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Article 23

Judicial Review

Each Member whose national legislation contains provisions on countervailing duty measures shall maintain judicial, arbitral or administrative tribunals or procedures for the purpose, inter alia, of the prompt review of administrative actions relating to final determinations and reviews of determinations within the meaning of Article 21. Such tribunals or procedures shall be independent of the authorities responsible for the determination or review in question, and shall provide all interested parties who participated in the administrative proceeding and are directly and individually affected by the administrative actions with access to review.

1. As the text of Article 23 of the SCM Agreement largely parallels the text of Article 13 of the Anti-Dumping Agreement, see also the Section on that Article of the Anti-Dumping Agreement.

2. In *US – Countervailing and Anti-Dumping Measures (China)*, the Panel, in the process of interpreting and applying Article X:3(b) of the GATT 1994, stated that:

"Article 23 of the SCM Agreement explicitly guarantees access to judicial review to 'all interested parties who participated in the administrative proceeding and are directly and individually affected by the outcome'. The neutral wording of Article 23 confirms *SCM Agreement*

judicial review provided for under Article 23 of the SCM Agreement and the WTO dispute settlement proceedings referred to under its Article 30. The Panel stated:

"India's argument is that condoning the USDOC's approach would prevent Members from initiating WTO dispute settlement proceedings in parallel with legal actions taken by companies in domestic judicial proceedings. First, the newly determined rates do not impact the im