

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 12.6 OF THE AGREEMENT**

Questions Posed by Turkey Regarding the Notification of the
PEOPLE'S REPUBLIC OF CHINA¹

The following communication, dated 17 October 2002, has been received from the Permanent Mission of Turkey.

Questions with regard to China's Transitional Review Mechanism on Safeguards

1. Article 13 of the Regulation refers that the information collected during the investigation may be treated as confidential if the information provider deems it necessary and if the request is justifiable. Could the PRC clarify the expression "justifiable"?
2. Article 15 refers that "MOFTEC and SETC shall, on the basis of the findings of their investigations, make a preliminary determination which shall be published by MOFTEC". Similarly, Article 16 states that "...MOFTEC and SETC shall continue their investigations, and shall, on the basis of findings of such investigations, make a final determination which shall be published by MOFTEC". Could the PRC explain whether the terms "preliminary determination" and "final determination" include recommendations of competent authority for the relief?
3. Article 20 states that "safeguard measures may take the forms of tariff increases or quantitative restriction, etc." Could the PRC give details about the other forms of measures available under the Chinese law and regulation?
4. Article 22, 23 and 25 of the Regulation refer to "regions". Is the term "regions" a different expression of the term "the Members" as used in Article 5.2 of the Agreement on Safeguards? If not please clarify.
5. Article 23 of the Regulation states that "safeguard measures shall be applied to a product being imported irrespective of its source country (region)". In the PRC's Regulation there is no clause reflecting the provisions of Article 9.1 of Agreement on Safeguards. Could the PRC clarify its implementation towards developing countries?
6. Article 27 of the Regulation states the conditions regarding the extension of a safeguard measure. Could China clarify the third condition?

¹ G/SG/N/1/CHN/2, 28 August 2002.

7. Article 32 of the Regulation provides that "where any country (region) discriminatorily applies safeguard measures on exports from the PRC, the PRC may, based on the actual situations, adopt corresponding measures toward that country (region)". Could the PRC explain how this provision relates to Article 16 of the Protocol on the Accession of the People's Republic of China?² Could the PRC clarify whether Article 32 of the Regulation is consistent with the WTO Rules on dispute and re-balancing measures?

² WT/L/432, 23 November 2001.