

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/ADP/Q1/KOR/3**

**G/SCM/Q1/KOR/3**

14 April 1997

(97-1569)

**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 TURKEY to KOREA<sup>1</sup>

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

Q.1. In accordance with Article 11.3 of the AD Agreement, "... any definitive anti-dumping duty shall be terminated on a date not later than five years from its imposition". Could the Korean authorities please clarify, if the statement of "expiry date is determined separately by the Ordinance of the Prime Minister" on page 3, Article 10, paragraph (8), means that the Korean authorities may establish an expiry date later than five years, from the imposition of duties?

Q.2. According to the provisions of Article 5.1 of the AD Agreement it is stated that, an investigation to determine the existence, degree and effect of any alleged dumping shall be initiated upon a written application by or on behalf of the domestic industry. How do you interpret the term "any person" stated in Article 4.2, paragraph (4) on page 3, in this context?

Q.3. Would you please clarify, in case of a conflict which of the following will prevail in application, the Ordinance of the Prime Minister or the AD Agreement?

Q.4. In Article 4.8, paragraph (9) of Act (page 9), it is stated that "If the customs collector, the heads of banks dealing with foreign exchange services, other agencies concerned, or interested organizations consider that an imported product has been dumped he shall notify ...". Does this statement mean that, these parties have a right to make application for the initiation of a dumping investigation? If so, is Korea of the view that this does not constitute a conflict with Article 5.1 of the AD Agreement?

Q.5. Article 8.1 of the AD Agreement states that, "Proceedings may be suspended or terminated without the imposition of provisional measures or anti-dumping duties upon receipt of satisfactory voluntary undertakings from any exporter to revise its prices or to cease exports to the area in question at dumped prices ...". In this context, would you please clarify if the statement of "or the export is to discontinue within six months" stated in Article 4.11, paragraph (2), on page 10 of Korean Legislation, considers the cessation of all exports of the product in question to Korea or only the cessation of the exports of the product at dumped prices?

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