

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

Original: Spanish

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

Replies to Follow-Up Questions Posed by CANADA¹
Regarding the Notification of PARAGUAY²

The following communication, dated 17 May 2000, has been received from the Permanent Mission of Paraguay.

Question 1

Canada notes that Paraguay states, in G/ADP/N/1/PRY/1, that the Anti-Dumping Agreement was incorporated into Paraguay law by virtue of Law No. 444/94. Canada also notes that G/ADP/N/1/PRY/2, which provides official notification of Decree No. 15.286, indicates that Law No. 444/94 continues in effect. Could Paraguay explain how these two pieces of Paraguayan law relate to each other? Should a conflict arise between the interpretation of Law No. 444/94 (i.e. the "incorporated" Anti-Dumping Agreement) and Decree No. 15.286 as set out in G/ADP/N/1/PRY/2, which legal instrument would take precedence under Paraguayan law?

Reply

As a Member of the World Trade Organization (WTO), Paraguay incorporated the Results of the Uruguay Round of Multilateral Trade Negotiations into its legislation by means of Law No. 444/94, of 10 November 1994. The procedures for correcting unfair practices in international trade form part of these and are set forth in the Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures.

Decree No. 15.286 of 28 November 1996 designates the Ministry of Industry and Trade and the Ministry of Finance as the agencies responsible for the application of Law No. 444/94 with regard to the "Agreement on Implementation of Article VI of GATT 1994" and the "Agreement on Subsidies and Countervailing Measures", and establishes the relevant administrative procedures.

According to the National Constitution of Paraguay, enacted laws have priority over decrees. Law No. 444/94 thus constitutes the legal basis for the implementation of measures against unfair trading practices, and its provisions must be followed for those specific matters not referred to in Decree No. 15.286/96.

¹ G/ADP/Q1/PRY/5-G/SCM/Q1/PRY/5

² G/ADP/N/1/PRY/2-G/SCM/N/1/PRY/2

Question 2

Decree No. 15.286 as set out in G/ADP/N/1/PRY/2 indicates, in Article 3.8, that the Commission shall adopt internal regulations within three months of the entry into force of the Decree (i.e. 28 October 1996). What is the purpose of such regulations and will they also be notified to the Committee on Anti-Dumping Practices?

Reply

The Trade Defence Commission is the agency responsible for issuing recommendations concerning the administrative procedures applied and the appropriate steps to be taken. The internal regulations referred to in Article 3.8 are, as their name suggests, internal provisions designed to ensure that the Commission fulfils properly the functions assigned to it, and do not in any way alter the procedures established in Decree No. 15.286/96. Consequently, they will not be notified to the Committee on Anti-Dumping Practices.
