

WORLD TRADE ORGANIZATION

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Committee on Safeguards

FORMATS FOR CERTAIN NOTIFICATIONS UNDER THE AGREEMENT ON SAFEGUARDS

Note from the Secretariat

The attached document, which was part of previously circulated document G/SG/W/1, contains formats for certain ad hoc notifications required under the Agreement on Safeguards. These formats were approved by the Committee at its meeting of 24 February 1995 (see G/SG/M/1, paras. 35 and 36). Certain parts of G/SG/W/1 already have been circulated as documents G/SG/N/1 to N/6. Thus, only those formats contained in G/SG/W/1 that have not already been circulated as documents of the Safeguards Committee are attached. The introductory note to the document was part of the previously circulated /W document.

Note: These formats are without prejudice to the interpretation of the relevant provisions in the Agreement on Safeguards by the competent bodies. Members are also reminded of the provision in Article 12.11 of the Agreement on Safeguards, which reads as follows: "The provisions on notification in this Agreement shall not require any Member to disclose confidential information the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private."

I. Notifications under Article 9, Footnote 2

Notification to the Committee on Safeguards of non-application of safeguard measure to developing countries under Article 9.1 of the Agreement on Safeguards

Note: In addition to the information received from the WTO Members regarding the action under Article 9.1 of the Agreement on Safeguards, the document circulated to the Members will also include references to the WTO documents through which the corresponding notifications under Article 12.1(b) and (c) are circulated to the WTO Members. The references to the corresponding notifications under Article 12.1(b) and (c) will be provided by the Secretariat, because these notifications may be released simultaneously with the notification under Article 9, footnote 2, and the notifying Member may not have information on references to the corresponding WTO documents.

1. Specify the measure.
2. Specify the product subject to the measure.

3. Specify the developing countries to which the measure is not applied under Article 9.1 of the Agreement on Safeguards, and the import shares of these countries individually and collectively.

4. Subsequently, if there is a change in the list of developing countries exempted from the safeguard measure pursuant to Article 9.1, please notify:

(i) the reference to the WTO document that notified the Members about the initial action under footnote 2 to Article 9.1;

(ii) if applicable, names of the countries which are dropped from the list of developing countries to which the safeguard measure does not apply pursuant to Article 9.1, the list of the countries remaining on the list, the individual and collective import shares of the developing countries remaining on the list, and the date on which the safeguard measure applies to the countries dropped from the list;

(iii) if applicable, names of the countries which are added to the list of developing countries to which the safeguard measure does not apply pursuant to Article 9.1, the list of all the countries on the list, the individual and collective import shares of the developing countries on the list, and the date from which the safeguard measure does not apply to the countries which are added to the list.

II. Notifications under Article 12.1(b) and (c)

Notification to the Committee on Safeguards upon making a finding of serious injury or threat thereof caused by increased imports; notification upon taking a decision to apply or extend a safeguard measure

Notes: (1) The notifications under Article 12.1(b) and (c) have to be made "immediately" upon "making a finding" or "taking a decision". It is possible that the timing of "making a finding" and "taking a decision" differs to an extent that notifications under Article 12.1(b) might be made separately from notifications under Article 12.1(c). In that situation, it is possible that certain information requested in the format may not be available when a notification under Article 12.1(b) is made. If information on any item is not available when a notification under Article 12.1(b) is made, please indicate this by stating "not available" for the relevant items in the format suggested below.

(2) If the notifications on Article 12.1(b) and (c) are made separately, please provide the reference to the notification under Article 12.1(b) in the notification under Article 12.1(c).

1. Provide evidence of serious injury or threat thereof caused by increased imports.
2. Provide information on whether there is an absolute increase in imports or an increase in imports relative to domestic production (please see also Article 2.1 for the context).
3. Provide precise description of the product involved.
4. Provide precise description of the proposed measure.

5. Provide proposed date of introduction of the measure.
6. Provide expected duration of the measure.
7. For a measure with a duration of more than three years, provide the proposed date for the review (under Article 7.4) to be held not later than the mid-term of the measure, if such a date for the review has already been scheduled.
8. If the expected duration is over one year, provide expected timetable for progressive liberalization of the measure.
9. If the measure is being extended, also provide:
 - (i)evidence that the industry concerned is adjusting and that the safeguard measure continues to be necessary to prevent or remedy serious injury;
 - (ii)reference to the WTO document that notified the initial application of the measure;
 - (iii)duration of the measure from initial application till the date at which it will be extended; and,
 - (iv)precise description of the measure in place prior to the date of extension (in this context, please note that the last sentence of Article 7.4 states that: "A measure extended under paragraph 2 shall not be more restrictive than it was at the end of the initial period, and should continue to be liberalized.")

III. Notifications under Article 12.4

Notification to the Committee on Safeguards before taking a provisional safeguard measure referred to in Article 6

1. Specify the product subject to the proposed provisional safeguard measure.
2. Specify the proposed provisional safeguard measure.
3. Specify the proposed date of introduction of the provisional safeguard measure.
4. Specify the expected duration of the provisional safeguard measure, if any decision on the duration of the measure has been made.
5. Provide the basis for:
 - (i)making a preliminary determination, as provided for in Article 6, that increased imports have caused or are threatening to cause serious injury ; and,
 - (ii)determining that there are critical circumstances where delay would cause damage which it would be difficult to repair.

IV. Notifications under Article 12.5

(a) Immediate notification to the Council for Trade in Goods of the results of the consultations referred to in Article 12, namely, prior consultations under Article 12.3 or consultations under Article 12.4 initiated immediately after the provisional safeguard measure is taken

Note: The notification of the results of the consultations referred to in Article 12 should, if possible, be provided jointly by the Member that takes the safeguard action and the Member that seeks consultations under Articles 12.3 or 12.4.

1. Specify the provision under which consultations were held (i.e. Article 12.3 or Article 12.4).
2. Provide reference to the WTO document that notified the safeguard action regarding which consultations were held under Article 12.3 or 12.4.
3. Specify the Members involved in the consultations, and provide the time period during which consultations were held.
4. Describe the results of the consultations.

(b) Immediate notification to the Council for Trade in Goods of the results of the mid-term reviews referred to in paragraph 4 of Article 7

1. Specify the measure and the product subject to the measure for which the mid-term review was conducted, and provide reference to the WTO document that notified the safeguard measure subject to the review.
2. Provide the dates of initiation and conclusion of the review.
3. Describe the results of the review, providing some detail on the basis for reaching those results.
4. Indicate whether:

(i) the measure has been, or will be, withdrawn as a result of the review. If yes, then indicate the date of withdrawal; and,

(ii) the pace of liberalization has been, or will be, increased as a result of the review. If yes, then indicate the revised time-table for progressive liberalization.

(c) Immediate notification to the Council for Trade in Goods of any form of compensation referred to in paragraph 1 of Article 8

Note: This notification should, if possible, be submitted jointly by the Member taking the safeguard measure and the Member(s) agreeing to accept trade compensation under Article 8.1.

1. Specify the measure and the product subject to the measure regarding which there was an agreement on an adequate means of trade compensation under Article 8.1, and provide reference to the WTO document that notified the safeguard measure.
2. Specify which Member(s) agreed to the trade compensation under Article 8.1.
3. Describe the trade compensation that was agreed by each of the Members involved.
4. Provide the date from which the compensation will apply for the Members involved.

(d) Immediate notification to the Council for Trade in Goods of proposed suspension of concessions and other obligations referred to in paragraph 2 of Article 8

Note: This notification is to be provided by the Member proposing suspension of concessions and other obligations referred to in Article 8.2.

1. Which Member is proposing suspension of concessions and other obligations referred to in Article 8.2.
2. Specify the measure, the product subject to the measure, the WTO document that notified the safeguard measure, and the Member imposing the measure in relation to which the Member is proposing suspension of concessions and other obligations referred to in Article 8.2.
3. Describe the proposed suspension of concessions and other obligations referred to in Article 8.2, and the proposed date from which it will come into effect.