

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

Original: English

QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED BY  
COSTA RICA<sup>1</sup> OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 14 November 1995, has been received from the Permanent Mission of Korea.

1. General Questions

1. In cases where there are no relevant provisions in the domestic legislation, does the WTO Agreement apply?

2. If the provisions of the existing domestic legislation do not conform to the WTO Agreement, do the provisions of the WTO Agreement apply?

2. De Minimis

Article 21 of the new regulation does not reflect the part of the Agreement that requires, in Article 5.8, immediate termination in cases where the dumping margin is less than 2 per cent or the volume of dumped imports from a particular country accounts for less than 3 per cent of imports in the importing country. Article 21 states only the amount of 1 per cent threshold for termination of the investigation.

What is Costa Rica's position on this point?

3. Provisional measures

3.1 Contrary to the new regulation of Article 33 in Costa Rica's legislation which permits the imposition of provisional measures at any time in the course of the investigation, Article 7.3 of the Agreement provides that provisional measures shall not be applied sooner than 60 days from the date of initiation of the investigation.

This can retard free trade where the investigation authority abuses its power of discretion for purposes other than preventing unfair business practices.

---

<sup>1</sup>G/ADP/N/1/CRI/1-G/SCM/N/1/CRI/1

Would Costa Rica agree that the new Article 33 has become more restrictive than Article 7.3 of the Agreement?

- 3.2 Article 7.4 of the Agreement limits the application of provisional measures to as short a period as possible, in any event, not exceeding maximum 6 months. But Article 34 of the new regulation allows application up to a maximum of 12 months in special cases.

Would Costa Rica explain what circumstances could constitute special cases?