
Committee on Safeguards

**FORMATS FOR CERTAIN NOTIFICATIONS UNDER THE
AGREEMENT ON SAFEGUARDS**

Note from the Secretariat

At its meeting of 19 October 2009, the Committee on Safeguards approved certain amendments to existing notification formats contained in document G/SG/1 and document G/SG/N/6, and adopted two new formats.¹ Reproduced below are the new formats and the formats as amended.² For the convenience of Members, this document compiles all the formats originally included in document G/SG/1 and in document G/SG/N/6, including those formats where no amendment was made for this time. All the formats that were contained in document G/SG/1 but were not amended this time are simple reproductions of the original formats.³ The introductory notes that appear in formats contained in items A, B, C, E(a), E(c), E(d) were part of the original formats.

Members' attention is drawn to the fact that there are two more currently used formats contained in document G/SG/2 (dated July 1996; "Information to be Notified to the Committee Where a Safeguard Investigation is Terminated With No Safeguard Measure Imposed") and document G/SG/N/1 (dated February 1995; "Notification of Laws, Regulations and Administrative Procedures Relating to Safeguard Measures"). No amendments were made to the formats contained in these two documents, and therefore, these two formats are not reproduced here.

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¹ See minutes in G/SG/M/36.

² The formats amended for this time are: "Notification under Article 12.1 (a)" (originally contained in document G/SG/N/6), "Notification under Article 12.1 (b) and (c)" (originally contained in document G/SG/1), and "Notification under Article 12.4" (originally contained in document G/SG/1). The two formats newly approved are contained in items F and G.

³ This includes the underlining that appears in paragraph 4 of the format contained in item B.

G. FORMAT FOR INFORMATION TO BE PROVIDED UPON CESSATION OF A SAFEGUARD
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A. NOTIFICATIONS UNDER ARTICLE 12.1(A)

**Notification to the Committee on Safeguards upon Initiation of an Investigation Process
Relating to Serious Injury or Threat Thereof and the Reasons for It**

Note: The format is suggested 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."

1. Specify the date when the investigation was initiated.
2. Provide the precise description of the product involved.

Provide the Harmonized System numbers under which the product enters at least at a 6-digit HS level, and at a sub-national level (e.g. 8-digit HS, 9-digit HS or 10-digit HS) if practicable. (The HS codes will be provided for reference purposes only.)

3. Provide the reasons for the initiation of investigation, for example:
 - (i) Was the investigation initiated pursuant to a petition from the domestic industry?
 - (ii) Evidence on the basis of which the investigation was initiated.
 - (iii) Evidence, if any, of critical circumstances where delay would cause damage which it would be difficult to repair.
4. Provide a point of contact for the investigation and identify the preferred means for corresponding. The point of contact would be available to respond to enquiries relating to the procedures applicable to the investigation.
5. Provide the deadlines and procedures for importers, exporters and other interested parties to present evidence and their views, including (i) deadlines and procedures for Members and exporters to identify themselves as interested parties, if so required, to participate in the investigation and (ii) the date of an intended public hearing as provided for in Article 3.1.⁴

⁴ At the time of the initiation, if the authority has not decided whether or not to hold such a hearing, or if the date of the hearing is undetermined, Members should indicate under this item how such information would be publicized. Members are not obliged to submit another notification simply due to the fact that the proposed date has subsequently been changed.

B. 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.

C. 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, citing relevant data and the applicable period of investigation 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 the precise description of the product involved.

Provide the Harmonized System numbers under which the product enters at least at a 6-digit HS level, and at a sub-national level (e.g. 8-digit HS, 9-digit HS or 10-digit HS) if practicable. (The HS codes will be provided for reference purposes only.)
 4. If the final measure replaces a provisional measure, or if a final measure is extended, a Member is encouraged to provide a written description of any part of the imported product that will no longer be subject to the measure and the Harmonized System numbers under which it enters at least at a 6-digit level, and at a sub-national level (e.g., 8-digit, 9-digit or 10-digit level) if practicable.⁵
 5. Provide precise description of the proposed measure.
 6. Provide proposed date of introduction of the measure.
 7. Provide expected duration of the measure.
 8. 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.

⁵ The HS codes will be provided for reference purposes only.

9. If the expected duration is over one year, provide expected timetable for progressive liberalization of the measure.

10. If the notification relates only to a finding of serious injury or threat thereof, and does not relate to a decision to apply or extend a safeguard measure:

- (i) provide the deadlines for interested parties to comment or any other procedures relevant to the decision to apply the measures, and
- (ii) provide information regarding procedures for prior consultation with those Members having a substantial interest as exporters of the product concerned.

11. 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.")

12. If the notification relates to a decision to apply or extend a safeguard measure, Members are encouraged to provide the following information:

- (i) The major exporting Members of imports of the product involved.
- (ii) If there are any exporting Members to which the measure does not apply for any reason other than the application of Article 9.1, the names of such exporting Members and reasons for non-application of the measure.

13. Members are encouraged to attach, in an electronic form, publicly available document(s) containing the relevant decision(s) made by the competent authority. This document may be in the original language of the Member, even when the language is not one of the official languages of the WTO. The document will neither be translated nor circulated to the Committee, but will be made available by the Secretariat to Members requesting it.

D. NOTIFICATIONS UNDER ARTICLE 12.4

**Notification to the Committee on Safeguards before Taking a Provisional
Safeguard Measure Referred to in Article 6**

1. Provide the precise description of the product involved.

Provide the Harmonized System numbers under which the product enters at least at a 6-digit HS level, and at a sub-national level (e.g. 8-digit HS, 9-digit HS or 10-digit HS) if practicable. (The HS codes will be provided for reference purposes only.)
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.
6. Members are encouraged to provide the following information:
 - (i) The major exporting Members of imports of the product involved.
 - (ii) If there are Members to which the measure does not apply for any reason other than the application of Article 9.1, the names of such exporting Members and reasons for non-application of the measure.
7. Members are encouraged to attach, in an electronic form, publicly available document(s) containing the relevant decision(s) made by the competent authority. This document may be in the original language of the Member, even when the language is not one of the official languages of the WTO. The document will neither be translated nor circulated to the Committee, but will be made available by the Secretariat to Members requesting it.

E. 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.

F. FORMAT FOR INFORMATION TO BE PROVIDED UPON INITIATION OF A REVIEW PURSUANT TO ARTICLE 7.2 REGARDING THE EXTENSION OF A SAFEGUARD MEASURE⁶

A Member initiating a review pursuant to Article 7.2 to determine whether a safeguard measure continues to be necessary to prevent or remedy serious injury and whether there is evidence that the industry is adjusting is encouraged to provide immediately the following information in the form of a notification to the Committee on Safeguards:⁷

1. The date when the review was initiated⁸
2. Precise description of the product involved
 - Provide the Harmonized System numbers under which the product enters at least at a 6-digit level, and at a sub-national level (e.g., HS 8-digit, 9-digit or 10-digit level) if practicable.⁹
 - If the review does not involve all the products subject to the existing measure, describe any differences.
3. Reference to the WTO document containing the most recent Article 12.1(c) notification.
4. Reason for the initiation of the review.
5. Provide the deadline(s) for exporters and other interested parties to submit comments in writing or in a hearing, if any.

⁶ This format is without prejudice to the interpretation of the relevant provisions of the Agreement on Safeguards. In particular, the Committee has noted that some Members are of the view that some or all of this information is in fact already covered by the existing provisions of the Agreement on Safeguards.

⁷ Format for the notification of a decision to extend a safeguard measure is already covered by G/SG/1 (1 July 1996). See item C above.

⁸ A Member is not precluded from making a notification when the initiation of a review is imminent, for example, in a few days.

⁹ The HS codes will be provided for reference purposes only.

G. FORMAT FOR INFORMATION TO BE PROVIDED UPON CESSATION OF A SAFEGUARD MEASURE¹⁰

In order to facilitate review of measures in advance of meetings and to allow exporters to be aware as soon as possible that measures are no longer in place, upon the cessation of a provisional or final safeguard measure, a Member is encouraged to provide promptly the following information to the Committee on Safeguards.¹¹

1. The date when the measure ceased to apply.
2. Precise description of the product involved
 - Provide the Harmonized System numbers under which the product enters at least at a 6-digit level, and at a sub-national level (e.g., HS 8-digit, 9-digit or 10-digit level) if practicable.¹²
 - If a measure ceased to apply to some, but not all of the product involved, a Member is encouraged to provide a written description of the imported product that will no longer be subject to the measure and the Harmonized System numbers under which it enters at least at a 6-digit level, and at a sub-national level (e.g. 8-digit, 9-digit or 10-digit level) if practicable.¹³
3. A reference to the WTO document containing the Article 12.4 or Article 12.1(c) notification of the original measure, whichever is applicable.
4. Reason why the measure ceased to apply.¹⁴

¹⁰ This format is without prejudice to the interpretation of the relevant provisions of the Agreement on Safeguards. This format is not intended to encourage Members to make redundant notifications.

¹¹ In cases where a measure ceases to apply upon the expiration of the period previously notified – that is, notified pursuant to Article 12.1(c) without extension or notified pursuant to Article 12.4 without the application of a definitive measure – the information can be provided in the form of a simple written notice to the Committee on Safeguards.

¹² The HS codes will be provided for reference purposes only.

¹³ For provisional measures that are replaced by final measures and for final measures that are extended, the information to be provided may be submitted as part of the Article 12.1(c) notification of the final or extended measure.

¹⁴ When a provisional measure ceases to apply, the notification or the simple written notice – as provided in footnote 11 above – should state whether or not there was a determination that increased imports have caused or threatened to cause serious injury to a domestic industry.