

WORLD TRADE ORGANIZATION

RESTRICTED

G/ADP/Q1/IND/4

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14 April 1997

(97-1586)

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 from the UNITED STATES to INDIA¹

The following communication, dated 9 April 1997, has been received from the Permanent Mission of the United States.

1. Please describe whether and how the Appellate Tribunal is independent from the authorities responsible for the antidumping or countervailing duty determination or review that is subject to appeal.
2. Subsection 6 of Section 129C states that the Appellate Tribunal shall have power to regulate its own procedures and the procedure of the Benches. Will such procedures be published and available to all interested parties?
3. Will all interested parties who participated in the administrative proceeding subject to appeal have access to review by the Appellate Tribunal? What procedures must an interested party follow in order to bring an appeal before the Appellate Tribunal?
4. Are there any limitations on what can be appealed? For example, can questions concerning both injury and dumping/subsidization be appealed, and can questions of both law and fact be appealed?
5. Is the Appellate Tribunal the final level of review or can an interested party appeal the decision of the Appellate Tribunal to a higher level tribunal?
6. Could you please clarify the meaning of subsections 4(a) and (b) of Section 129C concerning the circumstances under which a single member of the Appellate Tribunal may decide an appeal. In circumstances where a single member of the Appellate Tribunal may dispose of an appeal, is en banc review available?
7. What is the standard of review of the Appellate Tribunal and does it vary depending on the nature of the issue on appeal?

¹G/ADP/N/1/IND/2/Suppl.1-G/SCM/N/1/IND/2/Suppl.1.