



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

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**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5, 32.6 AND 12.6 OF THE AGREEMENTS**

KYRGYZ REPUBLIC

Supplement

The following communication, dated and received 14 December 2023, is being circulated at the request of the delegation of the Kyrgyz Republic.

I. RELEVANT LAWS AND REGULATIONS

Pursuant to Article 18.5 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, Article 32.6 of the Agreement on Subsidies and Countervailing Measures and Article 12.6 of the Agreement on Safeguards, the Kyrgyz Republic hereby notifies the WTO Members of the Law "On Special Safeguard, Anti-dumping and Countervailing measures for the import of goods" adopted on 3 July 2023.

LAW OF THE KYRGYZ REPUBLIC

Bishkek, dated July 3, 2023 No. 131

**On Special Safeguard, Anti-Dumping, and Countervailing measures for the
Import of Goods**

Chapter 1. General Provisions

Article 1. Purpose and Scope of this Law

1. This Law regulates relations arising in the course of foreign trade in goods, establishes the legal basis for the application of special safeguard, anti-dumping, and countervailing measures for the import of goods.
2. This Law applies to legal relations arising in connection with investigations preceding the imposition of special safeguard, anti-dumping, or countervailing measures for the import of goods.
3. The provisions of this Law do not apply to relations related to the provision of services, performance of work, transfer of exclusive rights to intellectual property objects, or the granting of the right to use intellectual property objects, as well as investment, currency, and export control regulated by other laws of the Kyrgyz Republic.

Article 2. Basic Concepts Used in this Law

In this Law, the following concepts are used:

- 1) **Similar Goods** - goods that are completely identical to the goods that are or may become the subject of an investigation (re-investigation), or in the absence of such goods, other goods with characteristics close to those of the goods that are or may become the subject of an investigation (re-investigation);
- 2) **Anti-dumping Measure** - a measure to counteract dumping imports, applied by the decision of the authorized body through the imposition of an anti-dumping duty, including a preliminary anti-dumping duty, or approval of voluntary price commitments made by the exporter;
- 3) **Anti-dumping Duty** - a duty applied when anti-dumping measures are introduced and collected by customs authorities independently of the import customs duty;
- 4) **Domestic Market** - a market limited to a specific customs territory, within which market participants carry out their foreign economic activity with each other;
- 5) **Dumping** - the sale of goods on the foreign market (or on the domestic market) at intentionally reduced prices;
- 6) **Dumping Margin** - expressed as a percentage, the ratio of the normal cost of goods, minus the export price of that goods, to its export price, or the difference between the normal cost of goods and its export price expressed in absolute terms;
- 7) **Dumping Import** - the import of goods into the customs territory at a price below the normal cost of similar goods;
- 8) **Import Quota** - restriction of the import of goods into the customs territory of the country and/or integration association in terms of its quantity and/or value;
- 9) **Countervailing Measure** - a measure to neutralize the impact of a specific subsidy of the exporting country on the industry, applied by the decision of the authorized body through the imposition of a countervailing duty (including a preliminary countervailing duty) or approval of voluntary commitments made by the authorized body of the subsidizing country or the exporter;
- 10) **Countervailing Duty** - a duty applied when a countervailing measure is introduced and collected by customs authorities independently of the import customs duty;
- 11) **Material Damage to the Industry** - evidence-based deterioration of the economic condition of the industry, which may manifest itself in a reduction in the volume of production of similar goods in the country and/or integration association, a decrease in the profitability of the production of such goods, as well as a negative impact on inventories, employment, wages, and investments in this industry;
- 12) **Directly Competing Goods** - goods comparable to the goods that are or may become the subject of an investigation (re-investigation), in terms of purpose, application, qualitative and technical characteristics, and other essential properties, so that the buyer replaces or is ready to replace them in the process of consuming the goods that are or may become the subject of an investigation (re-investigation);
- 13) **Industry** - a set of enterprises of the country and/or integration association, extracting, producing, or supplying homogeneous or specific products using similar technologies;
- 14) **Ordinary Course of Trade** - the purchase and sale of similar goods on the foreign market of the state from which the investigated goods are exported, at a price not lower than its average weighted cost, determined based on the average production costs and average trade, administrative, and general expenses;

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- 15) **Investigating Body** - a body acting within the powers granted to it by the Cabinet of Ministers of the Kyrgyz Republic, except in cases provided for by international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic;
- 16) **Preliminary Anti-dumping Duty** - a duty applied when importing goods into the customs territory of the country and/or integration association, in relation to which the investigating body has made a preliminary conclusion during the investigation about the existence of dumping imports and the resulting material damage to the industry or the threat of its occurrence, or a substantial delay in the creation of the industry;
- 17) **Preliminary Countervailing Duty** - a duty applied when importing goods into the customs territory of the country and/or integration association, in relation to which the investigating body has made a preliminary conclusion during the investigation about the existence of subsidized imports and the resulting material damage to the industry or the threat of its occurrence, or a substantial delay in the creation of the industry;
- 18) **Preliminary Special Duty** - a duty applied when importing goods into the customs territory of the country and/or integration association, in relation to which the investigating body has made a preliminary conclusion during the investigation about the existence of increased imports that have caused or threaten to cause serious damage to the industry;
- 19) **Preceding Period** - 3 calendar years immediately preceding the date of filing an investigation request, for which necessary statistical data are available;
- 20) **Investigation** - a procedure carried out by the investigating body preceding the imposition of special safeguard, anti-dumping, and countervailing measures;
- 21) **Related Parties** - persons who meet one or more of the following criteria:
- each of these persons is an employee or manager of an organization created with the participation of other persons;
 - persons are business partners, i.e., connected by contractual relations, act for profit, and jointly bear expenses and losses associated with joint activities;
 - persons are employers and employees of the same organization;
 - any person who directly or indirectly owns, controls, or is the nominal holder of 5 or more percent of the voting shares or stakes of both persons;
 - one of the persons directly or indirectly controls the other person;
 - both persons are directly or indirectly controlled by a third party;
 - both persons together directly or indirectly control a third party;
 - persons are in marital, kinship, or property relationships, adopter and adopted, as well as guardian and ward;
- 22) **Serious Damage to the Industry** - evidence-based general deterioration of the situation related to the production of similar or directly competing goods, expressed in a significant deterioration of the production, trade, and financial position of the industry and is usually determined for the preceding period;
- 23) **Special Safeguard Measure** - a measure to restrict increased imports of goods to the customs territory of the country and/or integration association, applied by the decision of the authorized body through the imposition of an import quota, special quota, or special duty, including a preliminary special duty;
- 24) **Special Duty** - a duty imposed after the introduction of a special safeguard measure, independently of the collection of the import customs duty;
- 25) **Special Quota** - the volume (in natural and/or cost terms) of the import of goods, within which the goods are supplied to the customs territory of the Kyrgyz Republic without paying a special duty, and beyond which - with the payment of a special duty;

- 26) **Country-user of the tariff preference system** - exemption from payment or reduction of import customs duty rates for goods originating from countries forming a free trade zone together with an integration association or exemption from payment, reduction of import customs duty rates for goods originating from countries-users of a single system of tariff preferences;
- 27) **Subsidized Import** - import into the customs territory of the country of goods for the production, export, or transportation of which a specific subsidy of the exporting foreign state was used;
- 28) **Subsidizing Body** - a state body or a local self-government body of the exporting foreign state or a person acting on behalf of the respective state body or local self-government body or authorized by the respective state body or local self-government body in accordance with a legal act or based on factual circumstances;
- 29) **Customs Territory of the Kyrgyz Republic** - the territory of the Kyrgyz Republic, including the territories of free economic zones, as well as structures, installations, and other objects located outside the territory of the Kyrgyz Republic, in relation to which the Kyrgyz Republic has exclusive jurisdiction, unless otherwise provided by international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic;
- 30) **Threat of Material Damage to the Industry** - evidence-based inevitability of causing material damage to the industry;
- 31) **Threat of Serious Damage to the Industry** - evidence-based inevitability of causing serious damage to the industry;
- 32) **Authorized Body** - a permanently operating regulatory body determined by the Cabinet of Ministers of the Kyrgyz Republic, except in cases provided for by international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic;
- 33) **Export Price** - the price paid or to be paid when importing goods into the customs territory of the state;
- 34) **Exporting Foreign State** - a foreign state (association of foreign states) that is not a participant in an integration association, from which goods are imported that have been or may become the subject of an investigation.

Article 3. Legal Framework of the Kyrgyz Republic on Special Safeguard, Anti-Dumping, and Countervailing Measures for the Import of Goods

1. The legal framework of the Kyrgyz Republic on special safeguard, anti-dumping, and countervailing measures for the import of goods is based on the Constitution of the Kyrgyz Republic, consists of this Law, and other regulatory legal acts of the Kyrgyz Republic in the field of regulating foreign trade activities, as well as international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.
2. If the norms of international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic establish norms different from those provided for by this Law, the norms of international treaties are applied unless otherwise determined by the norms of international law.

Article 4. Investigation for the Purpose of Applying Special Safeguard, Anti-Dumping, and Countervailing Measures

1. The imposition of special safeguard, anti-dumping, and countervailing measures on the import of goods must be preceded by an investigation conducted in accordance with the norms of this Law and/or international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.

2. The investigation mentioned in part 1 of this article is carried out to establish the presence of increased imports into the customs territory of the Kyrgyz Republic and the resulting or threatened causing of serious damage to the industry, as well as to establish the presence of dumping or subsidized imports and the resulting or threatened causing of material damage to the industry.
3. The procedure and rules for conducting investigations preceding the imposition of special safeguard, anti-dumping, and countervailing measures, repeat investigations, the procedure for the work of the investigating body, the procedure for conducting an analysis of the impact of increased dumping and subsidized imports, consultations, and notifications are determined by the Cabinet of Ministers of the Kyrgyz Republic, except in cases provided for by international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.

Article 5. Interaction of the Authorized Body in the Conduct of Investigations and the Imposition, Application, Review, and Cancellation of Special Safeguard, Anti-Dumping, and Countervailing Measures

1. The authorized body interacts with the investigating body on issues of special safeguard, anti-dumping, and countervailing measures.
2. The authorized body submits proposals to the investigating body for initiating investigations preceding the application of special safeguard, anti-dumping, and countervailing measures.
3. The authorized body coordinates the work of state bodies of the Kyrgyz Republic on issues of special safeguard, anti-dumping, and countervailing measures.
4. The authorized body develops and coordinates with interested state bodies of the Kyrgyz Republic issues related to special safeguard, anti-dumping, or countervailing measures.
5. The authorized body develops regulatory legal acts on issues of special safeguard, anti-dumping, or countervailing measures.
6. The authorized body interacts with official bodies of other countries and international organizations.
7. The authorized body exercises other powers provided by this Law and other regulatory legal acts in the field of foreign trade activities of the Kyrgyz Republic.

Article 6. Calculation, Payment, and Refund of Special, Anti-Dumping, and countervailing Duties

1. The calculation of special, anti-dumping, and countervailing duties, the emergence and termination of the obligation to pay these duties, the determination of terms and procedures for their payment, crediting, distribution, and refund of special, anti-dumping, and countervailing duties are carried out in accordance with the legislation of the Kyrgyz Republic in the field of customs regulation and/or international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.
2. The payment, crediting, distribution, and refund of preliminary special, preliminary anti-dumping, and preliminary countervailing duties are carried out in accordance with the legislation of the Kyrgyz Republic in the field of customs regulation and/or international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.

Chapter 2. Special Safeguard Measures

Article 7. General Principles of Applying Special Safeguard Measures

1. A special safeguard measure is applied to a product if, as a result of an investigation, it is established that the import into the customs territory of the Kyrgyz Republic is carried out in such quantities (in absolute or relative terms to the total production volume of a similar or directly competing product) and under such conditions that it causes or poses a threat of causing serious damage to the industry.
2. A special safeguard measure is not applied to a product that is the subject of the investigation and originates from a developing or least developed country-user of the tariff preference system until the share of the import of this product from such a country exceeds 3 percent of the total import volume of a similar product into the customs territory of the Kyrgyz Republic, provided that the total share of imports of the product from such countries does not exceed 9 percent of the total import volume of a similar product.
3. Special safeguard measures are not applied in cases established by international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.

Article 8. Determination of Serious Damage to the Industry or the Threat of Its Occurrence Due to Increased Import

1. The investigating body, in order to determine serious damage to the industry or the threat of its occurrence due to an increased volume of imports into the customs territory of the Kyrgyz Republic during the investigation, evaluates objective factors that can be expressed in quantitative terms and affect the economic situation of the industry.
2. In addition to the increased volume of imports, the investigating body analyzes other known factors that cause or pose a threat of causing serious damage to the industry during the same period. Such damage should not be attributed to causing or threatening serious damage to the industry due to increased imports into the customs territory of the Kyrgyz Republic.

Article 9. Introduction of Preliminary Special Duty

1. In critical circumstances, when a delay in applying a special safeguard measure would lead to damage to the industry that would be difficult to remedy later, the investigating body, before completing the relevant investigation, may decide to introduce, for a period not exceeding 200 calendar days, a preliminary special duty based on the preliminary conclusion of the investigating body, according to which there is clear evidence that the increased volume of imports of the investigated product causes or threatens to cause serious damage to the industry.

The investigation must be continued until the final conclusion of the investigating body is received.

2. Before deciding on the introduction of a preliminary special duty, the authorized body coordinates with the relevant state bodies of the Kyrgyz Republic the proposal for its introduction prepared by the investigating body based on the preliminary conclusion.
3. If, as a result of the investigation, the investigating body finds that there are no grounds for the imposition of a special safeguard measure or a decision has been made not to apply such a measure, the preliminary special duty shall be refunded in accordance with Article 6 of this Law.
4. If, as a result of the investigation, a decision is made to apply a special safeguard measure (including the introduction of an import or special quota), the period of validity of the preliminary special duty is credited to the total period of the special safeguard measure, and the amounts of the preliminary special duty from the date of entry into force of the decision

to apply a special safeguard measure shall be credited and distributed in accordance with Article 6 of this Law.

5. If, as a result of the investigation, it is deemed expedient to introduce a lower rate of special duty than the rate of the preliminary special duty, the amounts of the preliminary special duty corresponding to the amount of the special duty calculated at the established rate shall be credited and distributed in accordance with Article 6 of this Law. Amounts of the preliminary special duty exceeding the amount of the special duty calculated at the established rate shall be refunded in accordance with the legislation of the Kyrgyz Republic in the field of customs regulation and/or international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.
6. If, as a result of the investigation, it is deemed expedient to introduce a higher rate of special duty than the rate of the preliminary special duty, the difference between the amounts of the special duty and the preliminary special duty is not collected.
7. The decision to introduce a preliminary special duty is made no later than 6 months from the start of the investigation.

Article 10. Application of Special Safeguard Measures

1. A special safeguard measure is applied by the decision of the authorized body in the amount and for the period necessary to prevent or eliminate serious damage or the threat of such damage to the industry, as well as to facilitate the process of adapting the industry to changing economic conditions.
2. Before the authorized body makes a decision on the application of a special safeguard measure, the proposal for the introduction of a special duty, import, or special quota prepared by the investigating body is coordinated with interested parties.
3. In cases where a special safeguard measure is applied through the imposition of an import quota, its size is set at no less than the average annual import volume of the product for the preceding period under investigation (in quantitative or value terms), except in cases where it is necessary to apply a smaller import quota to eliminate serious damage or the threat of such damage to the industry.
4. The procedure for applying a special safeguard measure in the form of an import quota is established by the decision on the application of special safeguard measures. If such a decision provides for the licensing of imports, licenses are issued in accordance with the legislation of the Kyrgyz Republic in the field of regulating foreign trade.
5. In the case of a special safeguard measure in the form of a special quota, the determination of the size, distribution, and application of such a quota is carried out in the manner provided for an import quota.

Article 11. Duration and Review of Special Safeguard Measures

1. The duration of a special safeguard measure does not exceed 4 years, except for cases of extension in accordance with part 2 of this article.
2. The duration of a special safeguard measure specified in part 1 of this article is extended by the authorized body based on the results of a repeated investigation, if necessary to eliminate serious damage or the threat of such damage to the industry, provided that there is evidence that measures are being taken by the relevant industry to adapt to changing economic conditions.

Chapter 3. Anti-Dumping Measures

Article 12. General Principles of Applying Anti-Dumping Measures

1. An anti-dumping measure is applied to a product that is the subject of dumping imports if, as a result of an investigation, it is established that the import of such a product into the customs territory of the Kyrgyz Republic causes material damage, poses a threat of such damage to the industry, or significantly impedes the establishment of the industry.
2. A product is subject to dumping imports if the export price of such a product is below its normal value.
3. The investigation period, for which information is analyzed to determine the presence of dumping imports, is established by the investigating body.

Article 13. Determination of Dumping Margin

1. The dumping margin is determined by the investigating body based on the comparison of the normal value of the product subject to anti-dumping investigation in the exporting country and the export price of the said product.
2. The comparison of the export price of the product with its normal value is carried out at the same stage of the trading operation and in relation to cases of sale of the product that occurred, if possible, at the same time.
3. When comparing the export price of the product with its normal value, adjustments are made, taking into account differences that affect the comparability of prices, including differences in conditions and characteristics of deliveries, taxation, stages of trading operations, quantitative indicators, physical characteristics, and any other differences for which evidence is provided.

The investigating body ensures that adjustments for these differences do not duplicate each other and do not distort the result of comparing the export price of the product with the normal value of the product. The investigating body has the right to request from interested parties the information necessary to ensure proper comparison of the export price of the product with its normal value.

4. In cases where transactions for the purchase and sale of a similar product in the ordinary course of trade on the market of the exporting foreign country are absent or, due to a low volume of sales or a specific situation in this market, it is impossible to properly compare the export price of the product with the price of a similar product when sold on the market of the exporting foreign country, the export price of the product is compared with a comparable price of a similar product imported from the exporting foreign country into another foreign country (provided that the price of a similar product is representative), or with the production costs of the product in the country of origin, taking into account necessary administrative, trading, and general expenses and profit.
5. In the case of goods imported into the customs territory of the Kyrgyz Republic from an exporting foreign country that is not the country of origin, the export price of such goods is compared with a comparable price of a similar product in the market of the exporting foreign country.

The export price of the goods may be compared with a comparable price of a similar product in the country of origin only if this product is redirected through the exporting foreign country from which it is exported to the customs territory of the Kyrgyz Republic, or if it is not produced, or there is no comparable price of a similar product in that foreign country.

6. In cases where it is necessary to convert the amounts of the export price and the normal value from one currency to another when comparing them, such conversion is carried out using official exchange rates on the day of the sale of the goods.

7. The investigating body determines an individual dumping margin for each known exporter and/or producer of the product who has provided the necessary information allowing the determination of an individual dumping margin.

Article 14. Determination of Normal Value of the Product

1. The normal value of the product is determined by the investigating body based on the prices of a similar product in the investigation period on the domestic market of the exporting foreign country in the ordinary course of trade, with buyers not being persons related to the manufacturer and/or exporter who are residents of that foreign country, for use on the territory of the exporting foreign country.

In determining the normal value, prices of a similar product on the domestic market of the exporting foreign country when sold to buyers related to the manufacturer and/or exporter who are residents of that foreign country may be taken into account if it is established that such a connection does not affect the pricing policy of the foreign producer and/or exporter.

2. The volume of sales of a similar product in the ordinary course of trade on the domestic market of the exporting foreign country is considered sufficient to determine the normal value of the product if it constitutes no less than 5 percent of the total volume of the product exported to the customs territory of the Kyrgyz Republic. A lower volume of sales of a similar product is considered acceptable for determining the normal value of the product if it is reliably sufficient to ensure proper comparison of the export price of the product with the price of a similar product in the ordinary course of trade.
3. When determining the normal value of the product in accordance with part 1 of this article, the price of the product on the domestic market of the exporting foreign country is the weighted average price at which a similar product was sold, or the selling price of the product in each individual case during the investigation period.
4. The sale of a similar product on the domestic market of the exporting foreign country or from the exporting foreign country to another foreign country at prices below the cost of production per unit of a similar product, taking into account administrative, trade, and general expenses, may not be taken into account when determining the normal value of the product if the investigating body establishes that during the investigation period, such sales are made on a significant scale and at prices that do not cover all costs for this period.
5. If the price of a similar product, which is lower than the cost of production per unit of a similar product, taking into account administrative, trade, and general expenses at the time of its sale, exceeds the weighted average cost of production per unit of the product, taking into account administrative, trade, and general expenses during the investigation period, such a price is considered to cover all costs during the investigation period.
6. The sale of a similar product at prices below the cost of production per unit of a similar product, taking into account administrative, trade, and general expenses, is considered to be carried out on a significant scale if the weighted average price of a similar product in transactions taken into account when determining the normal value of the product is below the weighted average cost of production per unit of a similar product, taking into account administrative, trade, and general expenses, or the volume of sales at prices below such cost constitutes at least 20 percent of the volume of sales in transactions taken into account when determining the normal value of the product.
7. The cost of production per unit of a similar product, taking into account administrative, trade, and general expenses, is calculated based on the data provided by the exporter or manufacturer of the product, provided that such data comply with generally accepted principles and rules of accounting and reporting in the exporting foreign country and fully reflect the costs associated with the production and sale of the product.
8. The investigating body takes into account all available evidence in its possession of the correctness of the allocation of production costs, administrative, trade, and general expenses, including data provided by the exporter or manufacturer of the product under

investigation, if such allocation of costs is practiced by this exporter or manufacturer of the product, in particular, with regard to determining the appropriate depreciation period, capital investment deductions, and covering other costs of production development.

9. In the case of dumping import from an exporting foreign country where prices on the domestic market are directly regulated by the state or there is a state monopoly in foreign trade, the normal value of the product may be determined based on the price or calculated cost of a similar product of another exporting foreign country (for comparison), or the price of a similar product when exported from such a foreign country. If it is not possible to determine the normal value of the product in accordance with this part, the normal value of the product may be determined based on the price paid or payable for a similar product on the customs territory of the Kyrgyz Republic, adjusted to account for profit.

Article 15. Determination of the Export Price of the Product

1. The export price of the product is determined based on the available information about its sale during the investigation period.
2. In the absence of data on the export price of the product subject to dumping import, or if the investigating body has reasonable doubts about the reliability of information on the export price of this product due to the fact that the exporter and importer of the product are related parties (including with third parties), or due to the existence of restrictive business practices in the form of collusion regarding the export price of such a product, its export price can be calculated based on the price at which the imported product was first resold to an independent buyer or by another method if such a product was not resold in the form in which it was imported into the customs territory of the Kyrgyz Republic. In this case, for the purpose of comparing the export price of the product with its normal value, profits, as well as expenses (including customs duties and tax).

Article 16. Establishment of Material Damage to an Economic Sector, Threats of Such Damage, or Significant Delay in the Establishment of an Economic Sector Due to Dumping Import

1. Material damage to an economic sector, threats of such damage, or significant delay in the establishment of an economic sector due to dumping import are determined based on the results of the analysis of the volume of dumping import and the impact of such import on the prices of a similar product in the domestic market and on the producers of a similar product in the Kyrgyz Republic.
2. The investigation period, during which information is analyzed to determine the existence of damage to an economic sector due to dumping import, is established by the investigating body.
3. When establishing the threat of causing material damage to an economic sector due to dumping import, the investigating body takes into account all available factors.
4. The decision on the existence of a threat of causing material damage to an economic sector is made if, during the investigation, based on the analysis of available factors, the investigating body concludes that it is impossible to prevent dumping import and that such import would cause material damage to an economic sector, necessitating the imposition of an antidumping measure.

Article 17. Imposition of a Preliminary Antidumping Duty

1. If, before the completion of the investigation, the investigating body receives information about the existence of dumping import and the resulting damage to an economic sector, then based on the report of this body containing a preliminary conclusion, a decision is made to apply an antidumping measure by imposing a preliminary antidumping duty.
2. Before making a decision on the imposition of a preliminary antidumping duty, the authorized body coordinates with the relevant state authorities of the Kyrgyz Republic the proposal for

the imposition of a preliminary antidumping duty prepared by the investigating body based on the preliminary conclusion.

3. The preliminary antidumping duty cannot be imposed earlier than 60 calendar days from the start of the investigation.
4. The rate of the preliminary antidumping duty must be sufficient to eliminate the damage to an economic sector but not higher than the calculated dumping margin.
5. If the rate of the preliminary antidumping duty is equal to the size of the precalculated dumping margin, the duration of the preliminary antidumping duty should not exceed 4 months, except when this period is extended to 6 months based on the request of exporters, the share of which in the volume of dumping import of the investigated product is significant.
6. If the rate of the preliminary antidumping duty is less than the precalculated dumping margin, the duration of the preliminary antidumping duty should not exceed 6 months, except when this period is extended to 9 months based on the request of exporters, the share of which in the volume of dumping import of the investigated product is significant.
7. If, as a result of the investigation, it is found by the investigating body that there are no grounds for imposing an antidumping measure or a decision is made not to apply an antidumping measure, the amounts of the preliminary antidumping duty shall be refunded in accordance with the laws of the Kyrgyz Republic.
8. If, as a result of the investigation, a decision is made to impose an antidumping measure based on the existence of a threat of causing material damage to an economic sector or significant delay in the establishment of an economic sector, the amounts of the preliminary antidumping duty shall be refunded in accordance with Article 6 of this Law.
9. If, as a result of the investigation, a decision is made to impose an antidumping measure based on the existence of material damage to an economic sector or the threat of such damage (provided that the non-imposition of a preliminary antidumping duty would lead to material damage to an economic sector), the amounts of the preliminary antidumping duty from the date of the entry into force of the decision to impose an antidumping measure shall be credited and distributed in accordance with Article 6 of this Law, taking into account the provisions of paragraphs 10 and 11 of this Article.
10. In the event that, as a result of the investigation, it is deemed appropriate to impose a lower antidumping duty rate than the preliminary antidumping duty rate, the amounts of the preliminary antidumping duty corresponding to the antidumping duty amount calculated at the established antidumping duty rate shall be credited and distributed in accordance with Article 6 of this Law. Any excess amounts of the preliminary antidumping duty, beyond the antidumping duty amount calculated at the established antidumping duty rate, shall be refunded in accordance with the legislation of the Kyrgyz Republic on customs regulation and/or international agreements that have entered into force in accordance with the legislation of the Kyrgyz Republic.
11. If, as a result of the investigation, it is deemed appropriate to impose a higher antidumping duty rate than the preliminary antidumping duty rate, the difference between the amounts of the antidumping duty and the preliminary antidumping duty shall not be collected.
12. The preliminary antidumping duty is applicable under the condition of simultaneous continuation of the investigation.
13. The decision to impose a preliminary antidumping duty shall be made no later than 7 months from the start of the investigation.

Article 18. Acceptance by the Exporter of Price Commitments for the Investigated Product

1. The investigation is suspended or terminated by the investigating body without the imposition of a preliminary antidumping duty or antidumping duty upon receiving price commitments from the exporter for the investigated product.
2. The decision to approve price commitments is not made until the investigating body reaches a preliminary conclusion on the existence of dumping import and the resulting damage to an economic sector.
3. Before making a decision, the authorized body coordinates with the relevant state authorities of the Kyrgyz Republic the proposal to approve price commitments prepared by the investigating body.
4. The decision to approve price commitments is not made if the investigating body concludes that their approval is not acceptable due to a large number of real or potential exporters of the investigated product or for other reasons.
5. The investigating body may suggest that exporters accept price commitments but may not require them to do so.
6. If a decision is made to approve price commitments, the antidumping investigation may be continued at the exporter's request or at the decision of the investigating body. If, as a result of the investigation, the investigating body concludes that there is no dumping import or resulting damage to an economic sector, the exporter who accepted price commitments is released from such commitments unless such a conclusion is significantly influenced by the existence of such commitments. If the existence of price commitments significantly influences the conclusion, such commitments must remain in force for the necessary period in accordance with the provisions of Article 20, Part 2, of this Law.
7. If, as a result of the investigation, the investigating body concludes the existence of dumping import and resulting damage to an economic sector, the accepted price commitments by the exporter continue to apply in accordance with the terms of the price commitments and this Law.
8. In cases of violation or withdrawal of price commitments by the exporter, a decision is made to apply an antidumping measure by imposing a preliminary antidumping duty (if the investigation is not yet concluded) or an antidumping duty (if the results of the investigation indicate grounds for its imposition).
9. Exporters, in the event of a violation of the accepted price commitments, are given an opportunity to provide comments regarding such a violation.
10. The decision to approve price commitments must specify the rate of the preliminary antidumping duty or antidumping duty that may be imposed in accordance with Part 8 of this Article.

Article 19. Imposition and Application of Antidumping Duty

1. Antidumping duty is applied to the product supplied by all exporters and subject to dumping import causing damage to an economic sector, except for the product supplied by those exporters whose price commitments have been approved in accordance with Article 18 of this Law.
2. Before deciding on the imposition of antidumping duty, the authorized body coordinates with the relevant state authorities of the Kyrgyz Republic the proposal to impose antidumping duty.
3. The amount of antidumping duty must be sufficient to eliminate the damage to the economic sector but not exceeding the calculated dumping margin. The authorized body may decide

to impose antidumping duty at a rate lower than the calculated dumping margin if such a rate is sufficient to eliminate the damage to the economic sector.

4. An individual duty rate is established for the product supplied by each exporter or producer of the product subject to dumping import for whom an individual dumping margin has been calculated.
5. In addition to the individual duty rate specified in Part 4 of this article, a single duty rate is established for the product supplied by all other exporters or producers of the product from the exporting foreign country for whom an individual dumping margin was not calculated, based on the highest dumping margin calculated during the investigation.
6. Antidumping duty may be applied to goods placed under customs procedures, with the condition that the payment of antidumping duties occurs no earlier than 90 calendar days before the date of the imposition of the preliminary antidumping duty.

Article 20. Review of Antidumping Measure

1. The antidumping measure is applied in the amount and for the period necessary to eliminate the damage to the economic sector caused by dumping import.
2. The duration of the antidumping measure should not exceed 5 years from the date of the commencement of the application of such a measure or the completion of a review conducted in connection with changed circumstances and simultaneously based on the analysis of dumping import and the damage caused by it to the economic sector or conducted due to the expiration of the term of the antidumping measure.
3. A review conducted due to the expiration of the term of the antidumping measure is carried out based on a statement in accordance with the investigation procedure or on the initiative of the investigating body.

A review conducted due to the expiration of the term of the antidumping measure is carried out if the application contains information about the possibility of resumption or continuation of dumping import and causing damage to the economic sector upon the expiration of the antidumping measure.

Before the completion of a review conducted in accordance with this part, a decision is made to extend the antidumping measure. During the period for which the application of the relevant antidumping measure is extended due to the conduct of a review, antidumping duties are paid at rates established for the imposition of preliminary antidumping duties in the manner established for the payment of preliminary antidumping duties for the period for which the antidumping measure is extended due to the conduct of a review.

In the event that, as a result of a review conducted due to the expiration of the term of the antidumping measure, it is established by the investigating body that there are no grounds for the application of the antidumping measure or a decision is made not to apply the antidumping measure, the amounts of antidumping duty collected in the manner established for the payment of preliminary antidumping duties for the period for which the application of the antidumping measure was extended due to the conduct of a review shall be refunded in accordance with Article 6 of this Law.

The antidumping measure is extended if, as a result of a review conducted due to the expiration of the term of the antidumping measure, the investigating body establishes the possibility of resuming or continuing dumping imports and causing damage to the economic sector. From the effective date of the decision to extend the antidumping measure, the amounts of antidumping duties collected in the manner established for the payment of preliminary antidumping duties for the period for which the application of the antidumping measure is extended shall be credited and distributed in accordance with Article 6 of this Law.

Article 21. Establishment of Circumvention of Antidumping Measure

1. Circumvention of an antidumping measure is understood as a change in the method of supplying goods to avoid paying antidumping duties or complying with price commitments accepted by the exporter.
2. A repeat investigation for the purpose of establishing circumvention of an antidumping measure may be initiated upon application by an interested party or at the initiative of the investigating body.
3. A repeat investigation for the purpose of establishing circumvention of an antidumping measure must be completed within 9 months from the date of its commencement.
4. During the period of the repeat investigation conducted in accordance with this article, preliminary antidumping duties are levied on imports into the customs territory of the Kyrgyz Republic from the exporting foreign country, which are components and/or derivatives of the product subject to dumping import, as well as on the product that was subject to dumping import, and/or its components and/or derivatives imported into the customs territory of the Kyrgyz Republic from another exporting foreign country.
5. In the event that, as a result of the repeat investigation conducted in accordance with this article, the investigating body does not establish circumvention of the antidumping measure, the amounts of antidumping duties paid in accordance with this article and in the manner established for the payment of preliminary antidumping duties shall be refunded in accordance with Article 6 of this Law.
6. In the event that, as a result of the repeat investigation conducted in accordance with this article, circumvention of the antidumping measure is established, the antidumping measure may be extended to imports into the customs territory of the Kyrgyz Republic from the exporting foreign country, which are components and/or derivatives of the product subject to dumping import, as well as to the product that was subject to dumping import, and/or its components and/or derivatives imported into the customs territory of the Kyrgyz Republic from another exporting foreign country, from the effective date of the decision to impose the antidumping measure. The amounts of antidumping duties paid in accordance with the procedure established for the payment of preliminary antidumping duties shall be credited and distributed in accordance with Article 6 of this Law from the effective date of the decision to impose the antidumping measure.

Chapter 4. Countervailing Measures**Article 22. General Principles for the Application of Countervailing Measures**

A countervailing measure is applied to imported goods, in the production, export, or transportation of which a specific subsidy of the exporting foreign country was used if, as a result of an investigation conducted by the investigating body, it is established that the import of such goods into the customs territory of the Kyrgyz Republic causes material harm to the economic sector, poses a threat of such harm, or significantly impedes the development of the economic sector.

Article 23. Subsidies

Subsidies include:

1. Financial assistance provided by the subsidizing body, granting the subsidy recipient additional benefits and provided within the territory of the exporting foreign country, including in the form of:
 - Direct money transfers (including subsidies, loans, and share purchases) or
 - Commitments to money transfers (including loan guarantees); write-offs of funds or full or partial waiver of funds that should have been received as income by the exporting foreign country (including through the provision of tax credits), except in

cases of exempting exported goods from taxes or duties imposed on a similar product intended for domestic consumption, or except for reducing or refunding such taxes or duties in amounts not exceeding the actually paid amounts; preferential or gratuitous provision of goods or services, except for goods or services intended for the maintenance and development of general infrastructure, i.e., infrastructure not related to a specific producer and/or exporter; preferential acquisition of goods;

2. Any form of income or price support that gives the subsidy recipient additional benefits, the direct or indirect result of which is an increase in the export of goods from the exporting foreign country or a reduction in the import of a similar product into that foreign country.

Article 24. Principles of Classifying a Subsidy of the Exporting Foreign Country as Specific

1. A subsidy of the exporting foreign country is specific if the subsidizing body or the legislation of the exporting foreign country allows only specific organizations, including a specific producer and/or exporter or a specific sector of the economy of the exporting foreign country, or a group (union, association) of producers and/or exporters, or sectors of the economy of the exporting foreign country, to benefit from the subsidy.

A subsidy is specific if the number of specific organizations eligible to receive this subsidy is limited to organizations located in a specific geographic region under the jurisdiction of the subsidizing body.

2. A subsidy is not specific if the legislation of the exporting foreign country or the subsidizing body establishes general objective criteria or conditions that unconditionally determine the right to receive the subsidy and its amount (including depending on the number of workers employed in the production of goods or the volume of production) and strictly adheres to them.
3. In any case, a subsidy of the exporting foreign country is a specific subsidy if the provision of such a subsidy is accompanied by:
 - 1) Limiting the number of specific organizations eligible for the subsidy;
 - 2) Preferential use of the subsidy by specific organizations;
 - 3) Providing disproportionately large amounts of subsidy to specific organizations;
 - 4) The subsidizing body choosing a preferential (preferential) method of providing the subsidy to specific organizations.
4. Any subsidy of the exporting foreign country is a specific subsidy if:
 - 1) The subsidy is, in accordance with the legislation of the exporting foreign country or effectively as the only condition or one of several conditions, linked to the export of goods. A subsidy is considered effectively linked to the export of goods if its provision, not linked according to the legislation of the exporting foreign country to the export of goods, is, in practice, linked to the actual or potential export of goods or export revenue in the future. The fact of providing a subsidy to exporting enterprises does not mean the provision of a subsidy linked to the export of goods within the meaning of this part;
 - 2) The subsidy is linked, in accordance with the legislation of the exporting foreign country or effectively as the only condition or one of several conditions, to the use of goods produced in the exporting foreign country instead of imported goods.

Article 25. Principles of Determining the Amount of Specific Subsidy

1. The amount of a specific subsidy is determined based on the benefit received by the recipient of such a subsidy.

2. The amount of benefit received by the recipient of a specific subsidy is determined based on the following principles:
 - 1) The participation of the subsidizing body in the share capital of the organization is not considered as providing a benefit if such participation cannot be considered inconsistent with normal investment practices (including the provision of venture capital) in the territory of the exporting foreign country;
 - 2) A credit provided by the subsidizing body is not considered as providing a benefit if there is no difference between the amount that the recipient organization pays for the government loan and the amount it would have paid for a comparable commercial loan that the organization could obtain in the credit market of the exporting foreign country; otherwise, the benefit is considered the difference between these amounts;
 - 3) Guaranteeing a loan by the subsidizing body is not considered as providing a benefit if there is no difference between the amount that the recipient organization pays for the loan guaranteed by the subsidizing body and the amount it would have paid for a comparable commercial loan without government guarantee; otherwise, the benefit is considered the difference between these amounts, taking into account the difference in commissions;
 - 4) The supply of goods or services by the subsidizing body or the purchase of goods is not considered as providing a benefit unless the goods or services are supplied for less than adequate remuneration or purchases are not made for more than adequate remuneration. The adequacy of remuneration is determined based on existing market conditions for the purchase and sale of these goods and services in the market of the exporting foreign country, including price, quality, availability, liquidity, transportation, and other conditions of purchase or sale of the goods.

Article 26. Establishment of Material Injury to an Economic Industry, Threat of Such Injury, or Substantial Delay in the Establishment of an Economic Industry due to Subsidized Imports

1. Material injury to an economic industry, the threat of such injury, or substantial delay in the establishment of an economic industry due to subsidized imports are determined based on the results of the analysis of the volume of subsidized imports and the impact of such imports on the prices of a similar product in the domestic market and the producers of a similar product in the domestic market.
2. The period for which information is analyzed to determine the existence of material injury to an economic industry, the threat of such injury, or substantial delay in the establishment of an economic industry due to subsidized imports is established by the investigating body.
3. In analyzing the volume of subsidized imports, the investigating body determines whether there has been a significant increase in the subsidized import of the product under investigation (in absolute terms or relative to the production or consumption of a similar product in the domestic market).
4. In case the subject of simultaneous investigations is subsidized imports of any product into the customs territory of the Kyrgyz Republic from more than one exporting foreign country, the investigating body may assess the cumulative impact of such imports only if it establishes the following:
 - 1) The size of the subsidy in each exporting foreign country for this product is more than 1 percent of its value, and the volume of subsidized imports from each exporting foreign country is not insignificant;
 - 2) The assessment of the cumulative impact of the import of the product subject to subsidized imports is possible, taking into account the conditions of competition

between imported goods and the conditions of competition between the imported goods and a similar product produced in the Kyrgyz Republic.

Article 27. Introduction of Preliminary Countervailing Duty

1. If the information obtained by the investigating body before completing the investigation indicates the existence of subsidized imports and the damage to the economic industry caused by such imports, the investigating body decides to apply a countervailing measure by introducing a preliminary countervailing duty for a period of up to 4 months to prevent damage to the economic industry caused by subsidized imports during the investigation.
2. Before making a decision on the introduction of a preliminary countervailing duty, the authorized body coordinates with the relevant state authorities of the Kyrgyz Republic the proposal to introduce a preliminary countervailing duty prepared by the investigating body based on the preliminary conclusion.
3. The preliminary countervailing duty cannot be imposed earlier than 60 calendar days from the start of the investigation.
4. The preliminary countervailing duty is imposed in an amount equal to the previously calculated amount of the specific subsidy of the exporting foreign country per unit of the subsidized and exported product.
5. If, as a result of the investigation, the investigating body determines that there are no grounds for imposing a countervailing measure or decides not to apply a countervailing measure, the amounts of the preliminary countervailing duty shall be refunded in accordance with Article 6 of this Law.
6. If, as a result of the investigation, a decision is made to apply a countervailing measure based on the presence of a threat of material injury to the economic industry or a substantial delay in the establishment of an economic industry, the amounts of the preliminary countervailing duty shall be refunded in accordance with Article 6 of this Law.
7. If, as a result of the investigation, a decision is made to apply a countervailing measure based on the existence of material injury to the economic industry or a threat of such injury (provided that the non-imposition of a preliminary countervailing duty would lead to the determination of material injury to the industry), the amounts of the preliminary countervailing duty from the date of entry into force of the decision to apply a countervailing measure shall be collected and distributed in accordance with Article 6 of this Law, taking into account the provisions of paragraphs 8 and 9 of this Article.
8. If, as a result of the investigation, it is deemed advisable to introduce a lower rate of countervailing duty than the rate of the preliminary countervailing duty, the amounts of the preliminary countervailing duty corresponding to the amount of the countervailing duty calculated at the established rate shall be collected and distributed in accordance with Article 6 of this Law. Amounts of the preliminary countervailing duty exceeding the amount of the countervailing duty calculated at the established rate shall be refunded in accordance with Article 6 of this Law.
9. If, as a result of the investigation, it is deemed advisable to introduce a higher rate of countervailing duty than the rate of the preliminary countervailing duty, the difference between the amounts of the countervailing duty and the preliminary countervailing duty shall not be collected.
10. The preliminary countervailing duty is applied provided that the investigation continues simultaneously.
11. A decision on the introduction of a preliminary countervailing duty shall be made no later than 7 months from the start of the investigation.

Article 28. Acceptance of Voluntary Commitments by the Subsidizing Foreign Country or Exporter of the Investigated Product

1. The investigation may be suspended or terminated without the imposition of a countervailing duty if the authorized body approves voluntary commitments from the subsidizing foreign country or the exporter of the investigated product, received by the investigating body.
2. Before making a decision on the approval of voluntary commitments as specified in part 1 of this article, the proposal prepared by the investigating body undergoes coordination with the relevant state authorities of the Kyrgyz Republic.
3. The decision to approve voluntary commitments is not made by the authorized body until the investigating body reaches a preliminary conclusion on the presence of subsidized imports and the resulting damage to the economic industry.

The decision to approve voluntary commitments of the exporter of the investigated product is not made by the authorized body until the consent of the authorized body of the exporting foreign country to accept the exporters' commitments specified in part 1 of this article is obtained.

4. The decision to approve voluntary commitments is not made if the investigating body concludes that their approval is not acceptable due to a large number of actual or potential exporters of the investigated product or for other reasons.
5. In the event of a decision by the authorized body to approve voluntary commitments, the countervailing investigation may be continued at the request of the exporting foreign country or the decision of the investigating body.

If, as a result of the investigation, the investigating body concludes that there is no subsidized import or damage to the economic industry caused by it, the exporting foreign country or exporters who have accepted voluntary commitments are released from such obligations unless such a conclusion is largely a result of the existence of such commitments. If the conclusion is largely a result of the existence of voluntary commitments, the authorized body may decide that such commitments should remain in force for the necessary period, taking into account the provisions of Part 2 of Article 30 of this Law.

6. If, as a result of the investigation, the investigating body concludes that there is subsidized import and damage to the economic industry caused by it, the accepted voluntary commitments continue to be valid in accordance with their terms and the provisions of this Law.
7. In cases of violation by the exporting foreign country or the exporter of voluntary commitments or the withdrawal of such commitments, the authorized body may decide to apply a countervailing measure by introducing a preliminary countervailing duty (if the investigation is not yet completed) or a countervailing duty (if the final results of the investigation indicate grounds for its introduction).

The exporting foreign country or exporter, in case of violation of the voluntary commitments adopted by them, is given an opportunity to comment on such violation.

8. The decision of the authorized body to approve voluntary commitments must specify the rate of the preliminary countervailing duty or countervailing duty that may be imposed in accordance with Part 7 of this article.

Article 29. Introduction and Application of Countervailing Duty

1. The decision to impose a countervailing duty is not made by the authorized body if the specific subsidy of the exporting foreign country has been withdrawn.

2. Before making a decision on the imposition of a countervailing duty, the authorized body coordinates with the relevant state authorities of the Kyrgyz Republic the proposal to impose a countervailing duty prepared by the investigating body.
3. The decision to impose a countervailing duty is made after the exporting foreign country providing a specific subsidy has been offered consultations, which it refused or, during their conduct, a mutually acceptable solution was not reached.
4. The countervailing duty is applied to goods supplied by all exporters and subject to subsidized imports causing damage to the economic industry (except for goods supplied by exporters whose voluntary commitments have been approved).

For goods supplied by individual exporters, the authorized body may establish an individual rate of countervailing duty.

5. The rate of the countervailing duty should not exceed the amount of the specific subsidy of the exporting foreign country calculated per unit of the subsidized and exported product.

If subsidies are provided under different subsidy programs, their cumulative amount is taken into account.

The rate of the countervailing duty may be lower than the amount of the specific subsidy of the exporting foreign country if such a rate is sufficient to eliminate the damage to the economic industry.

6. When determining the rate of the countervailing duty, the opinions of consumers of the Kyrgyz Republic, whose economic interests may be affected by the imposition of the countervailing duty, are taken into account.
7. A countervailing duty may be applied to goods placed under customs procedures, the condition for placing them being the payment of the countervailing duty no earlier than 90 calendar days before the introduction of the preliminary countervailing duty.

Article 30. Duration and Review of Countervailing Measures

1. The countervailing measure is applied at the decision of the authorized body, in the amount and for the duration necessary to eliminate the damage to the economic industry caused by subsidized imports.
2. The duration of the countervailing measure should not exceed 5 years from the date of the commencement of the application of such a measure or the completion of a subsequent investigation conducted in connection with changed circumstances and simultaneously related to the analysis of subsidized imports and the damage caused by it to the economic industry or the expiration of the term of the countervailing measure.
3. A subsequent investigation in connection with the expiration of the term of the countervailing measure is carried out on the basis of an application submitted in accordance with the investigation procedure or on the initiative of the investigating body.

A subsequent investigation in connection with the expiration of the term of the countervailing measure is carried out if the application contains information about the possibility of resuming or continuing subsidized imports and causing damage to the economic industry upon the expiration of the countervailing measure.

The subsequent investigation must be initiated before the expiration of the countervailing measure and completed within 12 months from the date of its commencement.

Until the completion of a subsequent investigation conducted in accordance with the provisions of this part, the application of the countervailing measure is extended at the decision of the authorized body for the period for which the application of the corresponding countervailing measure is extended. In the manner established for the collection of

preliminary countervailing duties, countervailing duties are paid at the rates of countervailing duties that were established in connection with the application of the countervailing measure, the term of which is extended due to the conduct of a subsequent investigation.

If, as a result of a subsequent investigation in connection with the expiration of the term of the countervailing measure, the investigating body establishes that there are no grounds for applying the countervailing measure, or a decision is made not to apply the countervailing measure in accordance with the investigation procedure, the amounts of the countervailing duty collected in the manner established for the collection of preliminary countervailing duties during the period for which the application of the countervailing measure is extended are subject to refund in accordance with Article 6 of this Law.

The application of the countervailing measure is extended by the authorized body if, as a result of a subsequent investigation in connection with the expiration of the term of the countervailing measure, the investigating body establishes the possibility of resuming or continuing subsidized imports and causing damage to the economic industry. From the date of entry into force of the decision of the authorized body to extend the countervailing measure, the amounts of countervailing duties collected in the manner established for the collection of preliminary countervailing duties during the period for which the application of the countervailing measure is extended are credited and distributed in accordance with Article 6 of this Law.

4. At the request of an interested party, if more than 1 year has passed since the introduction of the countervailing measure, or at the initiative of the investigating body, a subsequent investigation may be conducted to determine the feasibility of continuing the application of the countervailing measure and/or its revision (including the revision of the individual rate of the countervailing duty) in connection with changed circumstances.

A subsequent investigation in connection with changed circumstances must be completed within 12 months from the date of its commencement.

5. The submission of evidence and the conduct of an investigation apply to subsequent investigations provided for by this article, taking into account the relevant differences.
6. The provisions of this article apply to commitments made by the exporting foreign country or the exporter in accordance with Article 28 of this Law, taking into account the relevant differences.
7. A subsequent investigation may also be conducted to determine the individual rate of the countervailing duty for an exporter for whom the countervailing measure is applied, but no investigation has been conducted for other reasons, except for refusal to cooperate. Such a subsequent investigation may be initiated by the investigating body upon the application of the specified exporter.

Article 31. Establishment of Circumvention of Countervailing Measures

1. Circumvention of countervailing measures is understood as a change in the method of delivering goods to evade the payment of countervailing duties or the fulfillment of accepted voluntary commitments.
2. A subsequent investigation to establish the circumvention of countervailing measures may be initiated upon the application of an interested party or at the initiative of the investigating body.
3. During the period of a subsequent investigation conducted in accordance with this article, the investigating body may introduce a countervailing duty on the components and/or derivatives of the goods that were the subject of subsidized imports and/or the goods that were the subject of subsidized imports, imported into the customs territory of the Kyrgyz Republic from the exporting foreign country. This duty is collected in the manner established for the collection of preliminary countervailing duties.

4. In the event that, as a result of a subsequent investigation conducted in accordance with this article, the investigating body does not establish the circumvention of countervailing measures, the amounts of countervailing duties paid in accordance with this article and in the manner established for the collection of preliminary countervailing duties are subject to refund in accordance with Article 6 of this Law.
5. If circumvention of countervailing measures is established as a result of a subsequent investigation conducted in accordance with this article, the countervailing measure may be extended to goods imported into the customs territory of the Kyrgyz Republic from the foreign country from which the goods subject to investigation are exported. This extension applies to components and/or derivatives of the goods that were the subject of subsidized imports and/or the goods that were the subject of subsidized imports, imported into the customs territory of the Kyrgyz Republic from another exporting foreign country from which the goods subject to investigation are exported. From the date of entry into force of the decision of the investigating body to introduce such a countervailing measure, the amounts of countervailing duties collected are credited and distributed in accordance with Article 6 of this Law.
6. A subsequent investigation to establish the circumvention of countervailing measures must be completed within 9 months from the date of its commencement.

Chapter 5. Final Provisions

Article 32. Procedure for Challenging Decisions on the Application of Special Safeguard, Anti-dumping, and Countervailing Measures

Decisions made in accordance with this Law may be challenged by interested parties in accordance with the judicial procedure provided for by the legislation of the Kyrgyz Republic.

Article 33. Procedure for the Entry into Force of this Law

1. This Law enters into force on the day of its official publication.

Published in the newspaper "Erkin Too" on July 7, 2023, No. 54.

2. The Cabinet of Ministers of the Kyrgyz Republic shall bring its decisions into compliance with this Law.
3. Declare invalid:
 1. The Law of the Kyrgyz Republic "On Subsidies and Countervailing Measures" dated October 31, 1998, No. 140 (Vedomosti Jogorku Kenesh of the Kyrgyz Republic, 1999, No. 3, Art. 93);
 2. The Law of the Kyrgyz Republic "On Amending the Law of the Kyrgyz Republic "On Subsidies and Countervailing Measures"" dated March 4, 2010, No. 43 (newspaper "Erkin-Too" dated March 12, 2010, No. 17-18).

President of the Kyrgyz Republic S. Japarov

Adopted by Jogorku Kenesh of the Kyrgyz Republic May 24, 2023.
