

WORLD TRADE ORGANIZATION

RESTRICTED

G/SG/W/83

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Committee on Safeguards

Original: English

QUESTIONS CONCERNING THE NOTIFICATION PROVIDED BY JAPAN¹ OF LAWS AND REGULATIONS UNDER ARTICLE 12.6 OF AGREEMENT

The following communication, dated 23 November 1995, has been received from the Permanent Mission of Korea.

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1. Safeguard measures are not specifically mentioned in Article 52 of the "Foreign Exchange and Foreign Trade Control Law", nor in Article 3 of the "Import Trade Control Order". Is there any domestic legal problem in the enforcement of "Regulations to Govern Emergency Measures" due to the lack of basis in higher laws?
 2. According to the notified laws and regulations, the safeguard measures of Japan are limited to only two types, that is tariff measures and quantitative restrictions. Is it correct to understand that Japan will not take safeguard measures of any other type?
 3. The Minister of International Trade and Industry conducts an investigation for quantitative restrictions, and the Ministry of Finance does the same for tariff measures. How do these two separate investigations actually work? For example, pending one Minister's investigation for a specific product, will the other Minister refrain from his investigation for the same product? Or can the two investigations be carried out simultaneously? Can tariff measures be taken as a result of the MITI's investigation for quantitative restrictions or the other way around?
 4. Can the investigation be initiated by a petition filed by domestic producers?
 5. Article 2 of the Regulation and Article 9 of the Customs Tariff Law provide for "increased quantities due to a decrease in the market price or any other unforeseen change in the circumstances". Does this provision imply that when the increase in imports is caused by any other reason than those specified in the provision, Japan will not take safeguard measures?

¹G/SG/N/1/JPN/2.