

Proposed Procedure for Submission of Questions and Answers under Articles 25.8 and 25.9

As noted in the previous paper of the United States, several Members have requested information under Article 25.8 of the Agreement on Subsidies and Countervailing Measures (Subsidies Agreement) regarding possible subsidy programs of other Members that have not been notified under Article 25.1. Many of these requests were answered only after lengthy delays, if at all. The purpose of the proposed text below is to clarify a Member's obligations to reply to information requests under Article 25.9 of the Subsidies Agreement. It is proposed that the text below be adopted by the Committee to establish appropriate procedures under Articles 25.8 and 25.9.

Proposed Text

1. Pursuant to Article 25.8 of the Subsidies Agreement: "Any Member may, at any time, make a written request for information on the nature and extent of any subsidy granted or maintained by another Member (including any subsidy referred to in Part IV), or for an explanation of the reasons for which a specific measure has been considered as not subject to the requirement of notification".
2. Under Article 25.9 of the Subsidies Agreement, Members who have received a request under article 25.8 "shall provide such information as quickly as possible and in a comprehensive manner, and shall be ready, upon request, to provide additional information to the requesting Member. In particular, they shall provide sufficient details to enable the other Member to assess their compliance with the terms of this Agreement" (emphasis added).
3. The submission of requests for information under Article 25.8 and the submission of answers under Article 25.9 shall be on the basis of a written procedure, i.e. on the basis of written questions and written answers. Members who receive a written request under Article 25.8 shall provide written answers as quickly as possible, but no later than **60** days after the receipt of the request. All requests shall be answered in a comprehensive manner. After a Member submits written answers, the Member shall be ready, upon written request, to provide additional written information to the requesting Member. In answering a written request of a Member under Article 25.8, the requested Member shall provide sufficient details in writing to enable the other Member to assess their compliance with the terms of the Subsidies Agreement. Written replies to follow up questions shall be answered within **30** days.
4. All requests under Article 25.8 to which written responses have not been provided in writing shall remain on the agenda of the Committee on Subsidies and Countervailing Measures until such time that the Members so requested have appropriately answered in writing as described under Article 25.9 and these procedures.