

WORLD TRADE ORGANIZATION

RESTRICTED

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Committee on Anti-Dumping Practices

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Committee on Subsidies and Countervailing Measures

QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED BY THE GOVERNMENT OF ST. LUCIA¹ OF LAWS AND REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 3 April 1996, has been received from the Permanent Mission of Hong Kong.

1. St. Lucia's notification contains the Customs Duties (Dumping and Subsidies) Ordinance 1964, prior to the signing of the WTO Agreement in April 1994. Apparently numerous provisions of the WTO AD Agreement (the Agreement) are not reflected in St. Lucia's legislation and some provisions in St. Lucia's legislation may be at odds with the WTO provisions.

- (a) *What is the legal status of the Agreement in St. Lucia? Does it have the force of law? If the domestic legislation is in conflict with the Agreement, which will take precedence?*
- (b) *Are AD officials of St. Lucia required, legally or otherwise, to abide by the Agreement in the conduct of AD proceedings, or to consult the Agreement, for example on the interpretation of domestic legislation?*
- (c) *What steps has St. Lucia taken, and what further steps will it take, to ensure the conformity of its laws, regulations and administrative procedures with the Agreement, in accordance with Article 18.4?*
- (d) *How will St. Lucia ensure compliance with the Agreement before its laws are brought into total conformity with it?*
- (e) *If St. Lucia is contemplating adoption of new legislation in due course, what is the intended purpose and coverage? What is the legislative timetable?*

2. *What judicial review procedures has St. Lucia put in place in observance of its obligations under Article 13 (Judicial Review) of the Agreement?*

3. *What is St. Lucia's policy and law for the implementation of WTO Panel Reports?*

¹G/ADP/N/1/LCA/1-G/SCM/N/1/LCA/1.

4. Section 11 of the Ordinance enables the Administrator to make regulations for the Ordinance.

Have any regulations been made under Section 11 of the Ordinance? If yes, would they be notified in accordance with Article 18.5 of the Agreement?

5. Sections 10(1)(b) and (c) of the Ordinance provides for the ad valorem criteria for determination of the country in which goods are originated. Under Section 10(1)(c), the country producing only parts and components might be taken as the country in which goods are originated. Section 3(2)(b)(i) defines dumping with reference to the export price and the normal value regarding the country in which goods are originated.

- (a) *Suppose dumping has been found in respect of goods produced in country X and AD duties have been imposed. And suppose Country Y sourced parts and components from Country X and produced like products. Under Sections 10(1)(c) and 3(2)(b)(i), would it be possible to treat like products produced in Country Y as originating in Country X? If yes, would it be possible to subject Country Y to the same AD duties as Country X without full-fledged investigations pursuant to procedures prescribed in the Agreement on the export price and the normal value regarding Country Y and proof of dumping, injury and causal link?*
- (b) *If the answer to the second question of (a) is in the affirmative, how would St. Lucia reconcile Sections 10(1)(c) and 3(2)(b)(i) with its obligations under the Agreement particularly in the light of the concept of "like product" in Article 2.6? Does St. Lucia anticipate amendment in the light of its obligations under the Agreement?*