

**INITIATION OF INVESTIGATION AND IMPOSITION OF PROVISIONAL
MEASURES BY THE CZECH REPUBLIC ON ISOGLUCOSE,
ISOGLUCOSE SYRUPS, GLUCOSE SYRUPS AND OTHER SUGARS**

Request for Consultations under Article 12.4 of the
Agreement on Safeguards

The following communication, dated 27 February 2001, has been received from the Permanent Mission of Poland.

On 22 December 2000 the Czech Republic notified the WTO, in document G/SG/N/6/CZE/3, that the Ministry of Industry and Trade had initiated an investigation on isoglucose, isoglucose syrups, glucose syrups and other sugars. On 8 January 2001, the Czech Republic notified its intention of applying a safeguard measure (document G/SG/N/7/CZE/2) and on 10 January 2001 imposed the provisional safeguard measure in the form of a tariff increase by the introduction of the additional import duty at the levels as follows:

Isoglucose	- 70 per cent
Isoglucose syrups	- 100 per cent
Glucose syrups	- 60 per cent
Other sugars	- 90 per cent

Poland is of the opinion that this measure is inconsistent with Article XIX GATT and the Agreement on Safeguards and considers that the requirements contained in the Agreement on Safeguards for the adoption of a provisional safeguard measure have not been met.

Poland is of the view that based on the available facts it is difficult to prove that the goods were imported under such conditions as to cause or threaten to cause serious injury to the domestic industry. There are also doubts as to the causal link between imports and the serious injury.

Furthermore, in accordance with Article 6 of the Agreement on Safeguards, the Czech Republic should have proved the existence of critical circumstances, before adopting provisional safeguard measures, which the Czech Republic has failed to do.

Taking into account that the consultations, under the Agreement on Safeguards, should commence immediately after the measure has been introduced, Poland formally requests the holding of consultations under Article 12.4 with the aim of reviewing the information provided and of obtaining additional information concerning the results of this investigation. Poland requests the Czech Republic not to take any measures until consultations have taken place.

It is proposed that consultations be held forthwith at a mutually agreed date and place.

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Poland reserves all its rights under the Agreement on Safeguards, in particular Article 14, as well as under the Dispute Settlement Understanding.
