

WORLD TRADE ORGANIZATION

RESTRICTED

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(95-1937)

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 Australia.

1. What is "the general system regulating the application of safeguard measures" referred to in Article 1? Is this a reference to other domestic legislation or is it a reference to the WTO Safeguards Agreement?
2. With regard to the definition of "serious injury" in Article 1, what difference, if any, is there between "significant material impairment" and the term "significant overall impairment" used in Article 4 of the Safeguards Agreement?
3. What would constitute a "considerable proportion of the domestic industry" in Article 3.1?
4. How does Colombia justify the parameters set out in paragraph 6 of Article 6 for agricultural and fisheries products as a basis for determining serious injury?
5. How do the short time periods of 20 days and 60 days in Articles 10 and 11, respectively, allow for the fulfilment of the requirements of Article 3.1 of the Safeguards Agreement regarding "reasonable public notice" and "the opportunity to respond"? Will this allow interested parties to submit views on whether the action would be in the public interest? Will interested parties be able to present their views on public interest under Article 25?
6. How are safeguard measures imposed pursuant to Articles 13 and 15, e.g. are they imposed by Presidential decree or through legislation?
7. What provision is there to ensure the appropriate publication of a notice of the measures and of the report containing findings and reasons as provided for in Articles 3.1 and 4.2(c) of the Safeguards Agreement?
8. Under Article 15, is the adoption of the recommendation on provisional measures mandatory upon the Government?
9. What provision is there for duties collected as provisional measures under Article 16 to be refunded (or securities taken under Article 28 returned) if there is a negative final decision?

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10. How are the provisions of Chapter III: Agricultural Safeguards on Grounds of Threat of Injury to operate? How are they consistent with the Safeguards Agreement? Why are they required in addition to the general provisions in the rest of the notification?

11. Article 21 appears to envisage notification to the WTO and consultations with Members affected only after an affirmative recommendation by the Customs, Tariffs and Foreign Trade Committee. How is this consistent with the requirements under Article 12 of the Safeguards Agreement?

12. What provision is there for notification and consultation prior to the extension of a safeguard measure?

13. Article 24 provides for a period of non-application of at least one year. How is this consistent with Articles 7.5 and 9.2 of the Safeguards Agreement, which provide for a period of non-application of at least two years?