

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

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

QUESTIONS CONCERNING THE LEGISLATION OF KOREA

EEC

1. Article 10(1) of the Customs Act states that a duty may be imposed "if deemed necessary to protect the domestic industry concerned". Does this part of the provision constitute a so-called public interest clause which is contained in the anti-dumping legislation of some of the Parties? If this is the case who defines the public interest?
2. Why does Article 10(3) of the Customs Act not mention the fact that self-initiation of anti-dumping investigations should only be considered "in special circumstances"? (cf. Art. 5(1) of the Code)
3. Which would be "special circumstances" that would preclude disclosure of information under Article 4-5(7) of the Presidential Decree?
4. Why should reviews under Article 4-7(1) be carried out "more than once per year"?
5. Article 4-4(2) provides that e.g. wholesalers and unions shall have the right to file a petition for anti-dumping measures. To what extent is this wide definition of petitioners compatible with Article 4(1) of the Code which refers to "producers" only?
6. Does the domestic industry have the right, under Article 4-6(3) to reject an undertaking offered by an exporter and are the authorities bound by such rejection?
7. Please explain the phrase in Article 4-6(4) "if the interested party denies the enforcement of the undertaking".
8. Please explain the term "any person who has an interest in a domestic industry" used in Article 4-7(4).