

**NOTIFICATION OF LAWS, REGULATIONS AND  
ADMINISTRATIVE PROCEDURES RELATING  
TO SAFEGUARD MEASURES**

**SEPARATE CUSTOMS TERRITORY OF  
TAIWAN, PENGHU, KINMEN AND MATSU**

Supplement

The following communication, dated 17 February 2004, is being circulated at the request of the Delegation of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

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Pursuant to Article 12.6 of the Agreement on Safeguards, the Delegation of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu wishes to notify the revised Rules for Handling Import Relief Cases, and the revised Rules for Handling Import Relief Cases Regarding Textiles and Clothing. The revised Articles are as follows:

Rules for Handling Import Relief Cases:

- Articles 8, 17, 21, amended on 8 October 2003.

Rules for Handling Import Relief Cases Regarding Textiles and Clothing:

- Articles 10, 17, amended on 10 September 2003.

## **Rules for Handling Import Relief Cases**

### Article 8

In a case of petition for import relief, the petitioner shall submit a written petition to the Ministry of Economic Affairs, setting forth the following particulars and enclosing the following relevant information:

1. proof that the petitioner meets the qualifications prescribed in Article 6;
2. a description of the imported goods:
  - (1) the name and import and export commodity classification code of the goods, tariff code, quality, specifications, usage and other characteristics;
  - (2) the country of export, country of origin, producer, exporter, and importer;
3. the facts on the industry being affected:
  - (1) the production, sales, inventory, product, price, profits and losses, capacity utilization, and employment of the domestic industry, and their changes for the most recent three years prior to the petition date;
  - (2) the quantity, price and market share of imports in the domestic market for the most recent three years prior to the petition date;
  - (3) the quantity and price of the goods imported from the major exporting countries for the most recent three years prior to the petition date;
  - (4) other information which may be used to demonstrate the fact that the industry is being affected;
4. the adjustment plan and the proposed relief measures allowing the industry to recover its competitiveness or to shift to another line of business.

The particulars and information which shall be set forth or required under sub-paragraphs 2 and 3 of the preceding paragraph may be waived, if the petitioner has justification for not being able to provide the same and the Commission has so agreed.

The adjustment plan as referred to in sub-paragraph 4 of Paragraph 1 may be submitted within 90 days of the filing of the petition.

### Article 17

Having completed the investigation with respect to an import relief case, the Commission shall convene a Commissioners Meeting to decide whether the domestic industry has been injured.

The decision referred to in the preceding paragraph shall be made by at least two-thirds of the attending Commissioners at a meeting attended by at least half of the Commissioners.

## Article 21

The Commission's recommendation to the Ministry of Economic Affairs for adopting or not adopting relief measures shall be made by at least two-thirds of the attending Commissioners at a meeting attended by at least half of the Commissioners.

## **Rules for Handling Import Relief Cases Regarding Textiles and Clothing**

### Article 10

In a case of petition for import relief, the petitioner shall submit a written petition to the Ministry of Economic Affairs, setting forth the following particulars and enclosing the relevant information:

1. proof that the petitioner meets the qualifications prescribed in Article 9;
2. a description of the imported textiles and clothing:
  - (1) the name and import and export commodity classification code of textiles and clothing products, tariff code, specifications and grade, main production process, composition, usage and other characteristics;
  - (2) the exporting countries, country of origin, producer, foreign exporter, and domestic importer.
3. facts of the affected industry:
  - (1) the output, productivity, utilization of capacity, inventories, export volume, price, profits and investment, wages and number of employees, inclusive of changes over the last three years prior to the petition date;
  - (2) the quantity, prices and the market share of imports in the domestic market of the said textiles and clothing products for the last three years prior to the petition date;
  - (3) the quantity and prices of the said textiles and clothing products imported from the major exporting countries for the last three years prior to the petition date;
  - (4) other information which can be used to demonstrate the fact that the industry is being affected.

The particulars and information which shall be set forth or required under sub-paragraphs 2 and 3 of the preceding paragraph can be waived if the petitioner has a justification for not being able to provide the same and the Commission has so agreed.

### Article 17

The decision referred to in the preceding Article shall be made by at least half of the attending Commissioners at a meeting attended by at least half of the Commissioners.

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