

**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 EUROPEAN COMMUNITIES
Regarding the Notification of THAILAND¹

The following communication, dated 13 April 2000, has been received from the Permanent Delegation of the European Community.

While it is difficult to analyse the Thai Anti-Dumping and Countervailing Act B.E.2542 without the corresponding ministerial regulations dealing with its implementation, the EC would nevertheless like to pose the questions outlined below as an interim step.

PRESCRIBING FEES

Article 10 states: *‘Pertaining to petitions for anti-dumping investigations, countervailing investigations, undertakings, reviews, including other information requests, the Ministry of Commerce is authorized to issue notifications prescribing fees or expenses in the amount commensurable to such tasks.’*

Could Thailand please explain its pricing policy in relation to Article 10? Would an exporter submitting a review application also be expected to pay a fee? Will the fee or expense prescribed for a particular task be the same for all interested parties?

IMPOSING DUTIES IN CASE OF RETROACTIVE COLLECTION

Article 31 states that after initiation, *‘if there are reasonable grounds to believe that eventually the final anti-dumping duty may be collected retroactively...the Committee may assign the Customs Department to impose a duty on the subject merchandise imported during such period’.*

Could Thailand please explain how it reconciles this article with its obligations under Article 10 of the WTO Anti-Dumping Agreement, in particular paragraphs 10.6 and 10.7?

REJECTING INFORMATION

Article 28 appears to reflect Article 6.8 of the WTO Anti-Dumping Agreement. But could Thailand explain how it intends to implement the related provisions of Annex II of the WTO Anti-Dumping Agreement, in particular Annex II, paragraph 6?

¹ G/ADP/N/1/THA/4-G/SCM/N/1/THA/4

PUBLIC NOTICE AND EXPLANATION OF DETERMINATIONS

Whereas Article 39 requires the publication of a detailed notice of initiation, there appears to be no equivalent requirement to publish a public notice of any preliminary or final determination. Could Thailand please explain how it intends to comply with Article 12 of the WTO Anti-Dumping Agreement, in particular paragraph 12.2?
