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ORGANIZATION

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Committee on Safeguards

NOTIFICATIONS OF LAWS, REGULATIONS AND  
ADMINISTRATIVE PROCEDURES RELATING  
TO SAFEGUARD MEASURES

BRAZIL

Supplement

The following communication, dated 17 January 1997, has been received from the Permanent Mission of Brazil.

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With reference to Article 12.6 of the Agreement on Safeguards, I have the honour to notify to the Committee on Safeguards Decree No. 1936, dated 21 June 1996. Decree No. 1936 modifies parts of Decree No. 1488, of 11 May 1995, which established administrative procedures for the application of safeguard measures in Brazil. Decree No. 1488 is contained in document G/SG/N/1/BRA/3.

DECREE No. 1936/96

Alters the provisions of Decree No. 1488 of 11 May 1995, which regulates the norms that discipline the administrative procedures relative to the application of safeguard measures.

THE PRESIDENT OF THE REPUBLIC, using his prerogatives under Article 84, Clauses IV and VI, of the Federal Constitution, and in light of the provisions of the Agreement on Safeguards, approved by Legislative Decree No. 30, dated 15 December 1994, and promulgated by Decree No. 1355, dated 30 December 1994,

Decrees:

Article 1 - The provisions of Decree No. 1488 of 11 May 1995 mentioned below are modified to read as follows:

"Article 4 .....

4.3 Provisional safeguard measures shall be applied as an increase of the import duty, through an addition to the Common External Tariff (CET), in the form of an ad valorem duty, a specific duty or a combination of both.

4.4 The restitution of the corresponding value of the provisional safeguard measure shall always be made, in accordance with the legislation in force, whenever the investigation determines there are no grounds for the application of safeguard measures."

"Article 5 - Safeguard measures shall be applied to the imported good independently of its origin, except in the cases foreseen in the transitory provisions applicable to textile products."

"Article 8 - Safeguard measures shall be applied to the extent necessary to prevent or remedy serious injury and to facilitate adjustment of the domestic industry, in the following ways:

(i) increase of the import tariff, through an addition to the Common External Tariff (CET), in the form of an ad valorem duty, a specific duty or a combination of both;  
....."

Article 2 - This Decree shall take effect on the day of its publication.

Brasilia, 21 June 1996, 175<sup>th</sup> year of the Independence; 108<sup>th</sup> year of the Republic.