

WORLD TRADE ORGANIZATION

RESTRICTED

G/ADP/W/294

G/SCM/W/302

5 March 1996

(96-0779)

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

Original: Spanish

REPLIES TO QUESTIONS POSED BY KOREA¹ CONCERNING THE NOTIFICATION OF LAWS AND REGULATIONS OF CUBA²

The following communication, dated 15 February 1996, has been received from the Permanent Mission of Cuba.

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?**

Replies

Under Article 90(m) of the Constitution of the Republic of Cuba, on 9 February 1995 the Council of State adopted the proposal of the Council of Ministers ratifying the Agreement Establishing the World Trade Organization.

The Cuban legal system is codified, based on the principles of Roman law. In accordance with the constitutional provisions in force, an international agreement when ratified by the Council of State is incorporated in Cuban law on equal terms with other legal provisions.

The entry into force of Decree-Law No. 124 before the WTO Agreement does not alter the fact that the provisions established by the Organization are binding at national level. Furthermore, they do not conflict; they complement and supplement each other.

As stated previously, the WTO Anti-Dumping Agreement has the force of law in Cuba.

¹G/ADP/W/166-G/SCM/W/173.

²G/ADP/N/1/CUB/1-G/SCM/N/1/CUB/1-G/SG/N/1/CUB/1 + G/ADP/N/1/CUB/1/Suppl.1.

Question

- 3. Could Cuba tell us about the Cuban Government's schedule, if any, to enact anti-dumping and countervailing legislation?**

Reply

The competent authorities (the Ministry of Finance and Prices and the Ministry of Foreign Trade) are working on the preparation of specific legislation on this subject, and this is part of one whole review of Cuban trade policy resulting from its adjustment to the new conditions for the development of Cuban foreign trade. A working objective of both Ministries in 1996 is to complete this legislation and submit it for consideration by the Government.

The responsibilities of the Cuban administrative competent authorities in such matters will be defined in the specific legislation. The Ministry of Foreign Trade is expected to be responsible for investigating and determining injury, and the Ministry of Finance and Prices for imposing the appropriate measure and overseeing its implementation. In the meantime, these authorities will act jointly.

Question

- 4. Under the current circumstances in which there exist no laws or regulations concerning anti-dumping or countervailing measures, how will the Cuban Government address such potential matters as material injury to a domestic industry caused by dumped or subsidized imports?**

Reply

Under the Cuban legal system, there is no conflict between domestic legislation and the WTO Agreements, since the latter has been incorporated in national legislation. Domestic legislation is not specific, and as such is supplemented by the international treaties to which Cuba is party or which Cuba has ratified.

Until it has specific legislation in these matters, the Republic of Cuba will refrain from adopting anti-dumping duties or countervailing measures. Should this be necessary on an exceptional basis, Cuba would in such cases apply the rules established in the relevant WTO Agreements.