

WORLD TRADE ORGANIZATION

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G/ADP/Q1/EGY/2

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

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

Questions Posed by the EUROPEAN COMMUNITY Regarding the Notifications of EGYPT¹

The following communication, dated 26 March 1999, has been received from the Permanent Delegation of the European Commission.

Law No. 161/1998

Article 1

Does the second sentence of the indent concerning the "independent buyer" define the instances whereby the buyer is considered as independent to the importer in an exhaustive or indicative way?

Article 15

This Article lists the information to be provided by the applicant when alleging material retardation in the establishment of a new industry. Are the conditions of Article 15 an addition to those laid down in Article 14, second paragraph, or are they the only conditions to be fulfilled in case a material retardation of such industry is claimed? In particular, what information would be used to show that the dumped imports materially retarded the establishment of a domestic industry?

Article 20

What "special circumstances" (Article 5(6) of the WTO Anti-Dumping Code) are necessary before the Investigating Authority can self-initiate an investigation?

Article 21

"The Investigation Authority shall notify the governments of the countries concerned with the applications already accepted before proceeding to initiate an investigation". In this context, how does Egypt ensure compliance with the rules set out in Article 5(5) of the WTO Anti-Dumping Code? Furthermore, what obligations/precautions exist to prevent any publicizing of the application to any other party before a decision is taken to initiate an investigation?

¹ G/ADP/N/1/EGY/2 and G/SCM/N/1/EGY/2.

Article 34

To what extent must domestic sales be made at a loss before a constructed normal value can be used?

Article 42

Will applications alleging material retardation in the establishment of a new industry lead to an actual investigation, or simply an evaluation of the contents of the application?

Article 47

Will newcomer reviews be carried out on an accelerated basis?

Article 49/56

"Price undertakings shall be maintained for a reasonable period of time". What is meant by "a reasonable period of time"? Will Egypt ensure compliance with Article 11(5) of the WTO Anti-Dumping Code, i.e. that undertakings should also be subject to sunset reviews?

Article 51

How does the unconditional inclusion of a threat of material injury as justification for retroactive application of measures accord with Article 10(2) of the WTO Anti-Dumping Code?
