QUESTIONS POSED BY THE EEC ON THE COUNCERNLING DUTY LEGISLATION OF NEW ZEALAND

1. Section 186 A (1) Definition of "like goods"

In interpreting this definition, what are the "characteristics" of the goods which the New Zealand authorities would take into account? Physical characteristics only? Economic indicators? (If so, please explain which).

2. Section 186 A (7) Meaning of "reduction or remission of freight"

Does this provision apply only when "rebates, refunds or other allowances" are granted for the export of goods to New Zealand by the Government (or other public agency) of the exporting country?

Alternatively, does it apply when these benefits are granted by private entities in the exporting country? By the government or by public agencies in a third country? By private entities in a third country?

3. Section 186 E (3) Amount of the subsidy involving State-trading countries

What criteria will the New Zealand authorities apply in determining whether to apply, in the situation described in subsection 3 (a) and (b), countervailing duty or anti-dumping procedures, as allowed by Article 15 of the Subsidies Code?

4. Section 186 H (2) Notice of Initiation of an Investigation

This subsection only provides for the notice to be given and Section 186 G only deals with the form of a notice. How do the New Zealand authorities reconcile these provisions with the requirement in Article 2:5 of the Subsidies Code that the notice "shall describe the subsidy practice or practices to be investigated"?

See document SCM/1/Add.15/Rev.2
5. **Section 186 J (2) Extension of deadline for preliminary determinations**

Can the New Zealand authorities explain in what circumstances they would consider that there exist "difficulty of obtaining satisfactory evidence", such that an extension of the deadline would be justified?

6. **Section 186 J (4) and 186 K (2) Notice of preliminary or final determination**

Both these provisions only state that the determination "shall be given by notice". How are they reconciled with the requirements of Article 2:15 of the Subsidies Code?

7. **Section 186 L (5) Reviews**

Are there any conditions for an "interested party" to be able to request a review, other than the need to submit evidence justifying the request? What kind of evidence would an interested party have to submit?