

**PREPARATORY COMMITTEE  
FOR THE  
WORLD TRADE ORGANIZATION**

RESTRICTED  
PC/W/23  
6SS/W/6  
7 December 1994

(94-2707)

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IMPLEMENTATION CONFERENCE  
8 DECEMBER 1994

TRANSITIONAL ARRANGEMENTS

COMMITTEE ON ANTI-DUMPING PRACTICES

Draft Decision

The PREPARATORY COMMITTEE FOR THE WORLD TRADE ORGANIZATION

*invites* the Parties to the Agreement on Implementation of Article VI of the General Agreement of Tariffs and Trade to take the following decision:

The Parties to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (hereinafter "the Agreement"),

*Recalling* the Ministerial Decision of 15 April 1994 on the Application and Review of the Understanding on Rules and Procedures Governing the Settlement of Disputes,

*Further recalling* that Parties to the Agreement have the right to withdraw from the Agreement at any time, said withdrawal to take effect upon the expiration of sixty days from the day on which written notice is received by the Director-General to the CONTRACTING PARTIES to GATT 1947;

*Agree* that, in the event of withdrawal by any Party from the Agreement taking effect on or after the date of entry into force for it of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter "WTO Agreement"), or in case of termination of the Agreement while this Decision is in effect:

- (a) the Agreement shall continue to apply with respect to any anti-dumping investigation or review which is not subject to application of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 pursuant to the terms of Article 18:3 of that Agreement.
- (b) Parties that withdraw from the Agreement shall remain Members of the Committee on Anti-Dumping Practices exclusively for the purpose of dealing with any dispute arising out of any anti-dumping investigation or review identified in paragraph (a).
- (c) In case of termination of the Agreement during the period of validity of this Decision the Committee on Anti-Dumping Practices shall remain in operation for the purpose of dealing with any dispute arising out of any anti-dumping investigation or review identified in paragraph (a).

- (d) The rules and procedures for the settlement of disputes arising under the Agreement applicable immediately prior to the date of entry into force of the WTO Agreement shall apply to disputes arising out of any investigation or review identified in paragraph (a). With respect to such disputes for which consultations are requested after the date of this Decision, Parties and panels will be guided by Article 19 of the Understanding on Rules and Procedures Governing the Settlement of Disputes in Annex 2 of the WTO Agreement.
- (e) Parties will make their best efforts to expedite to the extent possible under their domestic legislation investigations and reviews referred to in paragraph (a), and to expedite procedures for the settlement of disputes so as to permit Committee consideration of such disputes within the period of validity of this Decision.

This Decision shall remain in effect for a period of two years after the date of entry into force of the WTO Agreement. Any Party to the Agreement as of the date of this Decision may renounce this Decision. The renunciation shall take effect upon the expiration of sixty days from the day on which written notice of renunciation is received by the person who performs the depository function of the Director-General to the CONTRACTING PARTIES to GATT 1947.