

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/ADP/Q1/URY/1**

**G/SCM/Q1/URY/1**

10 March 1997

(97-0954)

**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 URUGUAY<sup>1</sup> to questions posed by AUSTRALIA, HONG KONG and the UNITED STATES<sup>2</sup>

The following communication, dated 24 February 1997, has been received from the Permanent Mission of Uruguay.

The Permanent Mission of Uruguay considers that the general aspects of the questions by Australia, the United States and Hong Kong can be answered with the following explanation about the Uruguayan legal system.

In Uruguay, when an international treaty or agreement is adopted by Parliament it becomes part of Uruguay's positive law, because the treaty or agreement is a law. In this respect, the procedures for the adoption of international agreements are exactly the same as those used for the adoption of any other law.

In the case in point, the Anti-Dumping and the Subsidies and Countervailing Measures Agreements were adopted under Law No. 16671 of 13 December 1994, which approved the Uruguay Round Agreements. Accordingly, they form part of the Uruguayan legal system and are directly applicable by all domestic authorities, including the Judiciary. This Law entered into force on 1 January 1995.

Consequently, the obligation set out in Article 18.4 of the Anti-Dumping Agreement and in Article 32.5 of the Subsidies and Countervailing Measures Agreement has been fulfilled.

Again, the adoption of Law 16671 means that, as far as subsidies and countervailing measures are concerned, the provisions of the Uruguay Round Agreements revoke the previous legal provisions in this regard, in other words, the Tokyo Round Subsidies Code.

---

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

<sup>2</sup>G/ADP/W/119-G/SCM/W/128, G/ADP/W/96-G/SCM/W/105 and G/ADP/W/118-G/SCM/W/127.

With reference to anti-dumping, there was no legislation prior to 1 January 1995.

Without prejudice to this system of direct incorporation, a process of formulating regulations on the application of anti-dumping duties and countervailing measures is under way. The regulations, which obviously rank lower than the law that adopted the Uruguay Round Agreements, will necessarily comply with the provisions contained in the Agreements.

As to the questions about the possibility of recourse to judicial bodies, the National Constitution stipulates that anyone whose direct right or interest is affected by an administrative act may, after procedures with the relevant administrative authorities have been exhausted, bring suit in the Administrative Court. This Court is able to rescind, either wholly or in part, any administrative act by the national administration or the local administrations.

Even in instances in which the Administrative Court does not set aside an administrative act, it may determine the existence of injury and open the way for financial compensation for the claimant.

As to the questions about the body or bodies for investigating, notifying and applying anti-dumping duties or countervailing measures, while there are no specific procedures at the present time, the possibility does exist of resorting to the application of general administrative and judicial procedures. Any procedure undertaken on the basis of the Uruguay Round Agreements, as we have already said, constitutes a law for domestic purposes.

Lastly, with reference to question 6 by the United States, the answer is that there is no specific provision governing such a possibility.