

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

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5 AND 32.6 AND 12.6 OF THE AGREEMENTS**

Questions Posed by the UNITED STATES  
Regarding the Notification of KUWAIT<sup>1</sup>

The following questions, dated 27 September 2011, are being circulated at the request of the Delegation of the United States.

The United States thanks Kuwait for its notification regarding the Cooperation Council for the Arab States of the Gulf (GCC) Common law on Anti-Dumping, Countervailing Measures and Safeguards (hereinafter *GCC Common Law on AD, CVD and SG*) and poses the following questions:

1. Please clarify how the *GCC Common Law on AD, CVD and SG* are implemented in Kuwait's national laws. If there is a discrepancy between the *GCC Common Law on AD, CVD and SG* and Kuwait's national laws, which law shall prevail?
2. With regard to Article 3, Definitions, Permanent Committee (PC) and Article 9, Permanent Committee of the *GCC Common Law on AD, CVD and SG*, could Kuwait please clarify whether this Permanent Committee (PC) would be the administering authority for conducting the dumping, subsidies or surge of imports investigations as well as determining injury under the *GCC Common Law on AD, CVD and SG*? If the PC would not be analysing and determining dumping, subsidies or surge of imports investigations and injury to the domestic industry, could Kuwait please clarify which entity(ies) would be doing so?
3. With regard to Article 3, Definitions, Judicial Commission of the *GCC Common Law on AD, CVD and SG*, could Kuwait please explain the role of the Judicial Commission, how it will be established, and what role, if any, the Judicial Commission would play in relation to the appeals process described in Article 11, Protest and Appeal?
4. With regard to Article 5, Measures of the *GCC Common Law on AD, CVD and SG*, and in light of Members' obligations under Article VI(1) of the General Agreement on Tariffs and Trade (GATT) regarding whether imports from one country "cause or threaten{} material injury to an established industry in the territory of a contracting party or materially retard{} the establishment of a domestic industry," could Kuwait please explain how the standard "caused of delay or obstruction to GCC industry and there is causal link" in Article 5 is consistent with GATT Article VI(1)?

<sup>1</sup> G/ADP/N/1/KWT/1-G/SCM/N/1/KWT/1-G/SG/N/1/KWT/1.

5. In Article 7, Implementation of the Common Law and Its Rules of Implementation of the *GCC Common Law on AD, CVD and SG*, Kuwait notes "The ministerial committee, the permanent committee and the technical secretariat are each one within its competence, responsible for implementing this Law and its rules of implementation."

- When will Kuwait notify each committee's or secretariat's rules on implementation for the relevant portion of the *GCC Common Law on AD, CVD and SG* so that interested parties better understand the roles and responsibilities of each group, including how decisions of each committee or secretariat may be appealed?

6. With regard to Article 8, Competence of Ministerial Committee and Article 9, Permanent Committee of the *GCC Common Law on AD, CVD and SG*, are the decisions of the Permanent Council and Ministerial Committee final or are decisions made by the Permanent Council and Ministerial Committee subject to approval by another entity? If so, which entity must approve those decisions?

7. With regard to Article 8 of the *GCC Common Law on AD, CVD and SG*, could Kuwait please clarify when all the rules and regulations referenced in Article 8 will be promulgated?

8. Article 11.2, Protest and Appeal of the *GCC Common Law on AD, CVD and SG*, briefly discusses the rights of parties to appeal decisions. However, it states that "The complaining rejected party can appeal to the judicial committee in Member States within 30 days from the date of notification."

- Under what laws or regulations will appeals in Member State judicial committees be conducted?
- Do decisions by the judicial committee of a Member State supersede determinations by the Ministerial Committee?
- Does a decision by an individual Member State's judicial committee apply to AD, CVD, and SG practice in all Member States?

9. With regard to Article 12, Confidentiality of information of the *GCC Common Law on AD, CVD and SG*, could Kuwait please clarify whether confidential treatment of submitted information will apply to just the information being submitted and claimed as confidential or to the entire document which may contain partial confidential information?

10. With regard to Article 15, Entry into force of the *GCC Common Law on AD, CVD and SG*, please provide the name and date of the official gazette or publication in which Kuwait published this law. If this publication is publicly available on the internet, please provide a website address for the publication or gazette.

11. According to the *GCC Common Law on AD, CVD and SG*, would an antidumping, countervailing duty or safeguard measure apply to imports into all members of the GCC or may such measures be applied to imports into individual members of the GCC?