

**Remarks by the Separate Customs Territory of Taiwan,
Penghu Kinmen and Matsu at Meeting of the
Committee on Safeguards, on Monday 28 April 2014**

Subject:

1.National legislation Review of notifications of new or amended legislation or regulations not previously reviewed by the Committee (including supplemental notifications of existing provisions not previously reviewed)

**1.1.6 Chinese Taipei 1 G/SG/N/1/TPKM/3
G/SG/Q1/TPKM/7 - Questions from the United States**

Thank you, Mr. Chairman.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu wishes to thank the United States for its interest in our notification of revised Rules for Handling Import Relief Cases . We have duly provided responses to their questions, which were circulated to the Members on 25th April.

We welcome any further questions Members may have.

I thank you, Mr. Chairman.

1.2 Notifications of actions relating to safeguard measures

1.3.12 India - Bare elastomeric filament yarn (G/SG/N/6/IND/35)

Thank you, Mr. Chairman.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu notes that India is one the most active users of both safeguard and anti-dumping measures. We would like to stress that safeguards are unique among the three trade remedy instruments in that they are not applied against unfair trade. Our view of safeguards is that they are instruments to be used only in exceptional circumstances.

Regarding India generally, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu continues to have concerns about procedures, transparency and the due process of investigations.

On 5 March 2014, India initiated a safeguard investigation on the imports of Bare Elastomeric Filament Yarn (HS code headings 54024400 and 54041100). As its third largest supplier of HS code 54024, accounting for over 15% of its total imports, we would urge India to carefully consider all the factors and criteria under the Agreement before deciding whether to impose any safeguard measures.

Additionally, we ask India to kindly provide us with an update on the status of the investigation.

I thank you, Mr. Chairman.

**1.3.16 Indonesia - I and H sections of other alloy steel
(G/SG/N/6/IDN/25 and G/SG/N/6/IDN/25/Corr.1 and
G/SG/N/6/IDN/25/Suppl.1)**

Thank you, Mr. Chairman.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu notes that imports of HS code 722870 into Indonesia from Taiwan accounted for only 0.23% of Indonesia's total imports of this product in 2012, which is far less than 3%. We therefore urge Indonesia to consider this as a *de minimis* import exemption and to exclude such imports from any safeguard measures it may decide to take.

I thank you, Mr. Chairman.

1.3.17 Indonesia - Bars and rods, hot-rolled, in irregularity wound coils (G/SG/N/6/IDN/24 and G/SG/N/6/IDN/24/Suppl.1)

Thank you, Mr. Chairman.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu

is concerned about the number of safeguard investigations initiated by Indonesia resulting in safeguard measures in recent years. In our view, any decision to take safeguard action should be extremely soundly based: i.e. there is clear and incontestable evidence that any serious injury suffered is attributable to increased imports, and that the investigation was undertaken in accordance with the Agreement.

We are Indonesia's third largest supplier of products under HS Code 72139, accounting for more than 15% of its total imports of these products in 2012. We would therefore urge Indonesia to carefully consider all the factors and criteria under the Agreement before deciding whether to impose any safeguard measures.

We also exported to Indonesia in the same year (2012) products under HS Code 722790 accounting for 0.82% of its total imports, which was far below 3%. We urge Indonesia to consider this as *de minimis* import exemption and to exclude such imports from any safeguard measures it may decide to take.

I thank you, Mr. Chairman.

1.3.29 Chinese Taipei - High density polyethylene and linear low density polyethylene (G/SG/N/6/TPKM/1)

Thank you, Mr. Chairman.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu would first just like to register the fact that this was our first ever safeguard case.

Following due completion of the investigation process, the International Trade Commission (ITC) of the Ministry of Economic Affairs found, on 10 April 2014, that imports of High Density Polyethylene (HDPE) and Linear Low Density Polyethylene (LLDPE) have not caused or are not threatening to cause serious injury to the domestic industries producing like or directly competitive products.

This case is now terminated. The public Chinese language version of the investigation report is expected to be available from 30 April 2014 on the ITC's website (<http://www.moeaitc.gov.tw>).

I thank you, Mr. Chairman.

**1.3.30 Thailand - Non alloy hot rolled steel flat products
(G/SG/N/6/THA/4)**

Thank you, Mr. Chairman.

We are Thailand's fourth largest supplier of products under HS Code 7208 .We would therefore urge Thailand to carefully consider all the factors and criteria under the Agreement before deciding whether to impose any safeguard measures.

I thank you, Mr. Chairman.

2.Non-Notification of Safeguard Measures by The Russian Federation

Thank you, Mr. Chairman.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu regrets to learn that the Russian Federation conducted investigations and imposed measures in most instances before becoming a Member of the WTO. Some of the investigations were in fact conducted prior to joining and some were completed after.

Safeguards are emergency actions, unlike antidumping or countervailing duties. In our view, notifications are the only way of communicating and learning about safeguard actions. The notification obligation is essential to ensuring that transparency remains a basic and natural part of the process, and is practiced by all. We would encourage the Russian Federation in due course to provide full notification of all such measures already imposed, in line with its WTO obligations .

I thank you, Mr. Chairman.