

WORLD TRADE ORGANIZATION

RESTRICTED

G/SG/M/2

24 October 1995

(95-3244)

Committee on Safeguards

MINUTES OF THE SPECIAL MEETING HELD ON 13-14 JULY 1995

Chairman: Mr. J. Ruiz (Argentina)

1. The Committee on Safeguards held a special meeting on 13 and 14 July 1995. The following agenda was adopted:

- A. Election of Vice-Chairman
- B. Notifications of legislation pursuant to Article 12.6 of the Agreement
 - (i) European Community (G/SG/N/1/EEC/1)
 - (ii) Colombia (G/SG/N/1/COL/1)
 - (iii) Canada (G/SG/N/1/CAN/1)
 - (iv) Costa Rica (G/SG/N/1/CRI/1)
- C. Future meetings to review notifications of safeguards legislation
- D. Other business: Participation by international organizations as observers at future meetings of the Committee.

A. Election of Vice-Chairman

2. The Committee elected Mr. András Lakatos of Hungary Vice-Chairman.

B. Notifications of legislation pursuant to Article 12.6 of the Agreement

3. The Chairman observed that the principal item on the agenda for this special meeting was the review of legislation, in the order listed in the Agenda. The Chairman reminded Members that written questions were to have been submitted to both the Members whose legislation was to be reviewed, and to the Secretariat, a minimum of two weeks before the meeting. However, no Members submitted their questions by the deadline, and many questions were received well after the deadline. To the extent possible, questions received late were translated and circulated to all Members. Given the short time available, translation of all questions into all languages had not been possible, but with the aid of the interpreters, the Committee should be able to proceed without difficulty. The Chairman observed that the late receipt of questions had significantly increased the burden on Members who tried to prepare answers for this meeting, as well as made the task of organizing the review very difficult. He noted the hope that, time permitting, for future meetings the period between receipt of questions and meetings

would be increased, emphasizing that it was critical that written questions be submitted in a timely manner. Questions submitted late would not be processed and circulated to Members for preparation of answers. While these questions could of course be asked at the meeting, the ability of Members to prepare answers to questions they know will be asked is vitally important to the Committee's ability to review legislation.

4. The Chairman reminded the Committee that Members who did not submit written questions were free to ask questions at this meeting, and to make comments. However, any such questions should be subsequently provided in writing to the Member whose legislation it concerned, and to the Secretariat. Similarly, all Members should follow up their oral response to questions in this meeting with a written response by 15 September 1995, which should be submitted to the Secretariat for circulation to the Committee. Members were of course free to supplement the answers provided in the meeting in their written answers.

5. The Chairman noted that, in light of the number of questions already submitted and the likelihood that Members would have additional questions to pose at the meeting, it was possible that the Committee would not be able to touch upon all questions with respect to all four legislations on the agenda, and reminded Members that this was not the only opportunity they would have to discuss these legislations. He observed that if it appeared necessary, he would direct the Committee to proceed to the next question, or cut off the discussion of each legislation, in sufficient time to allow the Committee to proceed to the other legislations on the agenda, so that all the legislations before the Committee would be discussed in this meeting.

6. Regarding the conduct of the meeting, the Chairman noted that each legislation, the questions regarding that legislation, and the manner in which the Member prepared for the review, was different. Thus, there was a need for some flexibility in the procedures depending on the legislation concerned.

7. The Chairman exhorted Members most strongly not to repeat questions that had already been posed. He emphasized that the Committee was faced with a choice of either reviewing a part of the legislations on the agenda in great detail, or considering them in their entirety, but in less detail. The Committee could not do both, and at some point, discussion would be cut off if necessary. Of course, simply because no questions were asked concerning a particular provision would not preclude later questions from any Members regarding that provision.

8. The Committee proceeded to the substantive review of the legislations on the agenda.

9. The questions posed regarding the European Community's legislation can be found in the following documents:

G/SG/W/2	(submitted by Canada)
G/SG/W/8	(submitted by Australia)
G/SG/W/9	(submitted by Korea)
G/SG/W/17	(submitted by USA)
G/SG/W/23	(submitted by Japan)

The answers provided by the EC to these questions can be found in the following documents:

G/SG/W/34	(replies to US)
G/SG/W/35	(replies to Canada)
G/SG/W/36	(replies to Australia)
G/SG/W/37	(replies to Korea)
G/SG/W/28	(replies to Japan)

10. The questions posed regarding Colombia's legislation can be found in the following documents:

G/SG/W/4 (submitted by Canada)
 G/SG/W/7 (submitted by Australia)
 G/SG/W/11 (submitted by Korea)
 G/SG/W/14 (submitted by Japan)
 G/SG/W/16 (submitted by EC)
 G/SG/W/20 (submitted by USA)
 G/SG/W/26 (submitted by Hungary)

The answers provided by Colombia to these questions can be found in the following document:

G/SG/W/33 (replies to Australia, Canada, EC, Japan, Korea)

11. The questions posed regarding Canada's legislation can be found in the following documents:

G/SG/W/5 (submitted by EC)
 G/SG/W/10 (submitted by Korea)
 G/SG/W/13 (submitted by Japan)
 G/SG/W/18 (submitted by USA)
 G/SG/W/22 (submitted by Australia)
 G/SG/W/25 (submitted by New Zealand)

The answers provided by Canada to these questions can be found in the following documents:

G/SG/W/27 (replies to Korea)
 G/SG/W/28 (replies to Australia)
 G/SG/W/29 (replies to EC)
 G/SG/W/30 (replies to Japan)
 G/SG/W/31 (replies to New Zealand)
 G/SG/W/32 (replies to USA)

12. The questions posed regarding Costa Rica's legislation can be found in the following documents.

G/SG/W/3 (submitted by Canada)
 G/SG/W/6 (submitted by Australia)
 G/SG/W/12 (submitted by Korea)
 G/SG/W/15 (submitted by Japan)
 G/SG/W/19 (submitted by USA)
 G/SG/W/21 (submitted by EC)

The answers provided by Costa Rica to these questions can be found in the following document:

G/SG/W/24 (replies to Australia, Canada, EC, Japan, Korea, USA)

13. Before turning to the schedule for future meetings to review legislation, the Chairman observed that the Committee had made excellent progress in its task of reviewing legislations at this meeting. He thanked the delegations for the hard work they had put into preparing for the meeting and the seriousness with which they undertook the task.

14. The Chairman briefly reviewed the status of notifications of legislation. In addition to the Members whose legislation had already been already scheduled for review, notifications had been received

from: Argentina, Australia, Bolivia, Brazil, Chile, Cuba, Czech Republic, Egypt, El Salvador, Guatemala, Honduras, Hong Kong, Hungary, Indonesia, Israel, Japan, Mauritius, Mexico, Nicaragua, Norway, Paraguay, Peru, Poland, Singapore, Sri Lanka, Turkey, Uruguay, and Venezuela. No notifications had been received from: Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Burkina Faso, Central African Republic, Côte d'Ivoire, Djibouti, Dominica, Dominican Republic, Gabon, Ghana, Guinea Bissau, Guyana, Iceland, India, Jamaica, Kenya, Kuwait, Lesotho, Macau, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Morocco, Myanmar, Namibia, Nigeria, Pakistan, Peru, Philippines, Saint Lucia, Saint Vincent & Grenadines, Senegal, Slovak Republic, South Africa, Suriname, Swaziland, Switzerland, Tanzania, Togo, Tunisia, Trinidad and Tobago, Uganda, Zambia, and Zimbabwe.

15. The Chairman took advantage of the opportunity to consider what had been accomplished in the area of notifications of legislation, and what remained to be done. On the one hand, it was noteworthy that most of the WTO Members who had been known to impose safeguard measures in the past had notified their legislation to the Committee. In fact, most of these Members respected the 15 March indicative date set by the Committee. On the other hand, 52 Members had not yet notified the Committee regarding the status of their legislation, if any. If these Members did not have any relevant legislation, it should be easy for them to notify the Committee of that fact. If they did have such legislation, it was important that it be notified, or if it was not possible to notify immediately, notify the Committee of an indicative date when notification will be made. The Chairman urged Members that had not yet done so to notify the Committee concerning their legislation at the earliest possible date. He observed that the notification of legislation is of vital importance to the Committee's ability to carry out its responsibilities under the Agreement, and reminded Members that, under Article 3 of the Agreement, until legislation or regulations establishing the procedures for imposition of a safeguard measure have been published, no safeguard actions can be taken under the Agreement.

16. The Chairman observed that it was likely that the Committees on Anti-dumping and Subsidies and Countervailing Measures would hold two more special meetings to review legislation in 1995. He proposed that this Committee also schedule special meetings, to be held in conjunction with the special joint meetings of the Anti-dumping and Subsidies and Countervailing Measures Committees, to review the remaining legislations that had been notified. The specific dates for meetings were still being discussed, although the Chairmen intended to propose a specific schedule at the end of the joint special meeting next week, so that Members would be able to prepare for those meetings.

17. The Chairman reminded Members that the list of countries for the second review session was selected in April. He proposed that the order of review would be New Zealand, Romania, the United States, Korea, and Thailand. Cuba, Hungary, Israel, Japan, and Mexico, had submitted the text of their existing safeguards legislation, which could be reviewed at the following special meeting. However, the Chairman noted that additional legislations might be added to the review schedule if appropriate.

18. The Committee so decided.

D. Other business: Participation by international organizations as observers at future meetings of the Committee.

19. The Chairman recalled that the Council for Trade in Goods decided at its meeting of 3 April 1995 that, pending the adoption of criteria and conditions for observer status of international organizations in the WTO, each subsidiary body would decide which intergovernmental/international organizations should be invited to its next meeting. Because this Committee had not met since then, no such organizations were invited to this meeting. However, the IMF, OECD, and the World Bank had

requested that they be allowed to attend meetings of the Safeguards Committee as Observers. The Chairman proposed that these organizations be invited to the next meeting of the Committee as Observers, and that the Committee continue to operate on that basis in the future. When the necessary criteria for observer status of international and intergovernmental organizations had been established, the Committee could revert to the matter.

20. The Committee so decided.

21. The meeting was adjourned.