

WORLD TRADE ORGANIZATION

RESTRICTED

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

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QUESTIONS POSED BY VENEZUELA CONCERNING THE NOTIFICATION
PROVIDED BY BARBADOS¹ OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 16 April 1996, has been received from the Permanent Mission of Venezuela.

Questions Posed by Venezuela Concerning the Anti-Dumping and
Countervailing Measures Legislation of Barbados

Venezuela has the following questions concerning the Anti-Dumping and Countervailing Measures Legislation notified by Barbados in documents G/ADP/N/1/BRB/1 and G/SCM/N/1/BRB/1 dated 30 October 1995.

1. GENERAL

- (a) Could the delegation of Barbados say whether the Marrakesh Agreement and its associated Agreements, including the Anti-Dumping Agreement (A-D Agreement) and the Agreement on Subsidies and Countervailing Measures (SCM Agreement), form part of the domestic legislation of Barbados?
- (b) What is the status of the WTO's A-D and SCM Agreements within the domestic legislation of Barbados and, in particular, in relation to the A-D and SCM legislation previously promulgated and any legislation which might be promulgated subsequent to the said Agreements?
- (c) How are the WTO's A-D and SCM Agreements applied and incorporated in the domestic legislation of Barbados?
- (d) Is it intended to introduce new domestic A-D and SCM legislation in order to implement the WTO's A-D and SCM Agreements? If so, what status will the new legislation have in relation to the WTO's A-D and SCM Agreements and other pre-existing legislation?

¹G/ADP/N/1/BRB/1-G/SCM/N/1/BRB/1.

2. SUBSTANTIVE ASPECTS OF THE A-D AND SCM LEGISLATION NOTIFIED BY BARBADOS

2.1 Like goods, domestic industry, elements of injury, *de minimis* criteria, etc.

(a) Observations

The A-D and SCM legislation of Barbados appears to be inconsistent with the corresponding agreements of the WTO, since it contains nothing concerning such aspects as like goods, domestic producers of like goods, criteria for determining injury or threat of injury, *de minimis* criteria, initiation of investigations, etc.

Questions

Could the delegation of Barbados say whether the A-D and SCM investigating authority takes these aspects into account? Is there some additional legal instrument that deals with the above-mentioned aspects or is one to be adopted? Will the delegation of Barbados confirm that these aspects are governed by the provisions of the WTO's A-D and SCM Agreements?

2.2 Competent authorities

(a) Observations

It is noted that the A-D and SCM legislation of Barbados grants wide discretion to the investigating and decision-making authority. This is the case with Articles 4(3)(a), 8(3) and 9(3) (... as may appear to the Minister to be proper).

Questions

Could the delegation of Barbados say whether there exists any additional A-D and SCM legislation establishing clear and objective standards which limit the powers of the investigating and decision-making authority or whether such legislation is to be adopted? Will the delegation of Barbados confirm that its investigating authorities are governed by the objective standards established in the provisions of the WTO's A-D and SCM Agreements?

2.3 Determination of subsidy

(a) Observations

It is noted that the SCM legislation of Barbados does not appear to establish specificity criteria as provided for in Article 2 of the WTO Subsidies Agreement.

Question

Does the SCM legislation of Barbados contain or take into account specificity criteria for the determination of the existence of subsidies, as set out in Article 2 of the WTO Subsidies Agreement?