

GENERAL AGREEMENT ON

RESTRICTED

SCM/W/201

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TARIFFS AND TRADE

Special Distribution

Committee on Subsidies and
Countervailing Measures

RESPONSES TO SUPPLEMENTARY QUESTIONS FROM
CANADA ON NEW ZEALAND'S COUNTERVAIL LEGISLATION

The following are responses to supplementary questions posed by Canada on New Zealand's legislation governing countervailing duties.

References to "the Act" in the responses, are to the Dumping and Countervailing Duties Act 1988, which has replaced Part VA of the Customs Act 1966 (SCM/1/Add.15/Rev.2) as the legislation governing anti-dumping and countervailing duty actions. The text of the Act has been circulated in SCM/1/Add.15/Rev.3.

The New Zealand authority responsible for the administration of the Act is the Ministry of Commerce. The Ministry is cognizant of New Zealand's obligations as a signatory to the Subsidies Code, and as a matter of policy applies the Act consistently with those obligations.

It is not the practice of the New Zealand authorities to provide responses of a hypothetical nature in relation to matters which may be the subject of judicial review. This position is reflected in the responses to a number of the questions raised.

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Question 1:

The response supplied by New Zealand officials indicates that governments of the countries of export will be advised when the complaint is adequately documented. Since this commitment is not part of the text of the legislation, will it be contained in a statement of administrative intent or administrative guidelines? If a statement of either kind is contemplated, will New Zealand submit it to the Committee for review?

Response:

In fact, the commitment to advise the governments of the countries of export is provided for in s.10(6) of the Act, which requires that such governments be given a reasonable opportunity for consultations on the situation.

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Question 2:

The reply given in answer to our queries concerning sunset clauses states that an administrative decision has been taken to the effect that the Minister will review the need for the countervail duty after two years. As with the question above, since this commitment is not contained in the legislation, will it form part of a statement of administrative intent or administrative guidelines?

Response:

It is not proposed to make any regulations or publish any administrative guidelines or statements of administrative intent in relation to the Dumping and Countervailing Duties Act 1988.