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Page: 1/3

Committee on Safeguards

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**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLE 12.6 OF THE AGREEMENT****REPLIES TO QUESTIONS<sup>1</sup> POSED BY THE UNITED STATES  
REGARDING THE NOTIFICATION OF ZIMBABWE<sup>2</sup>**

The following communication dated and received on 26 April 2021, is being circulated at the request of the Delegation of Zimbabwe.

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**Question 1**

**There are various time limits specified throughout the Regulations. Please clarify whether these are calendar days or business days.**

Reply:

These are calendar days as per the WTO Safeguards Agreement.

**Question 2**

**Article 9(1)(j) of the Regulations states that a written request for the application shall include, among other information, "... information on the effect of relevant obligations incurred by Zimbabwe under GATT 1994." Article 29(2)(f) of the Regulations contains similar language. Please provide an additional explanation for what type of information shall be provided under these sub-articles.**

Reply:

Article 9(1)(j) is part of the information required from the applicant. It requires the applicant to provide details on how the commitments made under GATT 1994 by Zimbabwe, such as tariff concessions are affecting the industry. Whereas Article 29(2)(f) is under the information to be included in the notice which will be published in the Gazette, immediately upon taking a decision regarding the application of a definitive safeguard measure. In this regard, Article 29(2)(f) is information which will be included in the report but it will be provided under Article 9(1)(j) by applicants.

**Question 3**

**If the investigating authority decides to initiate a safeguard investigation on its own initiative, what indication or evidence supporting that decision will be placed on the public case file for review by parties?**

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<sup>1</sup> G/SG/Q1/ZWE/1.

<sup>2</sup> G/SG/N/1/ZWE/3.

Reply:

The process is the same with that where the industry would have filed an application, as the ex-officio initiation require the industry to provide all the evidence to prove that they are being seriously injured. Public case file will contain information obtained from the industry, though, this is a rare case to have own initiation by the Investigating authority.

#### **Question 4**

**Article 12(2) of the Regulations notes that interested parties have 30 days from the date of initiation of a safeguard investigation to express their interest in participating in the investigation. Please describe the information interested parties should submit to indicate their interest to participate in the proceeding and identify any requirements that interested parties must meet to participate in the proceeding.**

Reply:

Interested parties involve importers, exporters and domestic industry whose input to the investigation is important. As such interested parties can present evidence and their views as well as responding to the presentations of other parties as to whether or not the application of a safeguard measure would be in the public interest.

#### **Question 5**

**Will the published report discussed in Article 26(2) of the Regulations also be made available on the public case file?**

Reply:

Yes, taking note of the confidential clauses.

#### **Question 6**

**Article (27)(2)(d) of the Regulations notes that the notice published by the investigating authority will include "the country or countries of origin of the product that is being investigated." Please clarify this provision since a global safeguard investigation is applied to imports regardless of their source.**

Reply:

In as much this will be a global safeguard investigation, the provision states that the notice will include countries in which the product under investigation will be originating from. This is more of publication of countries to be affected should there be a definitive measure to be applied on the product under consideration, though it will be applied globally.

#### **Question 7**

**With regard to Article 40 of the Regulations, if there are discrepancies between the Regulations and the WTO Agreement on Safeguards, which authority holds precedence?**

Reply:

These regulations shall be applied in conformity with the obligations of Zimbabwe under the Agreement Establishing the World Trade Organization, done at Marrakesh, on 15 April 1994, including the General Agreement on Tariffs and Trade 1994 (GATT 1994) and the Agreement on Safeguards.

In cases of discrepancy, it means the General Agreement on Tariffs and Trade 1994 (GATT 1994) and the Agreement on Safeguards will take precedence over these regulations.

**Question 8**

**Please clarify whether and how interested parties can appeal decisions made by the investigating authority.**

Reply:

Interested parties can appeal against the decision made by the investigating authority at the Administration Court.

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