



23 June 2020

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**Council for Trade in Goods  
Committee on Safeguards**

Original: English

## **REQUEST UNDER ARTICLE 13.1(E) OF THE AGREEMENT ON SAFEGUARDS**

### **REQUEST FROM THE EUROPEAN UNION CONCERNING TURKEY'S PROPOSED SUSPENSION OF CONCESSIONS OR OTHER OBLIGATIONS**

EUROPEAN UNION

The following communication, dated 23 June 2020, is being circulated at the request of the delegation of the European Union.

Without prejudice to the rights or obligations under the WTO covered agreements and pursuant to Article 13.1(e) of the Agreement on Safeguards, the European Union hereby requests the Committee on Safeguards to review whether Turkey's proposal to suspend concessions or other obligations is "substantially equivalent" and to report as appropriate to the Council for Trade in Goods.

#### **1 BACKGROUND**

On 19 July 2018 the European Union introduced provisional safeguard measures on imports of certain steel products by means of Commission Implementing Regulation (EU) 2018/1013. On 1 February 2019, the European Union published Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products. The definitive measures have been effective since 2 February 2019 and are scheduled to apply until 30 June 2021. The EU notified to the WTO the imposition of both the provisional and definitive measures respectively in documents [G/SG/N/7/EU/1](#) - [G/SG/N/11/EU/1](#) - [G/SG/N/11/EU/1/Suppl.2](#) dated 16 July 2018 and [G/SG/N/8/EU/1/Suppl.1](#) - [G/SG/N/10/EU/1/Suppl.1](#) - [G/SG/N/11/EU/1/Suppl.2](#) dated 7 February 2019. In these notifications, the EU provided information on the existence of an absolute increase in imports.

On 17 May 2019, the EU initiated a review investigation of the safeguard measures.<sup>1</sup> Based on the findings of this review, the EU amended the safeguard measures as of 1 October 2019.<sup>2</sup>

On 14 February 2020, the EU initiated a review investigation of the safeguard measures.<sup>3</sup> Based on the findings of this review, the proposed date for the entry into force of the adjustments to the measures is 1 July 2020.<sup>4</sup>

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<sup>1</sup> Notified to the WTO in document [G/SG/N/10/EU/1/Suppl.2](#), dated 20 May 2019 and circulated 21 May 2019.

<sup>2</sup> Notified to the WTO in documents [G/SG/N/10/EU/1/Suppl.3](#) - [G/SG/N/11/EU/1/Suppl.3](#) dated 12 August 2019 and circulated 15 August 2019, and [G/SG/N/10/EU/1/Suppl.4](#) - [G/SG/N/11/EU/1/Suppl.4](#) dated 1 October 2019 and circulated 2 October 2019.

<sup>3</sup> Notified to the WTO in document [G/SG/N/10/EU/1/Suppl.6](#), dated and circulated 22 January 2020.

<sup>4</sup> Notified to the WTO in document [G/SG/N/10/EU/1/Suppl.7](#), dated 29 May 2020 and circulated 2 June 2020.

## **2 NOTIFICATION BY TURKEY**

In a communication dated 22 May 2020, Turkey notified to the Council for Trade in Goods the proposed suspension of concessions and other obligations referred to in paragraph 2 of Article 8 of the WTO Agreement on Safeguards<sup>5</sup> consisting of an increase in duty on selected products originating in the EU, as indicated in Annex I of that notification. Turkey calculated what it considers to be substantially equivalent concessions or other obligations under the GATT 1994 as indicated in Annex II of that notification. Turkey stated that it reserved its right to apply the proposed suspension of concessions "after 30 days following the date of publication" of the notification.

## **3 EUROPEAN UNION'S REQUEST**

In the EU's view, Turkey is in breach of Article 8.3 of the Agreement on Safeguards, since it exercises its right of suspension during the first three years that a safeguard measure is in effect even though the safeguard measure has been taken as a result of an absolute increase in imports. Moreover, the condition that the safeguard conforms to the provisions of the Agreement on Safeguards is also met given that the Dispute Settlement Body has not adopted a report that the safeguard measure is WTO inconsistent.

Without prejudice to the above, the European Union also has serious doubts that the suspension of concessions and other obligations proposed by Turkey is substantially equivalent as required in Article 8.2 of the Agreement on Safeguards, considering that the substantially equivalent concessions cannot be calculated based on exports to the EU in 2018, the year when a provisional safeguard measure already applied.

Pursuant to Article 13.1(e) of the Agreement on Safeguards, the European Union requests that the Committee on Safeguards review whether the suspension of concessions or other obligations proposed by Turkey is "substantially equivalent" as provided for in Article 8.2 of the Agreement on Safeguards. The European Union also requests that the Committee report its findings to the Council for Trade in Goods.

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<sup>5</sup> Notified to the WTO in document [G/L/1359](#) - [G/SG/N/12/TUR/9](#), dated 22 May 2020 and circulated on 25 May 2020.