

Committee on Safeguards

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 12.6 OF THE AGREEMENT**

Questions Posed by INDONESIA
Regarding the Notification of the PHILIPPINES¹

The following communication, dated 9 April 2002, has been received from the Permanent Mission of Indonesia.

I have the honour to transmit the attached questions from my Government regarding the implementation of RA 8800 Safeguard Act by the Government of the Philippines.

It is highly appreciated if your Government could provide answers in advance of the forthcoming Committee on Safeguards meeting to be held on 29 April 2002.

¹ G/SG/N/1/PHL/2

1. The Government of Indonesia notes that RA 8800:

- Does not accommodate the WTO provision "providing concessions and other obligations or trade compensation".
- Fails to include the requirement of providing adequate opportunity for prior consultations to affected Member countries.
- Does not provide clear preconditions as basic requirements for the application of safeguard measures.

Where RA 8800 is silent on a number of WTO provisions could the Government of the Philippines confirm that the full terms of the Agreement on Safeguards will prevail, and how will this be ensured in practice?

2. In the cases of application of a safeguard measure against importation of Portland Cement and Ceramic Tiles, the Philippines provide to the interested parties only 5 (five) days to respond to the application. Could the Government of the Philippines confirm that it considers five days to be sufficient to meet the requirement of Article 3.1 of the Agreement on Safeguards. In addition, it should be noted that no opportunity was provided to comment on the report of the finding.
