

WORLD TRADE ORGANIZATION

RESTRICTED

G/SG/W/133

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Committee on Safeguards

Original: Spanish

REPLIES TO QUESTIONS POSED BY THE EUROPEAN COMMUNITIES¹
CONCERNING THE NOTIFICATION OF LAWS AND REGULATIONS
OF CUBA² UNDER ARTICLE 12.6 OF THE AGREEMENT

The following communication, dated 21 February 1996, has been received from the Permanent Mission of Cuba.

Question

The European Community has studied the communication from Cuba in which the latter states that it has not yet adopted any specific legislation to implement the Agreement on Safeguards and that domestic trade policy is currently being revised.

The European Community invites the Cuban authorities to adopt such legislation as rapidly as possible.

Until this legislation is adopted:

1. Will the Cuban authorities adopt safeguard measures?

Reply

Until it has specific legislation on this subject, the Government of the Republic of Cuba will refrain from adopting safeguard measures. Nevertheless, on an exceptional basis, quantitative restrictions may be applied as safeguards to the extent necessary to prevent or remedy serious injury to domestic industry, taking into account the rules of the WTO Agreement on Safeguards, which is legally binding in Cuban territory.

Question

2. In such a case, how can the Cuban authorities guarantee that the safeguard measures adopted will be in accordance with the provisions of the Agreement on Safeguards?

¹G/SG/W/88.

²G/ADP/N/1/CUB/1-G/SCM/N/1/CUB/1-G/SG/N/1/CUB/1 + G/ADP/N/1/CUB/Suppl. 1.

Reply

Under Decree-Law No. 147, dated 21 April 1994, "on the Reorganization of the Organs of the Central Administration", the Ministry of Finance and Prices and the Ministry of Foreign Trade are the competent authorities to initiate and conduct, jointly, investigations into the application of safeguards and are required under Decree-Law No. 124, as well as by virtue of ratification by the Council of State of the Agreement establishing the WTO, to comply with the commitments set out in the Agreement on Safeguards. The actions of these authorities will, during the temporary absence of specific legislation, including a procedure for investigations, be governed by the rules of the Agreement on Safeguards.

For some months, the competent authorities have been working on the preparation of specific legislation on this matter, which forms part of the whole process of a review of Cuban trade policy as a result of bringing it into line with the new conditions for the development of our foreign trade. It is a working objective for both Ministries in 1996 to complete this legislation and submit for consideration by the Government, and once it has been adopted it will be notified to the WTO.