsel of an interested party may have access to information classified as confidential and, if so, what requirements must be satisfied?**

There is no mechanism in the Argentine legislation which allows for the representative or legal counsel of the other parties to have access to confidential information submitted by one of the parties.

The interested parties may examine only the non-confidential summary of the information submitted as confidential, which is attached to the proceedings.

---