

## ABSTRAK

Pemberlakuan *safeguard* yang dilakukan Uni Eropa terhadap produk baja tertentu mengundang komplain dari Turki. Turki mengklaim bahwa tindakan yang diambil oleh Uni Eropa tidak konsisten dengan ketentuan-ketentuan dalam GATT 1994 dan *Agreement on Safeguards*. Penulisan hukum ini ditujukan untuk mengkaji dan menganalisis kebijakan *safeguard* Uni Eropa ditinjau dari ketentuan dalam GATT/WTO, secara khusus *Agreement on Safeguards*. Metode penelitian yang digunakan adalah yuridis normatif dan menggunakan data sekunder sebagai data utama yang dikumpulkan melalui *library research* serta *web research*. Hasil penelitian menunjukkan bahwa kebijakan *safeguard* Uni Eropa tidak bertentangan dengan *Article XIX GATT* jo. *Article 2.1* dan *Article 4 Agreement on Safeguard*, akan tetapi pada unsur *causality link*, Uni Eropa tidak menerangkan secara eksplisit produsen domestik mana sehingga hanya pada unsur *unforeseen development* dan *increase of import* yang dapat dibuktikan oleh Uni Eropa. Adapun pemberlakuan *Provisional Safeguard Measure (PSM)* oleh Uni Eropa telah sesuai dengan *Article 5.1 Agreement on Safeguards*, akan tetapi terdapat beberapa hal yang tidak bersesuaian dengan aturan yang termuat dalam *Article 6 Agreement on Safeguard*. Kesimpulan dari penelitian ini adalah otoritas Uni Eropa belum sepenuhnya melakukan prosedur penerapan *safeguard* sesuai dengan ketentuan-ketentuan pasal yang terdapat dalam *Agreement on Safeguards*, sehingga masih terdapat beberapa unsur yang perlu dilengkapi dan ditinjau kembali.

Kata Kunci: Gugatan Turki, *safeguard*, Uni Eropa, produk baja, *Agreement on Safeguard*.

## **ABSTRACT**

The application of safeguards carried out by European Union on certain steel products has invited complaints from Turkey. Turkey claims that the actions taken by the European Union are inconsistent with the provisions of the 1994 GATT and the Agreement on Safeguards. This research is aimed at reviewing and analyzing European Union's safeguard policy in terms of the provisions in the GATT/WTO, specifically the Agreement on Safeguards. The research method used is normative juridical and uses secondary data as the main data that collected through library research and web research. The results show that European Union's safeguard policies do not conflict with Article XIX GATT jo. Article 2.1 and Article 4 of the Agreement on Safeguards, however, on the causality link, the European Union does not explicitly explain which domestic producers are, so only on the elements of unforeseen development and increase of import that can be proven by the European Union. The implementation of the Provisional Safeguard Measure (PSM) by the European Union is in accordance with Article 5.1 of the Agreement on Safeguards, but there are some things that are not in accordance with the rules contained in Article 6 of the Agreement on Safeguards. The conclusion of this research is that the European Union authorities have not fully carried out the procedures for implementing safeguards in accordance with the provisions of the articles contained in the Agreement on Safeguards, so there are still several elements that need to be completed and reviewed.

Keywords: Turkey's lawsuit, safeguard, European Union, steel products, Agreement on Safeguard