

WORLD TRADE ORGANIZATION

RESTRICTED

G/ADP/W/201

G/SCM/W/208

28 November 1995

(95-3792)

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

Original: English

QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED
BY COSTA RICA¹ OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 20 November 1995, has been received from the Office of the United States Trade Representative.

1. Does your country have an organization to administer the anti-dumping or countervailing duty laws? If so, does the organization have any administrative guidelines for administering these laws?
2. Does your country have any outstanding anti-dumping or countervailing duty orders?
3. What provisions have been made for judicial review of anti-dumping or countervailing duty actions?

Third Country Prices in A-D comparisons

4. Article 6(1)(b) of the Regulations defines the third country price that is usable in the absence of a comparable home market price as, "the highest comparable export price of an identical or like product". Article 2.2 of the A-D Agreement requires that the third country price be both "comparable" and "representative". Please explain how Costa Rica will implement the "representative" requirement.

New Shippers

5. There is no provision in the Regulations for "new shipper" reviews as required by Article 9.5 of the A-D Agreement. Please explain whether such reviews will be conducted, and, if so, whether A-D duties will be levied against new shippers during new shipper reviews.

Specificity

6. Article 3 of the Regulations provides that countervailing duties may be imposed in the case of subsidies. However, Article 1.2 of the SCM Agreement provides that a subsidy shall be subject to the provisions of Part III or V of the SCM Agreement, "only if such a subsidy is specific in accordance

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with the provisions of Article 2". Please explain whether and how you intend to implement this requirement.

Requirements of the Petition

7. Article 23 of the Regulations requires, inter alia, that a petition include the "General Particulars of the complainant". Please define this phrase, with reference to Article 5.2(i) of the A-D Agreement and Article 11.2(i) of the SCM Agreement.

Judicial Review

8. The Regulations contain no explicit provision for judicial review of A-D or CVD actions. Article 13 of the A-D Agreement and Article 23 of the SCM Agreement require that each member provide for judicial review of such actions. Can you clarify whether independent judicial review of A-D and CVD determinations is available in Costa Rica?