



21 October 2019

(19-6863)

Page: 1/2

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

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS**

**QUESTIONS POSED BY THE UNITED STATES
REGARDING THE NOTIFICATION OF MAURITIUS¹**

The following communication dated 17 October 2019, is being circulated at the request of the delegation of the United States.

The United States thanks Mauritius for its notification of Trade (Anti-Dumping and Countervailing Measures) Act 2010 (the Act) establishing trade remedy procedures and poses the following questions:

Question 1

Section 20, paragraph (1) provides a list of relevant economic factors to be evaluated. Please explain if this list of factors is exhaustive or if any of these factors give decisive guidance.

Question 2

Section 22 indicates that, in making a determination of threat of material injury with respect to subsidized imports, the Investigating Authority shall consider, "in addition to sections 18 and 20," certain factors. Section 21 sets forth similar factors regarding a threat determination with respect to dumped imports, but does not include the requirement to also consider sections 18 and 20. Please explain why consideration of sections 18 and 20 is included in the factors for a threat analysis with respect to subsidized imports. In addition, please discuss whether the threat determinations under either section 21 or 22 "shall be based on facts and not merely on allegation, conjecture or remote possibility," as provided for in Article 3.7 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

Question 3

With regard to Section 32, paragraph (1)(a) of the Act, please clarify the process by which interested parties shall make themselves known to the Investigating Authority following initiation of an investigation or at any time during the investigation. For example, will the Investigating Authority require interested parties to register to retain their interested party rights in the proceeding? Please explain whether procedures and applicable deadlines for registering as an interested party will be provided in the notice of initiation or how interested parties may otherwise find this information.

Question 4

Section 38, paragraph (1) states that "the Investigating Authority shall establish and maintain a register relating to each investigation or review made under this Act." Please clarify whether the

¹ G/ADP/N/1/MUS/3 - G/SCM/N/1/MUS/3 (dated 25 March 2019). For the sake of efficiency, the United States suggests that committee review for this question be conducted in the Committee on Anti-Dumping Practices.

register or an index to the register will be accessible electronically or if it is only available for in-person inspection at the offices of the investigating authority.

Question 5

Please explain who has access to confidential information maintained in the register and whether that information may be used for purposes other than the investigation in which it was submitted.

Question 6

Section 32(3) indicates that initiation notices will be published "in the Gazette," but the Act does not indicate where other notices (*e.g.*, preliminary and final determinations) will be published. Please explain where any relevant notices related to anti-dumping, and subsidy/countervailing investigations will be published.

Question 7

Section 74, paragraph (1) notes that "{a}n aggrieved party may appeal to the Supreme Court against a final decision of the investigating Authority by way of judicial review." Please explain whether any other decisions or actions by the administering authority are subject to appeal, such as preliminary determinations, decisions in reviews, etc. Also, please elaborate on the specific steps of an appeal process (*i.e.*, process, timeline).
