



# The Rights and Obligations of the Egyptian Investigating Authority and the Parties

## “Dialogue on WTO Dispute Settlement”

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# The Decrees, Laws and Regulations

- **Presidential Decree No. 72/1995**
- **Law No. 161/1998**
- **Executive Regulation No. 549/1998**

# Obligation of the investigation Authority

1. Inform the applicant within seven working days whether the application has been accepted or rejected.
2. Verify the accuracy and adequacy of evidence within 30 days.
3. Prepare preliminary report to the Advisory Committee.
4. Initiate investigation upon the Minister approval.

# Cont'd

5. Send questionnaire to parties.
6. Flexibilities upon good cause other wise resort to BAI.
7. Conduct on the spot verification.
8. Protect Confidential information.

# Cont'd

9. Complete investigation within 12 months.

10. Extension of investigation period for no more than 6 months.

11. Fair opportunity to defend their rights through the investigation procedures.

# Transparency

1. Hold hearing.
2. Disclose non confidential information.
3. Public file.

# Notification

Notification process through investigation stages

a. The Complaint

Notify the complainant of the reason of rejecting the complaint.

b. Pre - Initiation of investigation

Notify the governments of the countries concerned.

c. Notification of initiation, provisional measures and definitive termination to the WTO.

# The obligations of the Parties

Definition of Concerned parties & interested parties.

General obligations :

1. Respond to questionnaire within 37 days and other correspondence.
2. Cooperate by submitting sufficient information.
3. Accept of verification visit if requested.
4. Submit non-confidential summary of all the confidential information provided.



# Cont'd

- **Complainant Obligation**

- 1. Submit Complaint.**

- 2. Provide evidence of dumping, injury & causal link.**

- 3. Non confidential version of the complaint.**

- 4. Meet the standing requirement.**

# Rights of the parties

1. Comment on the reports issued by the investigating authorities.
2. Access to public file.
3. Request a hearing.
4. Judicial review.

# National Judicial Review

- Article 4 of Law No. 161 of 1998 and Article 95 of the Executive Regulations affirm that the Administrative court is the competent court.
- Article 13 of the Anti-Dumping Agreement and Article 23 of the SCM provides that every WTO member shall establish judicial courts for administrative procedures.
- Since 1998 Egyptian Administrative Courts have reviewed 44 cases.

# Judicial Bodies Involved in the Review Procedures

- Dispute Settlement Committees.
- The Administrative Court.
- The Supreme Administrative Court.

# Importance of Participation in the Dispute Settlement Mechanism under the umbrella of the WTO

- Defend the rights of Egypt whether plaintiff or complainant in various field.
- Raise cases against trade barriers to Egyptian exports.

# The problems that hinder active participation of Law Firms in Dispute Settlement

- Reluctance of the Law Firms to deal with WTO issues.
- Complexity of WTO Agreements that affect active participation.

# How the Egyptian Law Firms Can Participate in WTO cases

- Establish Corporate Law Firms (accountants, economists, lawyers).
- Evolve of education system in law schools.
- Merge with Foreign Law Firms (transfer experience).

**Thank you**

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