

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 from CANADA  
to SINGAPORE<sup>1</sup>

The following communication, dated 7 April 1997, has been received from the Permanent Mission of Canada.

Q.1. Under *The Countervailing and Anti-Dumping Duties Act 1996*, various aspects of Singapore's anti-dumping/countervailing duty regime are to be prescribed by regulation, e.g.:

- subsection 2(5) - the amount of countervailable subsidy;
- subsections 4(2) and 19(2) - contents of a petition;
- subsections 7(1) and 21(1) - time period for the conduct of a preliminary determination;
- paragraph 10(3)(a) - *de minimis* amount of subsidy; and
- I. subsections 12(4) and 26(4) - period for the conduct of reviews.

When will these regulations be issued and notified?

Q.2. Is the reference to "domestic industry" in paragraph 4(8)(b) of the Act, (i.e., the 25% industry support requirement), based only on paragraph (a) of the definition of "domestic industry", (i.e., domestic producers as a whole), or can it also be based on paragraph (b) of the definition, (i.e., domestic producers whose collective output of like goods constitutes a major proportion of total domestic production)?

Q.3. Subsection 4(8) of the Act says that it operates notwithstanding any other provision in the section. Is the Minister therefore required to determine that the industry support thresholds in that subsection are satisfied before self-initiating an investigation under subsection 4(6)?

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<sup>1</sup>G/ADP/N/1/SGP/2-G/SCM/N/1/SGP/2.

Q.4. Subsections 7(2) and 21(2) of the Act state that the Minister "may" terminate an investigation if the Minister makes a negative preliminary determination. Does the Minister have discretion to continue an investigation in such cases?

Q.5. Are both the dumping/subsidy investigation and injury/causation inquiry conducted by the same authority or are these responsibilities bifurcated?

Q.6. The Act makes reference to "public interest" in several contexts, e.g.:

- paragraphs 4(3)(b) and 19(3)(b) - whether to initiate an investigation;
- subsections 9(4) and 23(4) - whether to impose countervailing/anti-dumping duties after an affirmative final determination;
- paragraphs 11(2)(b) and 25(2)(c) - whether to accept an undertaking; and
- subsections 12(1) and 26(1) - whether to conduct certain reviews.

What public interest factors might the Minister consider relevant in each of the above cases, (particularly in respect of whether or not to impose countervailing/anti-dumping duties after an affirmative final determination)?

Q.7. Regarding the treatment of sales below cost under subsection 15(4) of the Act, is the Minister required to apply footnotes 4 and 5 to the WTO Anti-Dumping Agreement in determining whether the sales in question were made "within an extended period of time" and "in substantial quantities"?