

6 January 2022

(22-0116)

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Committee on Safeguards

Original: Spanish

**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT ON SAFEGUARDS
ON INITIATION OF AN INVESTIGATION AND THE REASONS FOR IT**

PERU

Clothing

The following communication, dated 30 December 2021 and received on 3 January 2022, is being circulated at the request of the delegation of **Peru**.

Pursuant to Article 12.1(a) of the WTO Agreement on Safeguards (Safeguards Agreement), Peru notifies that a safeguard investigation has been initiated as follows:

1 SPECIFY THE DATE WHEN THE INVESTIGATION WAS INITIATED

The Commission on Dumping, Subsidies and the Elimination of Non-Tariff Trade Barriers of the National Institute for the Defence of Competition and the Protection of Intellectual Property (INDECOPI) decided, on 15 December 2021 by means of Resolution No. 296-2021/CDB-INDECOPI, to initiate *ex officio* a safeguard investigation into imports of clothing.

Pursuant to Article 7 of this Resolution, the initiation of this procedure shall be calculated from the date of publication of the Resolution in the Official Journal, *El Peruano*, which was 24 December 2021.

The text of Resolution No. 296-2021/CDB-INDECOPI may be viewed (in Spanish) at:
<https://busquedas.elperuano.pe/normaslegales/disponen-el-inicio-de-procedimiento-de-investigacion-a-las-i-resolucion-no-296-2021cdb-indecopi-2023886-1/>

Report No. 092-2021/CBD-INDECOPI, which forms an integral part of Resolution No. 296-2021/CDB-INDECOPI, may viewed (in Spanish) at:
https://indecopi-my.sharepoint.com/:b/g/personal/dumping_indecopi_gob_pe1/EdWE8F_02_5Gn6XoY_uD-n8BCZ_al9iqUbbs8S9eMRZFfq?e=IUp9tE

2 SPECIFY THE PRODUCT SUBJECT TO THE INVESTIGATION

The products covered by this investigation are imports of clothing under Chapters 61, 62 and 63 of the National Customs Tariff, which include a total of 284 tariff subheadings.

3 PROVIDE REASONS FOR THE INITIATION OF THE INVESTIGATION

(i) Was the investigation initiated pursuant to a petition from the domestic industry?

No, the investigation was initiated *ex officio*.

(ii) Evidence on the basis of which the investigation was initiated.

A decision was made to initiate *ex officio* a safeguard investigation into imports of clothing after it was confirmed that there is a reasonable indication of a possible serious injury to the domestic clothing industry as a result of the significant increase in imports of this product in absolute terms and relative to domestic production, pursuant to Article 2.1 of the WTO Safeguards Agreement and Article 3 of the National Regulations approved by Supreme Decree No. 020-98-ITINCI, as amended by Supreme Decree No. 017-2004-MINCETUR.

The Commission has gathered information on the evolution of Peruvian imports of clothing, as well as on the structure and economic performance of the domestic clothing industry. This information has been obtained from government entities such as the Ministry of Production (PRODUCE), the National Supervisory Authority for Customs and Tax Administration (SUNAT), the National Institute of Statistics and Informatics (INEI), the Ministry of Labour and Employment Promotion (MTPE) and the Central Reserve Bank of Peru (BCRP).

(iii) Evidence, if any, of critical circumstances where delay would cause damage which it would be difficult to repair.

The request did not allege critical circumstances.

4 PROVIDE A POINT OF CONTACT FOR THE INVESTIGATION AND IDENTIFY THE PREFERRED MEANS FOR CORRESPONDING

Any communications from interested parties should be submitted via INDECOPI's online reception desk, which can be accessed through the institution's website at: www.enlinea.indecopi.gob.pe/MDPVirtual2/#/inicio

Alternatively, communications may be sent to INDECOPI at the following address:

Comisión de Dumping, Subsidios y Eliminación de Barreras Comerciales No Arancelarias, INDECOPI
(Commission on Dumping, Subsidies and the Elimination of Non-Tariff Trade Barriers)
Calle De La Prosa N°104, San Borja
Lima 41, Peru
Tel.: (511) 2247800 - Ext. 3001
Email: dumping@indecopi.gob.pe

5 PROVIDE THE DEADLINES AND PROCEDURES FOR IMPORTERS, EXPORTERS AND OTHER INTERESTED PARTIES TO PRESENT EVIDENCE AND THEIR VIEWS, INCLUDING (I) DEADLINES AND PROCEDURES FOR MEMBERS AND EXPORTERS TO IDENTIFY THEMSELVES AS INTERESTED PARTIES, IF SO REQUIRED, TO PARTICIPATE IN THE INVESTIGATION, AND (II) THE DATE OF AN INTENDED PUBLIC HEARING AS PROVIDED FOR IN ARTICLE 3.1.

Parties interested in expressing their position with regard to the product subject to the investigation are invited to make their views known or provide information and evidence to the Commission on Dumping, Subsidies and the Elimination of Non-Tariff Trade Barriers within thirty (30) working days of the day following publication of this Resolution in the Official Journal, *El Peruano*.¹ Within the same timeframe, the Commission on Dumping, Subsidies and the Elimination of Non-Tariff Trade Barriers shall determine the date for the public hearing for this procedure.²

¹ Resolution No. 296-2021/CDB-INDECOPI of 15 December 2021, published on 24 December 2021.

² For further information on the procedure: Supreme Decree No. 020-98-ITINCI, as amended by Supreme Decree No. 017-2004-MINCETUR.