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**Committee on Subsidies
and Countervailing Measures**

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IMPLEMENTATION-RELATED ISSUES REFERRED TO THE COMMITTEE AT THE REQUEST OF THE CHAIRMAN OF THE GENERAL COUNCIL ON 31 JULY 2001

Review by the SCM Committee of the Provisions of the
Agreement on Subsidies and Countervailing Measures
Regarding Countervailing Duty Investigations

Communication from Brazil

The following communication, dated 20 September 2001, has been received from the Permanent Mission of Brazil.

We thank you for your very useful non-paper, in which you summarize the discussions of, among others, the "countervailing duty investigation procedures" proposals, which Brazil and India have submitted for technical analysis by the Committee.

At the meeting held on 18 September 2001, the Brazilian delegation presented some preliminary reactions to the questions contained in that document. My capital is giving thorough consideration to all the several aspects raised, especially the possible overlaps of our proposal with the Indian document that was also recently circulated. To the extent possible, we would favour some sort of rationalization of the two proposals, in order to make it easier for the Committee to analyse them. Some difficulties might, however, arise in this exercise, since although the main categories addressed in the two documents may be identical, in most of the cases, the angles each country touched upon might differ.

As regards your question about which issues arise due to silence or ambiguity of the text of the Agreement, and which would require amendment to existing provisions, it would seem that our proposals for the inclusion of additional guidelines to Article 14 and provisions related to sampling might be considered to require some sort of amendment to the Agreement, whereas the other points could probably be solved by means of interpretation of lacunae in the text of the Agreement.

With respect to the application to the Subsidies Agreement of existing rules of the Anti-Dumping Agreement, in what concerns sampling and facts available, we believe these current rules on Anti-Dumping are a good starting point for the discussions. We should not, however, rule out the possibility of other provisions being discussed in the course of the analysis of the subject. My authorities are considering these other additional possibilities.

Finally, my authorities believe that it is very difficult to establish priorities among the different points we have addressed, since it is felt that they all have the same degree of importance.
