

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/SG/W/11**

12 July 1995

(95-1941)

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**Committee on Safeguards**

Original: English

QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED  
BY COLOMBIA OF LAWS AND REGULATIONS UNDER  
ARTICLE 12.6 OF THE AGREEMENT

The following communication, dated 4 July 1995, has been received from the Permanent Mission of Korea.

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Pursuant to the decision of the Committee on Safeguards, and in response to WTO/AIR/78, paragraph 7, dated 10 May 1995, I have the honour to submit to the Secretariat some written questions and observations addressed to Colombia concerning their safeguard legislation.

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QUESTIONNAIRE ON THE SAFEGUARDS LAWS  
OF COLOMBIA

We would like to ask Colombia to clarify the following three points with regard to its Notification of Laws, Regulations and Administration Procedures Relating to Safeguard Measures as contained in document G/SG/N/1/COL/1.

1. Consultation

Article 21 of the Colombian Law seems to exclude some members from the notification and consultation process provided for in the Agreement by holding that "The procedure provided for in this Article [concerning notification and consultations] shall not apply when the measure adopted is a customs duty affecting a product in respect of which the country has not granted concessions at the multilateral level, or when the duty levied is less than such concessions.

The invocation of such a stipulation however, would be contrary to Article 12.3 of the Safeguards Agreement, which provides that "A Member proposing to apply or extend a safeguard measure shall provide adequate opportunity for prior consultations with those Members having a substantial interest as exporters of the product concerned".

2. Scope of the measures

Article 22 of the Colombian Law appears to allow the possibility that a quantitative restriction could reduce the volume of imports below the average annual level of imports over the past three years if "it can be demonstrated that it is more appropriate to take a different level. For the purposes of determining such level, the period in which the product concerned was subject to a prior licensing system shall be disregarded".

Article 5.1 of the Safeguards Agreement, however, requires that quantitative restrictions shall not reduce the quantity of imports below the three-year average "unless clear justification is given that a different level is necessary to prevent or remedy serious injury".

3. The period of non-application

Article 24 of the Colombian Law stipulates that "No safeguard measure shall be applied again to the importation of a product which has been subject to such a measure for a period of time equal to that during which such measure had been previously applied, provided that the period of non-application is at least one year." Article 7.5 of the Safeguards Agreement, however, prescribes that the period of non-application should be at least two years.

Given the above observations, it would seem that the Colombian Law should be promptly modified to be consistent with the Safeguards Agreement. We therefore request to be informed of the details concerning the Colombian modification schedule.