**MINISTRY OF COMMERCE, INDUSTRY AND TOURISM**

**DECREE NUMBER 2211 OF OCTOBER 8, 2013**

By which take provisional safeguard measures on imports of steel wire rod originating in member countries of the World Trade Organization (WTO)

**THE PRESIDENT OF THE REPUBLIC OF COLOMBIA**

In exercise of his constitutional and legal powers, especially those conferred by paragraph 25 of Article 189 of the Constitution, subject to the provisions of Laws 1991 7a, 170, 1994 and 1609, 2013, and Decree 152 1998 and

**CONSIDERING**

That Law 170 of 1994 incorporated into national legislation the Safeguards Agreement of the World Trade Organization (WTO) and Article XIX of GATT 1994. Decree 152 of 1998, is the national standard which establishes the procedures and criteria for the adoption of general safeguard measures under the framework of the Agreement.

That pursuant to the provisions of Article 1 of Decree 152 of 1998, subject to special rules of economic integration agreements signed by Colombia, the provisions thereof shall apply to imports of products originating in member countries of the WTO.

By means of Resolution 0185 of August 5, 2013, published in Official Gazette No. 48,877 of August 9, 2013, the Department of Foreign Trade, Ministry of Commerce, Industry and Tourism, decided to open an administrative investigation on imports of bars of iron or non-alloy steel (rebar), classified under HS code 7214.20.00.00, originating from member countries of the WTO, to define whether or not the imposition of safeguard measures, by checking for the existence of sufficient evidence of increased imports, the damage to the domestic industry and causal link between these two elements.

That pursuant to the provisions of Article 33 of Decree 152 of 1998 in accordance with the provisions of Article 6 of the Agreement on Safeguards of the WTO, in critical circumstances where delay would cause damage difficult to repair national production like or directly competitive product, it may take a provisional safeguard measure, pursuant to a preliminary determination that there is clear evidence that increased imports have caused or threaten to cause serious injury.

That in accordance with the provisions of Article 34 of Decree 152 of 1998 and the provisions of paragraph 4 of Article 1 of Decree 3303 of 2006, the Committee on Customs, Tariffs and Trade in session 261 August 5th 2013, evaluated the technical report by exigent circumstances presented by the Trade Practices Branch of the Directorate of Foreign Trade, Ministry of Commerce, Industry and Tourism, and determined that the necessary budgets are set to recommend to the Government measures to safeguard consisting provisional establishment of a customs tariff of 25.60%, imports of bars of iron or non-alloy steel (rebar) classified under HS code 7214.20.00.00, originating in WTO member countries.

That both analysis developed by the Trade Practices Branch, as well as documents and evidence that were taken into account in the evaluation of the merit of the opening of research and critical circumstances are amply detailed in SA01-55 record in the archives of this Subdivision, for stakeholder consultation in its public version.

**DECREES**

**ARTICLE 1.** Adopt a provisional safeguard measure on imports of bars of iron or non-alloy steel (rebar) classified under HS code 7214.20.00.00, originating from member countries of the World Trade Organization consisting of a customs tariff of 25.60%.

**PARAGRAPH 1:** Exclude from the application of provisional safeguard measure on imports of steel wire rod originating in Ecuador, Venezuela and Cuba, pursuant to the provisions of Article 9 of the Agreement on Safeguards of the WTO, related to the treatment special and differential treatment for developing countries to record individual holdings below 3%, and account for more than 9% of total imports of the product under investigation.

**PARAGRAPH 2:** Exclude the application of provisional safeguard measure on imports of steel wire rod originating in the United States, pursuant to the provisions of the Free Trade Agreement signed by Colombia with that country (paragraph 2 Article 8.6), since according to the analyzes of imports made ​​recorded an insignificant, of total imports. Therefore not a substantial cause of serious injury determined in this investigation.

**ARTICLE 2.** In accordance with the provisions of Article 37 of Decree 152 of 1998, importers at the time to present the import declaration, may choose to pay customs duties resulting from the application of the measures provided for in Article 10 of this decree, or be a security with the Tax and Customs - DIAN, to secure your payment for the term stated in the decree and in accordance with the provisions of the customs rules governing the matter.

**ARTICLE 3.** The provisional safeguard measure under Article 10 of this decree is valid for two hundred (200) calendar days from the date of entry into force of this decree, which shall apply during the course of the investigation opened by Resolution 0185 the August 5, 2013, and in any case until the adoption of definitive measures.

**ARTICLE 4.** The measure provided for in Article 10 of this Decree shall not apply to imports that are made in development of Special Import - Export (Plan Vallejo).

**ARTICLE 5.** This Decree shall take effect from the date of its publication in the Official Journal.

PUBLISH AND ENFORCE

Given in Bogotá, DC, to 8 of October