

**WORLD TRADE
ORGANIZATION**

G/SG/N/1/CRI/3
4 November 2002

(02-6053)

Committee on Safeguards

Original: Spanish

**NOTIFICATION OF LAWS, REGULATIONS AND ADMINISTRATIVE
PROCEDURES RELATING TO SAFEGUARD MEASURES**

COSTA RICA

The following communication, dated 30 October 2002, has been received from the Permanent Mission of Costa Rica.

Pursuant to Article 12.6 of the Agreement on Safeguards of the GATT 1994, we submit herewith a copy of Decree No. 30637-MEIC establishing the Office of Unfair Business Practices and Safeguard Measures, under the Ministry of the Economy, Industry and Trade, as the competent authority for all administrative procedures involving the application of safeguard measures. This Decree amends Decree No. 24772-MEIC-MAG (duly notified in document G/SG/N/1/CRI/2) as concerns the designation of the competent authority.

No. 30637-MEIC

**THE PRESIDENT OF THE REPUBLIC AND THE MINISTER OF THE ECONOMY,
INDUSTRY AND TRADE**

In application of the powers conferred by subparagraphs (3) and (18) of Article 140 of the Constitution, subparagraph 2(b) of Article 28 of the General Law on Public Administration, Articles 10 and 11 of the Law on Industrial Protection and Development (Law No. 2426 of 18 May 1960), Article 25 of the Convention on the Central American Tariff and Customs Regime (Law No. 6986 of 3 May 1985), Article 1 of the Central American Regulations on Unfair Business Practices (Executive Decree No. 24868-MEIC of 31 January 1996), Article 5 of the Organic Law of the Ministry of the Economy, Industry and Trade (Law No. 6054 of 23 June 1977 and amendments thereto), and Article 5(b) of the Regulations to the Organic Law (Decree No. 29117-MEIC of 6 December 2000);

Whereas:

1. The Law on Industrial Protection and Development, Law No. 2426 of 18 May 1960, provides the Ministry of the Economy, Industry and Trade with the authority to take such measures as are necessary to counter unfair trade practices;
2. By Official Communication DM-822-95 of 4 September 1995, the Ministry of National Planning and Economic Policy approved the restructuring of the Ministry of the Economy, Industry and Trade authorizing the creation of the Office of Unfair Business Practices and Safeguard Measures;
3. By Official Communication DM-23-00 of 7 April 2000, the Ministry of National Planning and Economic Policy approved the restructuring of the Ministry of the Economy, Industry and Trade involving, *inter alia*, the transfer of the functions of the Office of Unfair Business Practices and Safeguard Measures to the Legal Affairs Unit; and in this connection, the said Ministry stated that the restructuring study that had been submitted lacked the legal analysis needed to justify transferring the functions of the Office of Unfair Business Practices and Safeguard Measures to the Legal Affairs Unit because it caused an unwarranted overlapping of functions;
4. The Regulations to the Organic Law of the Ministry of the Economy, Industry and Trade, Executive Decree No. 29117-MEIC of 6 December 2000, transferred the functions of the Office of Unfair Business Practices and Safeguard Measures to the Legal Affairs Unit;
5. In the light of the international commitments assumed by Costa Rica as reflected in the agreements of the Uruguay Round of Multilateral Trade Negotiations and the technical nature of the administrative procedure, it was decided to accept the observations made by the Ministry of National Planning and Economic Policy set forth in Official Communication DM-23-00 of 7 April 2000;
6. There is a pressing need to set up an Office of Unfair Business Practices and Safeguard Measures under the Office of the Minister and operating independently of any Ministerial Unit;

Therefore decree:

Article 1. – Subparagraphs (g) and (i) of Article 8 of Executive Decree No. 29117-MEIC of 6 December 2000 are hereby deleted.

Article 2. – The Office of Unfair Business Practices and Safeguard Measures is hereby created under the Office of the Minister, with the responsibility of dealing on an exclusive basis with cases involving unfair business practices and safeguard measures, except cases in which international treaties grant competence to other branches, in which case those branches shall work in cooperation with the Office of Unfair Business Practices and Safeguard Measures.

Article 3. – The purpose of the Office is to act as a technical unit responsible for conducting the administrative procedures involved in the imposition of anti-dumping duties, countervailing duties, or the application of safeguard measures.

Article 4. – The Regulations to the Organic Law of the Ministry of the Economy, Industry and Trade, Executive Decree No. 29117-MEIC of 6 December 2000, are hereby amended to include the following Article, which shall appear as Article 8 *bis*:

Article 8. *bis* - The Office of Unfair Business Practices and Safeguard Measures shall act as advisor to the Office of the Minister and shall have the following functions:

- (a) To advise the Office of the Minister and other entities in the Ministry on dumping, subsidies and the imposition of safeguard measures;
- (b) to advise the domestic productive sectors on the functioning of the Office;
- (c) to provide guidance to the interested parties on the use of international mechanisms of protection against unfair business practices and on the imposition of safeguard measures;
- (d) to advise interested parties on the proper filing of a complaint and on the gathering of relevant evidence;
- (e) to receive and transmit complaints concerning unfair business practices relating either to dumping or subsidies;
- (f) to receive and transmit applications for the imposition of safeguard measures;
- (g) to carry out relevant studies to determine the appropriateness of the complaints of unfair business practices or the need to impose safeguard measures.

Article 5. – This Decree shall come into force upon publication.

Done in the Office of the President of the Republic, San José, on the 12th day of August 2002.

ABEL PACHECO DE LA ESPRIELLA. – Minister of the Economy, Industry and Trade, Vilma Villalobos Carvajal. – One – (Request No. 1547). – C-20810. – (D30637-61728).
