



9th GNLU International Moot Court Competition, 2017

CLARIFICATIONS

1. Whether the laws of Puerto Sombra and Pueblo Faro are para materia to any actual domestic laws?

Reply: No.

2. Which Act/Agreement is para materia to Puerto Sombra Safeguards Act, 1996?

Reply: Please refer to paragraph 6 on page 13 of the Moot Problem.

3. Kindly clarify the heading of the 2nd column of the table F on page 9 of the moot proposition.

Reply: On page 9 of the Moot Problem, the heading f. should read as below:

- a. Market share: Market share of imports vis-à-vis applicants is given below:

| Year | Imports in total production (%) | Share of imports in total consumption | Share of applicants' in total consumption |
|-----------------------|---------------------------------|---------------------------------------|-------------------------------------------|
| 2014 | 100% | 53% | 26% |
| 2015 | 97% | 53% | 26% |
| January to June, 2016 | 106% | 56% | 24% |
| 2016 (Annualised) | 106% | 56% | 24% |

It appears that imports of the product concerned very marginally declined in total production of the applicants in 2015 to 97% and in 2016 (Annualised) substantially increased to 106% in comparison to 2014, when share of imports in total production was only 100%. Share of imports in total consumption has increased from 53% in 2014 and 2015 to 56% in 2016 (Annualised). On the other hand, share of applicants in total consumption has declined from 26% in 2014 and 2015 to 24% in 2016 (Annualised).



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On page 15 of the Moot Problem, the heading v. should read as below:

v. Market share:

16. Market share of imports vis-à-vis the domestic industry is given below:

| Year | Imports in total production (%) | Share of imports in total consumption | Share of applicants' in total consumption |
|-----------------------|---------------------------------|---------------------------------------|-------------------------------------------|
| 2014 | 100% | 53% | 26% |
| 2015 | 97% | 53% | 26% |
| January to June, 2016 | 106% | 56% | 24% |
| 2016 (Annualised) | 106% | 56% | 24% |

17. It appears that imports of the product concerned very marginally declined in total production of the applicants in 2015 to 97% and in 2016 (Annualised) substantially increased to 106% in comparison to 2014, when share of imports in total production was only 100%. Share of imports in total consumption has increased from 53% in 2014 and 2015 to 56% in 2016 (Annualised). On the other hand, share of the domestic industry in total consumption has declined from 26% in 2014 and 2015 to 24% in 2016 (Annualised).

18. Imports have indeed captured the market share of the domestic industry. This trend will be further examined during the course of the investigation. However, it is provisionally determined that imports of the product concerned have captured a significant portion of consumption in 2016 (Annualised), which has led to loss of market share for the domestic industry.

4. Kindly clarify the background of Baux Corporation, as to whether it is situated in Pueblo Faro or Puerto Sombra?

Reply: Baux Corporation is situated in Puerto Sombra.



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5. Whether the “National Tariff Commission” has to be substituted with "National Trade Commission" on page 22 para C - Procedure and events after Provisional Determination?

Reply: Yes.

6. Kindly provide annualized data for profits and losses mentioned on Pg 10 of the Moot Proposition.

Reply: No clarification required.

7. Kindly clarify whether the “import data” mentioned on page 7 includes data relating to production, sales, consumption....

Reply: No clarification required.

8. What is the criteria for differentiating between developed and developing countries? On what basis a country is said to be developed?

Reply: No clarification required.

9. Any other information (inclusive of economic indicators apart from GDP) to indicate the level of development in Puerto Santo.

Reply: No clarification required.

10. The exact number of countries that challenged the ‘developing’ status given to Puerto Santo by Puerto Sombra?

Reply: No clarification required.

11. The number of times and specific ways in which Puerto Santo has previously been identified as ‘developed’.

Reply: A majority of the WTO membership recognises Puerto Santo as developed in trade remedy investigations and for other purposes. Its annual GDP per capita is USD 18,562 as per the latest report of the World Bank. Puerto Santo’s GNP per capita crossed USD 1000 per annum in 2005. Puerto Santo is a highly industrialised economy with a high human development index comparable to any developed



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country. As an original member of the WTO, Puerto Santo recognises itself as a developing country.

12. The number of times and specific ways in which Puerto Santo has previously been identified as ‘developing’.

Reply: No clarification required.

13. Did Puerto Sombra take any kind of action between the 2nd and the 15th of August 2016, i.e. before the implementation of provisional safeguards?

Reply: Kindly clarify the question.

14. Whether ‘MT’ expands into Mozambican Metical - Metric Ton?

Reply: No. One Metric Ton = 1000 kg.

15. How many countries questioned Puerto Sombra after the imposition of the provisional safeguard was notified to the WTO on the 15th of August 2016?

Reply: No clarification required.