

China's Safeguard Law and Practice



Structure of Lecture

- Legislations
- Investigation Authorities
- Practices
- Brief Comments

Legislations

- **Foreign Trade Law** enacted in 1994 by Congress and amended in 2004

- **“Safeguard Regulation** adopted by the China State Council in 2001 and amended in 2004
- **4 Administrative rules** drawn up by the Ministry of Commerce in 2002.

China's Trade Remedies Government Authorities

- IA: The Ministry of Commerce (MOFCOM)
 - BOFT + BIII = BTRI
 - Agricultural products
 - 45/90 staff
- Customs Tariff Commission of the State Council (CTC)
- Customs

Safeguard Investigation Process

- **Case Initiation**
- **Investigation**
 - Questionnaires
 - hearings or other appropriate means
- **Preliminary Determination**
 - Not necessary
 - Tariff increases; No exceeding 200 days
- **Final measure**
 - tariff increases or quantitative restrictions, etc.
- **Consultations before adopting a measure**
- **Notification to WTO Safeguard Committee**

Practice of China

- So far, China has only initiated **two** safeguard cases
 - In 2002 against **certain iron and steel** products and terminated on 26 December 2003
 - In 2017 against sugar and increasing tariff was adopted.

Brief Comments

- **Complete legal system of Safeguard Investigation.**
- **China still uses trade remedies particularly safeguard measures sparingly.**



THANKS

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