

**INFORMATION TO BE NOTIFIED TO THE COMMITTEE WHERE
A SAFEGUARD INVESTIGATION IS TERMINATED
WITH NO SAFEGUARD MEASURE IMPOSED**

ECUADOR

(Paper and Paperboard)

The following communication, dated 5 March 2004, is being circulated at the request of the delegation of Ecuador.

1. In accordance with the decision of the Committee on Safeguards adopted during its meeting of 6 May 1996, Ecuador hereby notifies that its competent authorities have terminated a safeguard investigation without adopting a safeguard measure in respect of paper and paperboard classified under NANDINA subheadings 4804.11.00, 4805.60.90, 48.05.70.90, 4805.80.90, 4805.11.00, 4805.19.00, 4805.24.00 and 4805.25.00 of the import tariff.

2. This notification is made in accordance with the suggested format for notifications under the Agreement on Safeguards, as set forth in document G/SG/2 of 1 July 1996.

1. Specify the product subject to investigation.

Paper and paperboard classified under NANDINA subheadings 4804.11.00, 4805.60.90, 48.05.70.90, 4805.80.90, 4805.11.00, 4805.19.00, 4805.24.00 and 4805.25.00 of the import tariff.

2. Identify the WTO document containing the notification of initiation.

Document G/SG/N/6/ECU/6 of 16 December 2003.

3. Specify the date on which the investigation was terminated.

11 February 2004.

4. Identify the reason(s) for termination (e.g. petition withdrawn; negative determination of injury; negative determination of causation, etc.).

The investigating authority asked the company Papelera Nacional S.A. to submit additional supporting documentation relating to the impact of the increased imports of paper and paperboard as well as the adjustment plan for the domestic industry in accordance with the objectives pursued in imposing the safeguard measure.

However, the company failed to reply to the request made by the investigating authority within the period defined by law for that purpose.

Consequently, the investigating authority did not have sufficient evidence to continue the investigation and therefore decided to shelve the case.

- 5. Provide the reference for the published notice of termination (name of notifying Member's official journal, date and page number at which notice appeared in the journal).**

Official Register No. 278 of 20 February 2004, page 16.

- 6. Provide any other information that the notifying Member may consider relevant.**

A copy of the publication mentioned in the previous reply is attached.

No. 04 008

**THE UNDER-SECRETARY FOR FOREIGN TRADE AND INTEGRATION
OF THE MINISTRY OF FOREIGN TRADE, INDUSTRY,
FISHERIES AND COMPETITIVENESS**

Whereas:

By Resolution No. 03 052 of 16 October 2003, the Under-Secretary for Foreign Trade and Integration of the Ministry of Foreign Trade, Industry, Fisheries and Competitiveness (MICIP) initiated an investigation to determine injury or threat thereof caused by imports of paper and paperboard classified under NANDINA subheadings 4804.11.00, 4805.60.90, 48.05.70.90, 4805.80.90, 4805.11.00, 4805.19.00, 4805.24.00 and 4805.25.00 of the import tariff;

By Official Communication No. 03 5288 of 11 December 2003, the investigating authority asked the company Papelera Nacional S.A. to submit additional documentation and supporting documents relating to the impact of the increased imports of paper and paperboard as well as the adjustment plan for the domestic industry, in accordance with the objectives pursued in imposing the safeguard measure;

The company Papelera Nacional S.A. failed to respond to the request made in Official Communication No. 03 5288 of 11 December 2003 within the period defined by Article 270 of Executive Decree 3497, published in Official Register No. 744 of 14 January 2003;

The investigating authority does not have sufficient evidence to continue the investigation;

In the exercise of its powers,

Decides:

SINGLE ARTICLE – To shelve the investigation to determine whether the massive increase in imports of paper and paperboard under NANDINA subheadings 4804.11.00, 4805.60.90, 48.05.70.90, 4805.80.90, 4805.11.00, 4805.19.00, 4805.24.00 and 4805.25.00 of the import tariff was causing serious injury to domestic production.

Done in Quito on 11 February 2004.

Dr Cristian Espinosa, Under-Secretary for Foreign Trade and Integration
