The following communication, dated 7 November 1991, has been received from the Permanent Delegation of Canada.

Decree No. 2444, Chapter IV

Question 1:

Article 8 provides that, in the absence of any pertinent international treaty, a countervailing duty may be imposed on subsidized imports even where injury or threat of injury has not been demonstrated. Could Colombia please explain the need for such a provision?

Question 2:

Article 15 provides for an "ex officio" investigation. Could Colombia please explain the circumstances under which INCOMEX would initiate an ex officio investigation? Does Colombia view such a practice as an extraordinary occurrence?

Question 3:

Article 16 (Initiation of the Investigation) provides for the initiation of an investigation "from the moment it can be proved that a dumped or subsidized operation has begun". Could Colombia please explain the meaning of this language? Is it related to establishing sufficient evidence of the existence of a subsidy and a causal link between the subsidized imports and the alleged injury?
Question 4:

Article 17:7 (Complaint Requirements) requires that complaints contain an "indication of the evidence it is wished to adduce". Could Colombia please explain the meaning of this provision? Is the provision related to the need to establish a causal link between the subsidized imports and the injury alleged under Article 17:5?

Question 5:

Under Article 23 is it possible to impose provisional duties "at any time after the initiation", or does Colombia provide for or foresee a minimum period for investigation prior to the reaching of any preliminary determination?

Question 6:

Article 28 speaks of final countervailing duties but there is no mention of a final determination of subsidization and of material injury? Could Colombia clarify the basis on which final duties would be imposed?