

WORLD TRADE ORGANIZATION

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21 December 2001
(01-6430)

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

Original: Spanish

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

URUGUAY

Supplement

The following communication, dated 6 December 2001, has been received from the Permanent Mission of Uruguay.

The Permanent Mission of Uruguay to the World Trade Organization (WTO) presents its compliments to the Central Registry of Notifications of the WTO Secretariat and has the honour to submit herewith, pursuant to Article 18.5 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement) and Article 32.6 of the Agreement on Subsidies and Countervailing Measures, the text of Decree 470/001, published in the Official Journal on 5 December 2001.

OFFICIAL JOURNAL
5 December 2001

Decree 470/001

(Illegible)

MINISTRY OF ECONOMY AND FINANCE
MINISTRY OF FOREIGN AFFAIRS
MINISTRY OF INDUSTRY, ENERGY AND MINING
MINISTRY OF LABOUR AND SOCIAL SECURITY
MINISTRY OF LIVESTOCK, AGRICULTURE AND FISHERIES

Montevideo, 4 December 2001

HAVING REGARD TO Law No. 16,671 of 13 December 1994 approving the Agreements signed in the Uruguay Round of multilateral trade negotiations, contained in the Final Act signed in Marrakesh on 15 April 1994;

WHEREAS the aforesaid agreements include the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures;

CONSIDERING that the scope of some of the concepts related to the implementation of the said trade policy instruments need to be specified;

MINDFUL OF THE ABOVE;

THE PRESIDENT OF THE REPUBLIC

HEREBY DECREES:

ARTICLE 1: For the purpose of implementing the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures, referred to above, centrally planned economies, regardless of the name by which they are designated, shall be deemed, subject to contrary evidence, to be those the cost and pricing structures of which do not reflect market principles, or in which the enterprises of the sector or industry under investigation have cost and pricing structures which are not determined in accordance with such principles. Hence, in centrally planned economies, sales of the identical or like product in the country in question do not reflect the market value or the value of the factors of production used in manufacturing an identical or like product in a third country with a market economy.

ARTICLE 2: In order to determine whether an economy is a market economy, the following criteria, *inter alia*, shall be taken into account: the currency of the foreign country under investigation must be generally convertible on the international currency markets; salaries in the said foreign country must be established through free negotiation between workers and employers; decisions relating to prices, cost and supply of inputs, including raw materials, technology, production, sales and investment, in the sector or industry under investigation, must be taken in response to market signals without any significant State interference; the industry under investigation must have only

one set of accounting records which it uses for all purposes and which is audited according to generally accepted accounting criteria; and the production costs and financial situation of the sector or industry under investigation must not be distorted in relation to the depreciation of assets, bad debts, barter trade and debt compensation or other factors considered relevant.

ARTICLE 3: For transmittal, publication, etc.,
BATLLE, ALBERTO BENSION, DIDIER OPERTTI, SERGIO ABREU, ALVARO ALONSO,
MARTIN AGUIRREZABALA
