

WORLD TRADE ORGANIZATION

RESTRICTED

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(95-1944)

Committee on Safeguards

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QUESTIONS CONCERNING THE NOTIFICATION 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 Japan.

I. Notification

1. Notifications relating to safeguard measures should be made to the Committee on Safeguards of the WTO instead of being made to the bodies of the General Agreement on Tariffs and Trade (GATT) as is provided for in Article 21 of the Ministry of Foreign Trade Decree No. 809 of 21 April 1994 (hereinafter referred to as "the Decree").

II. The minimum non-application period

2. The minimum non-application period should be two years in accordance with paragraph 5 of Article 7 of the Agreement on Safeguards, instead of one year as is provided for in Article 24 of the Decree.

III. Investigation

3. How are investigations conducted in the case of extension of the safeguard measure, which are required by paragraph 2 of Article 7 of the Agreement on Safeguards?

N.B. Article 23 of the Decree provides that a safeguard measure may be extended, provided that it has been established by the Higher Council for Foreign Trade that the conditions which gave rise to the application of the measure continue to exist. Article 30 of the Decree further states that Colombian Foreign Trade Institute (INCOMEX) shall submit to the Customs, Tariffs and Foreign Trade Committee and to the Higher Council for Foreign Trade a quarterly report evaluating the effects of the application of safeguard measures, for the purpose of adopting appropriate decisions on extending the measures.

During the process of preparation of such reports, does INCOMEX conduct investigations including, but not limited to, public notice and public hearings or other appropriate means in which interested parties could present evidence and views?