

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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Committee on Anti-Dumping Practices

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QUESTIONS SUBMITTED BY CANADA ON
THE LEGISLATION OF COLOMBIA

(ADP/1/Add.29/Rev.1)

The following communication, dated 18 January 1994, has been received from the Permanent Mission of Canada.

1. The legislation reproduces some of the key elements of the Anti-Dumping Code but does not address a number of key procedural issues. For example, the legislation does not deal with the use of price undertakings, the imposition and collection of duties (including recourse to provisional measures), the review of dumping and injury determination, or the retroactive application of duties. In addition, a number of key concepts are not given precise definitions (e.g. what is a reasonable level of profit and GS&A, how does one determine if sales are in the ordinary course of trade?).
2. In order to ensure the transparent administration of its anti-dumping system, does the Colombian Government intend to publish rules or regulations providing more detailed information relating to the elements cited above?
3. More specifically, Article 10 of the Colombian legislation lists most of the factors found in Article 3 of the Anti-Dumping Code but fails to specifically require an examination of profits. Could the Colombian Government explain such an omission?
4. Article 14 of the Colombian legislation provides that the initiation of an investigation may be requested by "any domestic producer" ("*cualquier productor nacional*"). The legislation does not specify, as required by Article 5:1 of the Anti-Dumping Code, that an investigation "shall normally be initiated upon a written request by or on behalf of the industry affected". How does the Colombian legislation comply with the Code requirement that the representativeness of the domestic petitioners be verified by the competent investigating authority before the initiation of an investigation?
5. How does Colombian legislation comply with Article 7 of the Code which deals with price undertakings, specifically,
 - Under the Code, parties may agree to price undertakings at any time during the investigation. Why does Colombian legislation require that parties wait until after the preliminary determination?

- Colombian legislation does not specify the duration of price undertakings. Will there be regulations specifying when price undertakings will be reviewed?
- Could the Colombian delegation clarify whether the sunset provisions also apply to price undertakings?