

[PUBLISHED IN THE GAZETTE OF PAKISTAN, EXTRAORDINARY (PART-I),  
DATED THE 26<sup>TH</sup> FEBRUARY, 2015]

ORDINANCE NO.II OF 2015  
AN  
ORDINANCE

*to amend the Safeguard Measures Ordinance, 2002*

WHEREAS it is expedient further to amend the Safeguard Measures Ordinance, 2002 (XXXI of 2002), for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:--

1. **Short title and commencement.**—(1) This Ordinance may be called the Safeguard Measures (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. **Omission of sections 39,40, 41 and 44, Ordinance XXXI of 2002.**—In the Safeguard Measures Ordinance, 2002 (XXXI of 2002), hereinafter referred to as the said Ordinance, sections 39, 40, 41 and 44 shall be omitted.

3. **Substitution of section 46, Ordinance XXXI of 2002.**—In the said Ordinance, for section 46, the following shall be substituted, namely:--

“46. **Ordinance to override other laws.**—The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force:

Provided that this provision shall not apply to the National Tarrif Commission Act, 1990 (VI of 1990).”.

## **Statement of Objects and Reasons**

Pakistan has liberalized its trade particularly over the recent past. Being one of the founding members of GATT (in 1947) and the WTO (in 1995), Pakistan is a natural partner in the new international trade regime.

2. Under the WTO agreement on Safeguards, Members countries can take Safeguard Measure if it is established by the designated Investigating Authority through an investigation that there is sudden surge in imports and such imports have caused or it causing serious injury to the domestic industry producing like or directly competitive product in the importing country. In order to provide such protection to the domestic industry, the Government of Pakistan promulgated the Safeguard Measures Ordinance, 2002 (SG Ordinance).

3. Serious challenges have been faced by the national Tariff Commission on account of certain ambiguity in the Safeguard Measures Ordinance, 2002, which has been creating embarrassing situation for Pakistan at the WTO forum.

4. The main objectives of the Safeguard Measures Bill, 2015, are as under:

- i. To prescribe the procedure for investigations and to specify the action that National Tariff Commission can take to counter the effects of surge in imports of any product into Pakistan.
- ii. To provide for alternate arrangement in contingencies for smoothly carrying out investigations and making determinations;

5. After completing all the codal formalities the Safeguards Measures Bill, 2015, has been vetted by Law, Justice and Human Rights Division.

**Engineer Khurram Dastgir Khan**  
Minister for Commerce  
*Minister Incharge*