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Page: 1/13

Committee on Safeguards

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

MONGOLIA

The following communication, dated and received on 29 March 2021, is being circulated at the request of the delegation of Mongolia.

In accordance with the obligations under Article 12.6 of the Agreement on Safeguards to notify laws, regulations and administrative procedures to the Committee on Safeguards, Mongolia hereby notifies the Committee of its recently adopted safeguards regulation. An unofficial translation of the regulation is attached.

(Unofficial translation)

Resolution of the Government of Mongolia

27th January 2020

N24

Ulaanbaatar

Approval of a regulation

Based on the Article 16.5 of the Law on Government of Mongolia and Article 4.3 of the Resolution No. 35 of the Great State Hural of Mongolia of 2020, the Government of Mongolia RESOLVES:

1. Approve the "Regulation for implementation of the Agreement on Safeguards" of the World Trade Organization as attached.

2. Oblige the Cabinet members to implement the Regulation within the scope of their assignments.

3. Charge the Acting Minister of Foreign Affairs (N.Enkhtaivan) to organize and monitor the implementation of the Resolution.

Acting Prime Minister of Mongolia

U.Khurelsukh

Acting Minister of Foreign Affairs

N.Enkhtaivan

REGULATION FOR IMPLEMENTATION OF THE AGREEMENT ON SAFEGUARDS OF THE WORLD TRADE ORGANIZATION

ONE. GENERAL PROVISIONS

1.1. Issues pertaining to the application of safeguard measures and the investigation within the framework of the Agreement on Safeguards (hereinafter referred to as the Agreement) of the World Trade Organization (hereinafter referred to as WTO) in determining whether a product is being imported in increased quantities, absolute or relative to domestic production and whether it causes or threatens to cause serious injury to the domestic industry that produces like or directly competitive products shall be governed by this Regulation.

1.2. If an international treaty to which Mongolia is a party provides otherwise, the provisions of the international treaty shall apply, mutatis mutandis, to the operation of this Regulation.

1.3. "Investigation" means that what is prescribed in Article 3 of the Agreement, "domestic industry" means that what is prescribed in Article 4 (1) (c) of the Agreement, "serious injury" means that what is prescribed in Article 4 (1) (a) of the Agreement) and "threat of serious injury" means that what is prescribed in Article 4 (1) (b) of the Agreement.

TWO. PETITION FOR INITIATION OF INVESTIGATION

2.1. An individual or legal entity shall submit a petition to the State Central Administrative Body in charge of the respective sector to determine whether the increased imports have caused serious injury or are threatening to cause serious injury to the domestic industry.

2.2. The petition may be submitted by a person or legal entity specified in Article 2.1 of this Regulation individually or jointly and the information and survey as follows shall be attached thereto:

2.2.1. name and address of the petitioner;

2.2.2. a detailed description of the product under investigation that defines the requested scope of the investigation, including its physical, technical and chemical characteristics, the technology and manufacturing process involved, relevant industry specifications, pricing structures, distribution channels, functions and uses and its Harmonized System code for customs tariff classification;

2.2.3. a detailed description of the like products or directly competitive products, including its physical, technical and chemical characteristics, the technology and manufacturing process involved, relevant industry specifications, pricing structures, distribution channels, its functions and uses;

2.2.4. the information on the trend of import volume of the product under investigation;

2.2.5. the volume and value of the product under investigation imported into Mongolia during the most recent three-year period and during any other recent period that the petitioner believes to be more representative if the product under investigation is not imported into Mongolia during the most recent three year period, the information as to the likelihood of the sale for importation into Mongolia of the product under investigation;

2.2.6. name and address of the importer of the products under investigation or of the importers whom the petitioner deems to be most likely to import;

2.2.7. any factual information and documentary evidence relevant to the increased imports and serious injury or threat of serious injury to the domestic industry; factual information on all relevant factors of an objective and quantifiable nature having a bearing on the situation of that domestic industry, in particular, the rate and amount of the increase in imports of the product under investigation in absolute and relative terms, share of the domestic market taken by increased imports, changes in the level of sales, production, profits and losses, productivity, capacity utilisation and employment;

2.2.8. the adjustment plan for the duration of the proposed imposition of definitive safeguard measure and the proposed relief measures allowing a domestic industry to recover its competitiveness;

2.2.9. any other factual information which the petitioner relies upon.

2.3. If the petitioner fails to provide the information prescribed in Article 2.2 to this Regulation, the petition shall be dismissed.

2.4. A petitioner shall submit with the petition a non-confidential summary of such petition which can be released to the public.

2.5. The State Central Administrative Body receiving the information shall be responsible for non-disclosure of the confidential information provided by a petitioner as part of the investigation process, in part or in whole, as requested by a petitioner in accordance with the Law on the confidentiality of organizations.

2.6. If a petitioner withdraws his petition prior to initiation of the investigation, the petition shall be deemed not to have been made.

2.7. The State Central Administrative Body receiving the petition shall examine whether there is sufficient evidence to prove that the increased imports have caused serious injury or are threatening to cause serious injury to the domestic industry within 15 days following the date of receipt of the petition. If necessary, the aforementioned period can be extended by an additional 15 days.

2.8. If the State Central Administrative Body receiving the petition decides there is sufficient evidence to determine that the increased imports have caused serious injury or are threatening to cause serious injury to the domestic industry, it shall submit a proposal to the State Central Administrative Body in charge of foreign trade upon the petition submitted by individuals and legal entities and the information and survey as follows shall be attached thereto:

2.8.1. a complete description of the product to be investigated;

2.8.2. a complete description of the like products or directly competitive product;

2.8.3. a summary of the increase in imports of the product under investigation;

2.8.4. a summary of the factor on which the allegations of serious injury or threat of serious injury is based;

2.8.5. the address where information requested for and comments may be submitted;

2.8.6. the date of initiation of the investigation;

2.8.7. the time limit for interested parties to make their views known.

2.9. The State Central Administrative Body in charge of the respective sector may propose to the State Central Administrative Body in charge of foreign trade to initiate the investigation process on its initiative. The information and survey stated in Articles 2.2 and 2.8 of the Regulation shall be attached thereto.

THREE. INVESTIGATION

3.1. The State Central Administrative Body in charge of foreign trade shall decide on whether to initiate an investigation based on the proposal prescribed in Articles 2.8 and 2.9 of this Regulation, as well as evidence and comments submitted with the petition and submit it to the State Central Administrative Body in charge of the respective sector within 15 days from the date of receipt of the proposal. If necessary, the aforementioned period can be extended by an additional 15 days.

3.2. Additional information deemed necessary in the decision-making process by the State Central Administrative Body in charge of foreign trade may be requested from the State Central Administrative Body in charge of the respective sector.

3.3. In the event of a decision to initiate an investigation, the State Central Administrative Body in charge of foreign trade shall notify to the public and the WTO Safeguards Committee (hereinafter referred to as the Committee).

3.4. The State Central Administrative Body in charge of the respective sector shall initiate the investigation procedure within 10 days after receiving the decision prescribed in Article 3.3 of this Regulation.

3.5. Within 60 days from the date of initiation of the investigation it shall determine whether the product under investigation is being imported in increased quantities, absolute or relative to the domestic production and under such circumstances it is causing serious injury or threatening to cause serious injury to the domestic industry that produces like or directly competitive products. If necessary, the State Central Administrative Body in charge of the respective sector may extend the aforementioned period up to an additional 30 days.

3.6. A petitioner may, within 30 days of the initiation of the investigation, make changes or modifications to the petition. The State Central Administrative Body in charge of the respective sector may refuse any change or amendment if it considers that the change or amendment would hinder or disrupt the investigation.

3.7. The State Central Administrative Body in charge of the respective sector shall provide adequate opportunity for exporters, importers and other interested parties to express their views and submit evidence, and their comments and suggestions can be obtained through inquiries, public hearings (in this case minutes of meetings shall be kept) and other appropriate forms.

3.8. In determining whether the products placed under investigation have caused or are threatening to cause serious injury to a domestic industry the following factors shall be taken into account:

3.8.1. the rate and amount of the increased imports of the product under investigation in absolute terms and relative to domestic production of like or directly competitive products;

3.8.2. share of the domestic market of the product under investigation taken by increased imports of such product;

3.8.3. the changes in the level of sales, production, profits and losses, productivity, capacity utilization and employment;

3.8.4. the factors other than increased imports of the product under investigation which at the same time are causing or threatening to cause serious injury to the domestic industry;

3.8.5. any other factors deemed necessary.

3.9. A determination of a threat of serious injury caused by increased imports of the products placed under investigation shall be based on facts and not merely on allegation, conjecture, or remote possibility, taking into account the following factors:

3.9.1. actual and potential export capacity of the country of origin or country of production;

3.9.2. any build up of domestic inventory and the inventory of the exporting country;

3.9.3. the probability that exports of the product under investigation will enter the domestic market in increasing quantities;

3.9.4. any other factors deemed necessary.

3.10. If it is deemed appropriate to verify the accuracy of the information provided during the investigation, the State Central Administrative Body in charge of the respective sector shall take the following measures:

3.10.1. inform the relevant party concerned of its intention to carry out a verification visit and obtain consent;

3.10.2. advise the relevant party concerned of the nature of the information to be verified during the verification visit and any further information that may be needed during the verification;

3.10.3. request the relevant party concerned to provide access to all files, records and notes deemed necessary;

3.10.4. If it is impractical to verify relevant factual information for each party due to a large number of petitioners, or any other reason, it may select and verify samples covering a major proportion of production of the like product or directly competitive product or importation of the product under investigation;

3.10.5. Where the State Central Administrative Body in charge of the respective sector decides not to conduct a verification visit, it may request for the interested parties to submit copies of the original documents upon which the information was based or statements from independent auditors as to the accuracy and completeness of the submitted factual information or may use any other methods it deems reasonable.

3.11. A causal link as to whether serious injury has been caused or whether the threat of serious injury to the domestic industry is imminent will be based on factual evidence regarding increased imports of the products subject to the investigation.

FOUR. PRELIMINARY DETERMINATION

4.1. Where it is established that factors other than an increase in imports of the product under investigation are causing or threatening to cause serious injury to the domestic industry, such injury will not be attributed to the causal link related to the increase in imports and a preliminary determination will be made in this case.

4.2. The following information shall be contained in the determination specified in Article 4.1 of this Regulation:

4.2.1. a complete description of the product under investigation, including its tariff classification;

4.2.2. a complete description of the like products or directly competitive product;

4.2.3. the reason for the negative preliminary determination of circumstances specified in 3.8 and 3.9 of this Regulation; and

4.2.4. a statement indicating whether the investigation will be terminated or continued through the final phase.

4.3. If an evidence proving the existence of causal link prescribed in Article 4.1 of this Regulation is found, the State Central Administrative Body in charge of the respective sector shall make a preliminary determination and continue the investigation.

4.4. In the determination specified in Article 4.3 of this Regulation the following information shall be contained:

4.4.1. a complete description of the products under investigation including its tariff classification;

4.4.2. a complete description of the like or directly competitive product;

4.4.3. the reason provisional safeguard measure is necessary;

4.4.4. the amount of provisional safeguard duty;

4.4.5. the duration of the provisional safeguard measure.

4.5. The State Central Administrative Body in charge of the respective sector shall submit a notice proving that the causal link has been confirmed or not confirmed by the preliminary determination to the State Central Administrative Body in charge of foreign trade within 7 days following the period specified in Article 3.5 of the regulations expires.

4.6. The State Central Administrative Body in charge of foreign trade shall make the preliminary determination available to the public.

FIVE. PROVISIONAL SAFEGUARD MEASURE AND FINAL DETERMINATION

5.1. When the circumstances specified in Articles 3.8 and 3.9 of this Regulation have been confirmed by a preliminary determination, any delay in applying a safeguard measure would cause damage to the domestic industry which is difficult to repair, provisional safeguard measures may be applied.

5.2. Provisional safeguard measures shall take the form of tariff increases which are to be applied for a period not exceeding that specified in Article 6 of the Agreement.

5.3. In case of application of provisional safeguard measures prescribed in Article 5.2 of this Regulation, the State Central Administrative Body in charge of the respective sector shall submit its proposal to the State Central Administrative Body in charge of foreign trade.

5.4. If the State Central Administrative Body in charge of foreign trade decides to apply a provisional safeguard measure it shall submit the proposal specified in Article 5.3 of this Regulation to the Cabinet meeting for resolving upon consultation with the Customs Tariff Council specified in Article 6 of the Law on Customs Tariff and Duty. The decision shall indicate the date on which the provisional safeguard measure will be applied.

5.5. Once a decision has been taken to apply a provisional safeguard measure and before the measure takes effect, the State Central Administrative Body in charge of foreign trade shall notify the Committee.

5.6. If necessary, the State Central Administrative Body in charge of foreign trade shall provide an opportunity for WTO member-countries, exporters, importers and other interested parties to consult as prescribed in provision 4 of the Article 12 of the Agreement prior to the application of provisional safeguard measures.

5.7. The decision on the application or non-application of provisional safeguard measures shall be made available to the public by the State Central Administrative Body in charge of the foreign trade together with the relevant determination and evidence.

5.8. From the date of the announcement to the public and the entry into force of the provisional measures the Customs authority shall be responsible for application of the decision, and safeguard duty shall be deposited in a temporary account specified in Article 36.2 of the Law on Customs Tariff and Duty.

5.9. Within 100 days since the application of provisional safeguard measures the State Central Administrative Body in charge of the respective sector shall make a final determination whether circumstances prescribed in Articles 3.8 or 3.9 of this Regulation have been confirmed during the investigation.

5.10. The total duration for taking the preliminary and final determination shall not exceed 200 days from the date of receipt of the decision specified in 3.1 of this Regulation.

5.11. In case if the circumstances specified in 3.8 or 3.9 have not been confirmed in the final determination of the investigation the State Central Administrative Body in charge of the respective sector shall make a final decision on termination of the investigation or dissolving the provisional safeguard measures and refund of safeguard duty deposited in the account specified in Article 5.8 of this Regulation along with reasons of the negative determination.

5.12. The determination of an investigation referred in Article 5.11 of this Regulation shall contain the following information:

5.12.1. a complete description of the products under investigation including its tariff classification;

5.12.2. a complete description of the like product or directly competitive product;

5.12.3. the reason for the negative final determination of circumstances specified in Articles 3.8 and 3.9 of this Regulation.

5.13. If an affirmative determination of circumstances specified in 3.8 and 3.9 of this Regulation has been made as a result of the investigation the State Central Administrative Body in charge of the respective sector shall conclude a final determination and make it available to the public.

5.14. The determination specified in 5.13 of this Regulation shall contain the following information:

5.14.1. a complete description of the products under investigation including its tariff classification;

5.14.2. a complete description of the like product or directly competitive product;

5.14.3. the factor that has led to the serious injury determination or threat of serious injury determination;

5.14.4. an explanation regarding how the increase in imports have caused or threaten to cause serious injury;

5.14.5. the amount of safeguard duty or if a quantitative restriction is proposed, the allocation of the quota among the supplier countries, and an explanation and the relevant information in relation to the basis on which such allocation has been made;

5.14.6. the duration of the application of safeguard measure;

5.14.7. explanation and justification of whether the measures have met public interests;

5.14.8. a timetable for the progressive liberalisation of the safeguard measure in case the duration of safeguard measures exceeds one year;

5.14.9. the list of the developing countries exempted from the safeguard measure.

5.15. The State Central Administrative Body in charge of foreign trade shall immediately notify the Committee if the final determination has confirmed the circumstances prescribed in Article 5.13 of this Regulation. Any notification thereof shall comply with the requirements of the Committee.

SIX. APPLICATION OF DEFINITIVE SAFEGUARD MEASURE

6.1. If the circumstances prescribed in Article 5.13 of this Regulation have been confirmed by the final determination, the State Central Administrative Body in charge of the respective sector shall consult with the State Central Administrative Body in charge of foreign trade and submit the proposal to the Cabinet meeting to resolve.

6.2. The State Central Administrative Body Responsible for foreign trade shall consider the following factors when consulting in accordance with provision 6.1 of this Regulation:

6.2.1. whether increased imports have caused serious injury or a threat of serious injury;

6.2.2. whether the increased imports were due to unforeseen developments;

6.2.3. whether the safeguard measure is necessary to prevent or remedy serious injury and to facilitate adjustment by the domestic industry to the increased competition;

6.2.4. whether the selection of goods, the form, extent and duration of the measure to be implemented are appropriate;

6.2.5. whether it is in line with the public interest and trade policy.

6.3. Safeguard measures may take the form of a safeguard duty or an import quota, or a combination thereof.

6.4. In the case of imposition of a quota on import, the provisions of Article 5 of the Agreement shall apply.

6.5. Safeguard measures shall be applied for the period and to the extent permitted to prevent or compensate for serious injury caused to the domestic industry, as well as to create circumstances for adjustment.

6.6. Upon the Government's decision to apply safeguard measures as stated in 6.1. of this Regulation, the State Central Administrative Body in charge of foreign trade shall immediately notify the public. The statement shall contain the following information:

6.6.1. the evidence of serious injury or threat thereof caused to a domestic industry by increased imports;

6.6.2. the precise description of the product under investigation;

6.6.3. the form, level and duration of the proposed safeguard measure;

6.6.4. the proposed date of application of the safeguard measure; and

6.6.5. the expected duration of safeguard measures and timetable for progressive liberalization.

6.7. After the decision to apply safeguard measures is made, but before the decision enters into force, the State Central Administrative Body in charge of foreign trade shall immediately notify the Committee.

6.8. Prior to the application of the safeguards, the State Central Administrative Body in charge of foreign trade shall provide adequate opportunity for consultation with those members of the WTO which have a significant interest in exporting the products as follows:

6.8.1. reviewing the information notified to the Committee regarding the finding of serious injury or threat thereof caused by increased imports and the proposed measure, and exchange of views about the measure;

6.8.2. considering to reach a mutual understanding on ways to achieve the objective to maintain a substantially equivalent level of concessions and other obligations to that existing under GATT 1994 between Mongolia and the exporting Members which would be affected by such a measure.

6.8.3. endeavour to provide any adequate means of trade compensation for any adverse trade effects of the measure on their trade.

6.9. The State Central Administrative Body in charge of foreign trade shall notify the Council for Trade in Goods of the WTO immediately, of the results of the consultation.

6.10. If preliminary consensus is reached on the issue of providing any appropriate trade compensation to the exporting Member States to the adverse effects on their trade, the State Central Administrative Body in charge of foreign trade shall submit it to the Cabinet for resolution.

6.11. The decision to apply a safeguard measure, except for provision 1 of Article 9 of the Agreement for developing member states, shall be applied to all imports of the product under investigation, irrespective of source, from the date on which the measure enters into force.

6.12. From the date of entry into force of the safeguard measures, the Customs Authority shall transfer the safeguard duties deposited in the temporary account specified in Article 5.8 of this Regulation to the state revenue account.

6.13. Any investigation conducted under this Regulation shall not hinder procedures for customs clearance.

6.14. Any request or inquiry related to the decision on safeguard measures shall be submitted to the State Central Administrative Body in charge of the respective sector.

SEVEN. DURATION OF SAFEGUARD MEASURES AND ITS REVIEW

7.1. Safeguard measures shall be applied for a period not exceeding four years, except as provided in 10.4 of this Regulation.

7.2. The total duration of a safeguard measure, including the period of application of any provisional safeguard measure and any extension, shall not exceed ten years, in accordance with the provision 2 of the Article 9 of the Agreement.

7.3. If the period of application of the safeguard measure exceeds one year, the measure shall be progressively liberalized at a regular interval during the period of application of the measure.

7.4. If the duration of a definitive safeguard measure exceeds three years, the State Central Administrative Bodies in charge of the respective sector and foreign trade shall review the situation not later than the mid-term of the application of the measure and present its proposal to the Cabinet to end the measure or increase the pace of liberalization.

EIGHT. PETITION FOR EXTENSION OF A SAFEGUARD MEASURE

8.1. A request for an extension of a definitive safeguard measure shall be submitted to the State Central Administrative Body in charge of the respective sector eight months prior to the expiry of the measure.

8.2. The request specified in 8.1. of this Regulation shall contain the information:

8.2.1. name and address of the petitioner:

8.2.2. a detailed description of the product under investigation that defines the requested scope of the investigation, including its physical, technical and chemical characteristics, the

technology and manufacturing process involved, relevant industry specifications, pricing structures, distribution channels, functions and uses and its Harmonized System code for customs tariff classification;

8.2.3. a detailed description of the like products or directly competitive products, including its physical, technical and chemical characteristics, the technology and manufacturing process involved, relevant industry specifications, pricing structures, distribution channels, its functions and uses;

8.2.4. the information on the trend of import volume of the product under investigation;

8.2.5. the volume and value of the product under investigation imported during the imposition of the safeguard measure;

8.2.6. the information as to the likelihood of the sale for importation of the product under investigation, if the product under investigation is not imported into Mongolia;

8.2.7. any factual information and documentary evidence relevant to the increased imports and serious injury or threat of serious injury to the domestic industry;

8.2.8. the evidence of adjustment made by the industry;

8.2.9. the adjustment plan and relief measures for the proposed duration of the extension of definitive safeguard measure to allow a domestic industry to recover its competitiveness;

8.2.10. any other factual information which the petitioner relies upon;

8.2.11. any other information required for decision making.

8.3. In relation to the information specified in 8.2.3 and 8.2.7 a petitioner shall include factual information on all relevant factors of an objective and quantifiable nature having a bearing on the situation of that domestic industry, in particular, the rate and amount of the increase in imports of the product under investigation in absolute and relative terms, share of the domestic market taken by increased imports, changes in the level of sales, production, profits and losses, productivity, capacity utilization and employment;

8.4. If the petitioner fails to submit the information specified in 8.2 and 8.3, the State Central Administrative Body in charge of the respective sector may disregard the request for extension.

NINE. REVIEW FOR EXTENSION OF SAFEGUARD MEASURES

9.1. The Article 3 of this Regulation shall be pursued in decision making on submission and resolving of a petition for the extension of safeguard measures.

9.2. The State Central Administrative Body receiving the petition shall review to find out whether there is an urgent need to extend safeguard measures on the basis of the petition within 15 days from the date of receipt of the petition in order to prevent or remedy serious injury.

9.3. If the State Central Administrative Body receiving the petition decides that it is necessary to extend the safeguard measure, it will submit a proposal to the State Central Administrative Body in charge of foreign trade.

9.4. The State Central Administrative Body in charge of the respective sector may propose to extend safeguard measures by its initiative. The proposal shall contain the information specified in Article 8.2 of this Regulation.

9.5. The State Central Administrative Body in charge of foreign trade shall review a proposal as well as supporting evidence and explanations specified in Articles 9.3 and 9.4 of this Regulation within

fifteen days from the date of receipt of the petition, make a decision to initiate an investigation and submits its decision to the State Central Administrative Body in charge of the respective sector.

9.6. Additional information deemed necessary in the decision-making process may be requested by the State Central Administrative Body in charge of foreign trade from the State Central Administrative Body in charge of the respective sector.

9.7. The State Central Administrative Body in charge of the respective sector shall initiate the investigation process within 10 days of receiving the decision specified in Article 9.5 of this Regulation.

9.8. Within 60 days from the date of initiation of the investigation it shall make a preliminary determination whether there is a need to extend the duration of safeguard measures to prevent or remedy serious injury caused to the domestic industry and whether there is clear evidence that the domestic industry is adjusting for competition.

9.9. Upon the review of an extension of a safeguard measure specified in Article 9.8 of this Regulation the following factors shall be considered:

9.9.1. whether the safeguard measure continues to be necessary to prevent or remedy serious injury;

9.9.2. whether there is a clear evidence that the domestic industry is adjusting for competition and adjustment process is getting effective;

9.9.3. whether a selection of goods, form, amount and duration of the measure are appropriate;

9.9.4. whether it is useful in the process of adjustment of the domestic industry for competition;

9.9.5. whether it is possible to take measures other than safeguard measures;

9.9.6. the impact of the extension of the measure on the domestic market, including consumers.

TEN. DECISION MAKING FOR EXTENSION OF SAFEGUARD MEASURES

10.1. The State Central Administrative Body in charge of the respective sector shall reflect in a preliminary determination whether the circumstances specified in Article 9.9 of this Regulation are confirmed and submit a proposal to the State Central Administrative Body in charge of foreign trade within 7 days after the preliminary determination is made.

10.2. If the preliminary determination has proved that it is necessary to extend the application of safeguard measures State Central Administrative Body in charge of the respective sector shall continue the investigation and make a final determination within 60 days and submit it along with corresponding conclusion and evidence to the State Central Administrative Body in charge of foreign trade. The total duration of making a preliminary and final determination shall not exceed 120 days.

10.3. A summary of the conclusion on the extension, release or revocation of the safeguard measure shall be published and a related statement shall be submitted to the Committee by the State Central Administrative Body in charge of foreign trade.

10.4. When the extension of safeguard measures is found to be necessary by a final determination, the State Central Administrative Body in charge of the respective sector shall consult its proposal on extension of safeguard measures with the State Central Administrative Body in charge of foreign trade and submit the issue to the Cabinet meeting for resolving.

10.5. The State Central Administrative Body in charge of foreign trade shall consider the following factors in consultation specified in Article 10.4 of this Regulation:

10.5.1. whether the safeguard measure continues to be necessary to prevent or remedy serious injury;

10.5.2. whether there is a clear evidence that the domestic industry is adjusting for competition;

10.5.3. whether selection of goods, form, amount and duration of the measure are appropriate;

10.5.4. whether it is in line with public interest and trade policy;

10.6. An extended definitive safeguard measure shall not be more restrictive than at the end of the initial period of application. During the extension period, the measure shall continue to be progressively liberalized in accordance with the schedule published in a notice to extend a definitive safeguard measure.

10.7. In extending a safeguard measure exceeding three years, the State Central Administrative Body in charge of foreign trade shall endeavour to maintain a substantially equivalent level of concessions and other obligations of the exporting Members, which would be affected by such measure.

10.8. Once a decision has been taken to extend the safeguard measure, the State Central Administrative Body in charge of foreign trade shall immediately notify the Committee prior to the application of the safeguard measure.

10.9. Prior to the application of the extension of the safeguard measures, the State Central Administrative Body in charge of foreign trade shall consult as specified in Article 6.8 of this Regulation and take measures as specified in Articles 6.9 and 6.10 of this Regulation.

ELEVEN. RE-APPLICATION OF SAFEGUARD MEASURES

11.1. A safeguard measure with a duration of 180 days or less may be applied again to the import of a product if:

11.1.1. at least one year has elapsed since the date of introduction of a safeguard measure on the import of that product; and

11.1.2. such a safeguard measure has not been applied on the same product more than twice in the 5-year period immediately preceding the date of introduction of the measure.

11.2. Except that what is specified in Article 11.1 of this Regulation any new safeguard measure shall not be re-applied for at least 2 years to imports of a product subjected to a previous safeguard measure.
