



### ADDITIONAL CLARIFICATIONS

1. There seems to be an apparent error in issue (i) on pg no. 5, as Article 12.3 deals with definitive safeguards measures and not provisional safeguards measures. Kindly clarify.

**Reply: Whether Article 12.3 applies to definitive safeguard measures or provisional safeguard measures or both is a matter of interpretation.**

2. In the first statement of issue (i) of para 17, shouldn't it be definitive safeguard measure instead of provisional safeguard measure, as Article 12.3 deals with definitive safeguard measures?

**Reply: Whether Article 12.3 applies to definitive safeguard measures or provisional safeguard measures or both is a matter of interpretation.**

3. What are the official languages of Puerto Sombra and Pueblo Faro?

**Reply: Both countries have two official languages – English and Spanish.**

4. Does the domestic industry export unwrought aluminum? If not, then what does it do with the excess produced?

**Reply: No clarification required.**

5. What is the condition of the electricity sector in Puerto Sombra?

**Reply: No clarification required.**

6. Comparing graphs b, c and d of exhibit 1, the production of the supporters (non-applicant domestic producers) is 110,000 but the sales of the supporters is 120,000. Please clarify this discrepancy.

**Reply: Onus is on parties to establish that this is a discrepancy.**

7. Is there any kind of preferential trade agreement in existence between Puerto Santo and Puerto Sombra?

**Reply: No clarification required.**



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8. Did Puerto Sombra notify the WTO pursuant to footnote 2 of Article 9.1? If so, was a list of the developing countries excluded from the measure provided?

**Reply: Yes, Puerto Sombra notified the WTO pursuant to footnote 2 of Article 9.1 and provided a list of developing countries, both at the time of notifying provisional safeguard measure and at the time of notifying definitive safeguard measure.**

9. Are the circumstances enumerated in paragraphs 25 and 26 the only factors attributed by the National Commission to the existence of critical circumstances?

**Reply: Please refer the relevant paragraphs of the moot problem.**

10. Can you elaborate more about the domestic law of Puerto Sombra regarding safeguards action?

**Reply: Puerto Sombra has adopted the Agreement on Safeguards (“AoS”) in domestic law under Puerto Sombra Safeguards Act, 1996 (“Act”). The obligations under the Act directly arise from the AoS.**

11. What are the Quantity of Imports from Pueblo Faro and the developing countries which are exempted from the safeguards?

**Reply: No clarification required.**

12. How much imports (in total as well as individual imports) of the product concerned coming from those developing countries?

**Reply: Please refer paragraph 10 on page 31 of the moot problem.**

13. Which provision of the DSU allows us to add issues after the submission of reference issues?

**Reply: Parties may research on this aspect.**

14. When the WTO panel was composed in the late January 2017, did the provisional measures still subsist or did they expire?

**Reply: Please refer the relevant paragraphs of the moot problem.**



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15. We would like to know the price of the product in the domestic market of the importing country and the exporting country as well as the price in which it was imported?

**Reply: No clarification required.**

16. Under which agreement were these two countries contracting for the import and export of the product?

**Reply: No clarification required.**

17. Is the addition of new issues permissible? OR Can we formulate issues (both from complainant and respondents) apart from the ones which are mentioned in the problem? OR Whether or not we can add more issues apart from the ones which are submitted by Pueblo Faro (as mentioned in page no. 5 of Moot Problem).

**Reply: Please refer answer to question 12, above.**