



In this way, safeguard measures allow the government to grant relief to domestic industries only for as long as is necessary, i.e. until the domestic industry is able to compete with imports or until unfair pricing practices or unfair public subsidies in exporting countries cease.

In addition, trade remedies measures make it possible to deal with the political pressures that can









A written request for the application of a safeguard measure includes the information available to the applicant on the following aspects:

- a) A full description of imported product, including its technical characteristics and uses, as well as an identification of its tariff classification and applicable duties;
- b) A full description of similar or directly competing domestic products, including their technical characteristics and uses;
- c)

- b) In the event of an allegation of a threat of serious harm:
    - i. Export capacity in export countries;
    - ii. Stocks in Timor-Leste and export countries;
    - iii. Information on the likelihood of increased imports, including, for example, trade restrictions on exports to third country markets.
2. Other relevant information is also due, including:
- a) An explanation of the data provided in the request and the requirements of this Order and the reasons why it is considered that there is serious injury or a threat of serious injury caused by the increase in imports;
  - b) Information on relevant unforeseen events;
  - c) Information on the effect of the relevant obligations contracted by Timor-Leste under the GATT 1994;
  - d) A statement indicating the specific reasons for the application of a safeguard measure, namely to facilitate the orderly transfer of resources to more productive uses of domestic industry, to improve competitiveness or to adapt to new conditions of competition, together with the type and level of the measure considered necessary to ensure that the desired objectives are achieved;
  - e) An explanation of why the application of a safeguard measure is in the public interest;
  - f) A plan to adjust the domestic industry to competition from imports, in line with the objectives described in point d);
  - g) If a provisional measure has been requested, information on circumstances in which the delay in adopting measures causes damage that is difficult to repair to the national industry, as well as a statement indicating the level of the tariff increase requested as a provisional measure.

Article 12  
 Quitting

Any request under Article 8 may be withdrawn prior to the decision on the initiation of the investigation, in which case it shall be deemed to have been closed.

Article 13  
 Decision to initiate the enquiry

- 1. The Investigating Body may only initiate an investigation, either at the request of an interested party from a domestic industry or on its own initiative, if it concludes that there is sufficient evidence that, as a result of unforeseen developments, the production of exports from the industry is being



2. When a request is received, the Investing Body may obtain any additional information it deems necessary, in particular from the requesting companies, before deciding whether or not to open an investment.
3. When it has received a request, the Investing Body decides, within 15 days of receiving the request, whether or not to initiate the investment.
4. If the Investing Body decides not to initiate the investment in response to a request, it notifies the requesting companies of the reasons why it refuses to initiate the investment.
5. If the request involves complex issues or if the Investing Body has requested additional information pursuant to paragraph 1, the period referred to in paragraph 3 shall be extended to 30 days.

#### Article 14

##### Public notice and notification of initiation

1. Immediately after taking the decision to initiate the investment, the Investing Body notifies the known exporting countries and interested parties directly in writing by means of a notice published in the Official Gazette of Timor-Leste.
2. The starting date of the enquiry is the date of publication.
3. Interested parties wishing to take part in the investment have 30 days from the date of its initiation to inform the Investing Body in writing of their interest in taking part in the investment.
4. The Investing Body may authorise interested parties to express their interest in participating in the investment after that date, by means of a reasoned decision.
5. The decision to open an enquiry will be notified to the Committee.
6. The notification referred to in the previous paragraph shall be made immediately after the initiation of the investment, in accordance with the requirements established by the Committee.

#### Article 15





Art de 18  
Handling confidential information

1. Any information that is of a confidential nature or that is provided for confidential treatment is, with justification, treated as such by the Training Body and may not be disclosed without the authorisation of the person who provided it.
2. The provision of confidential information includes non-confidential summaries thereof.
3. In the event of a claim that confidential information cannot be summarised, the applicant shall provide the corresponding reasons.
4. If the Investigating Body considers that the request for confidential treatment is not justified and the applicant is not willing to make it public, this information will not be known and the item containing it will be returned to the applicant.
5. The provision of confidential information by the government of the product country subject to a safeguard measure to a WTO dispute settlement panel, at the request of that panel, in the context of a dispute concerning the compatibility with the country's international obligations of the safeguard measure or the investigation in the context of which the information was obtained, is not considered to be disclosure of confidential information.

Art de 19  
Written arguments

1. All participating interested parties shall be given the opportunity, in accordance with the provisions of this Article, to submit evidence and arguments in writing, including responses to the written and oral submissions of other participating interested parties and views on whether or not the application of a safeguard measure is in the public interest.
2. In an investigation examining the application of a provisional safeguard measure application

4. Participating interested parties shall have an additional period of 10 days after the expiry of the period referred to in the preceding paragraph to submit their written counter-allegations to the written arguments of other participating interested parties.
5. In an investment in which a hearing is to be held, any participating interested party may submit written arguments and information on any matter it considers relevant to the investment, up to 10 days before the date scheduled for the hearing.
6. Once the hearing has taken place, the interested parties who took part in it may, within the following 10 days, submit new written arguments in response to the arguments and information presented at the hearing.

Art de 20  
Audience

1. The Investment Body, upon request of a participating interested party submitted no later than 15 days after the publication of the decision to apply a provisional measure or, if the application of a provisional measure is not considered, no later than 45 days after the initiation of proceedings, shall schedule a hearing at which all participating interested parties may present information and arguments orally.
2. The hearing is held up to 60 days before the proposed date to determine serious damage or the threat of serious damage and the causal link.
3. Participating interested parties are not obliged to attend a hearing and their failure to do so does not prejudice them in any way.
4. The Hearing Body organises the holding of the hearing in such a way as to make it compatible with the convenience of the participating interested parties.
5. Participating interested parties who intend to attend a hearing shall notify the Hearing Officer in writing, no later than seven days before the date of the hearing, of the names of their representatives and the witnesses who must attend the hearing.
6. The hearing is organised by the Training Body, which ensures that confidentiality is preserved and organises the hearing in such a way as to guarantee that all participating interested parties have an adequate opportunity to present their points of view.
7. The Investment Body uses and keeps a written or audio record of the hearing, which is promptly placed in the file, with the exception of any confidential information.

Art de 21

Public process and access to it

1. The Investigation Body shall establish and maintain a public file relating to each investigation or any other proceeding conducted under this Ordinance, subject to the provisions of Article 18 for the protection of confidential information.
2. The Training Organisation promptly places it in the publicly accessible archive:
  - a) All written orders and public notices relating to the enquiry;
  - b) All materials, including questionnaires, answers to questionnaires and written communications, issued by it or submitted to it;
  - c) All other information developed or obtained including any inspection report drawn up













injury or threat of serious injury caused by the increase in imports, the exact description of the product under investigation, the form, level and duration of the proposed measure, the











Reapplicat on of a safeguard measure

1.

Approved by the Council of Ministers on \_\_\_\_ of \_\_\_\_\_ of \_\_\_\_\_

The Prime Minister

\_\_\_\_\_  
Kay Rala Xanana Gusmão

Coordinating Minister for Economic Affairs

\_\_\_\_\_  
Francisco Kalbuadi Lay

The Minister of Finance

\_\_\_\_\_  
Santana José Rodrigues Ferreira Viegas Cardoso

The Minister for Trade and Industry

\_\_\_\_\_  
Filipus Nino Pereira

Promulgated on \_\_\_\_ of \_\_\_\_\_ of \_\_\_\_\_

To be published.

The President of the Republic,

\_\_\_\_\_  
José Ramos-Horta

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