

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/SG/W/50**

25 October 1995

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**Committee on Safeguards**

Original: English

## QUESTIONS CONCERNING THE NOTIFICATION PROVIDED BY NEW ZEALAND<sup>1</sup> OF THE LAWS AND REGULATIONS UNDER ARTICLE 12.6 OF THE AGREEMENT

The following communication, dated 16 October 1995, has been received from the Permanent Mission of Canada

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1. Article 5 indicates that the Minister may request the Authority to undertake an enquiry in relation to the importation of the goods. Can safeguard measures also be applied without enquiries by the Authority?
  2. Will initial investigations, mid-term reviews and extension enquiries be conducted by the same Authority? What specific administrative procedures must be followed by the competent authority for the conduct of safeguard investigations?
  3. Can provisional measures be taken and if so, under what conditions?
  4. Are there defined time limits for imposing safeguard actions, and for conducting mid-term reviews, under New Zealand law? Are there any provisions in the law that require the progressive liberalization of measures?
  5. New Zealand's legislation appears to be silent about the possibility of an extension of a safeguard measure. Could the New Zealand delegation indicate whether such extensions are possible, if so, what procedures would be followed?
  6. Are there specific provisions in New Zealand law to implement the obligations contained in Articles 7.5 & 7.6 of the WTO Agreement on Safeguards?
  7. Once a safeguard measure is applied, can such measure be amended or repealed?
  8. Is special treatment accorded to imports from Australia when safeguard enquiries are conducted or when a safeguard measure is applied?
  9. What legislation provides for the possibility of compensation to countries affected by a New Zealand safeguard measure?

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<sup>1</sup>G/SG/N/1/NZL/1

10. Article [7, Report of Authority, (5) - refers to the publishing of its Report after reporting to the Minister. In what publication will the Authority's report be published?

11. Article [7, Report of Authority, - following receipt of the Authority's report, is a decision of the Minister and/or the Government to impose or deny the imposition of a safeguard measure published in the Gazette?

12. Articles 5 (1) (a & b) includes the words "or is likely to suffer". Does New Zealand equate these words with the definition of "threat of serious injury" as found in Article 4 (1)(b) of the WTO Agreement on Safeguards?