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Page: 1/6

Committee on Safeguards

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**NOTIFICATION PURSUANT TO ARTICLE 12.1(C)
OF THE AGREEMENT ON SAFEGUARDS**

**NOTIFICATION PURSUANT TO ARTICLE 9, FOOTNOTE 2
OF THE AGREEMENT ON SAFEGUARDS**

KYRGYZ REPUBLIC

(Certain flat-rolled steel products)

The following communication, dated 17 September 2019, is being circulated at the request of the delegation of the Kyrgyz Republic.

With reference to the WTO documents G/SG/N/6/KGZ/7-G/SG/N/8/KGZ/5, according to Article 12.1 (c) of the Agreement on Safeguards the Kyrgyz Republic hereby notifies the Committee on Safeguards that on 6 August 2019 the Board of the Eurasian Economic Commission (EEC) took a decision to apply a safeguard measure.

The decision of the Board of the EEC No 137 of 6 August 2019 imposing a safeguard measure in the form of a special quota on imports of hot-rolled steel products imported into the customs territory of the Eurasian Economic Union was published on 8 August 2019 on the official website of the Eurasian Economic Union (http://docs.eaeunion.org/docs/ru-ru/01422667/clcd_08082019_137).

Public notice of the conclusion of a safeguard investigation on imports of hot-rolled steel products imported into the customs territory of the Eurasian Economic Union was published on 8 August 2019 on the official website of the Eurasian Economic Union (http://docs.eaeunion.org/docs/ru-ru/01422703/oa_08082019).

Report setting forth the findings and reasoned conclusions reached on all pertinent issues of fact and law was published on 8 August 2019 on the official website of the Eurasian Economic Union (http://eec.eaeunion.org/ru/act/trade/podm/investigations/PublicDocuments/SG10_report_final.pdf).

1. Provide evidence, citing relevant data and the applicable period of investigation of serious injury or threat thereof caused by increased imports.

The Department for Internal Market Defence of the Eurasian Economic Commission (hereinafter "the DIMD") has made an injury assessment for three product categories covered by the investigation, namely hot-rolled steel products, cold-rolled steel products and coated steel products named together "certain flat-rolled steel products". The investigation covers the period from 1 January 2015 to 30 June 2018 (hereinafter "period of investigation").

In the case of hot-rolled steel products, the analysis of economic indicators has revealed that the Eurasian Economic Union (hereinafter "the Union") was losing its market share on the Union market to foreign producers, which had a negative impact on the Union industry's prices. Indeed, the growth in costs per unit outpaced the price increase leading to a decline in the level of profitability.

It has also been found that increased imports of hot-rolled steel products into the Union market are expected to continue in the immediate future. Indeed, in addition to the risk of trade diversion posed, *inter alia*, by the measures under Section 232 of the Trade Expansion Act of 1962 adopted by the United States of America, several countries have steel capacity expansion plans while, first, demand on certain markets is likely to decrease and, second, the ability of third markets to absorb additional exports of steel is limited due to the trade measures in place. At the same time, the Union market is attractive to suppliers of hot-rolled steel products from third countries, in particular in view of its size and prices.

Increasing volumes of imports of hot-rolled steel products will continue to take market share away from the Union industry and displace sales of the Union industry on the Union market. This will result in a decline in the levels of production by the Union industry, sales of the Union industry in the Union market and profits earned by the Union industry from such sales. In addition, if costs of production continue to increase, the price of the Union industry's hot-rolled steel products on the Union market will be prevented from increasing at a commensurate rate with costs and the level of profitability will further decline.

The DIMD has therefore concluded that the Union industry will imminently become seriously injured if no measures are taken. The DIMD has also concluded that there is a causal link between increased imports of hot-rolled steel products and the threat of serious injury to the Union industry.

The DIMD has found that cold-rolled steel products and coated steel products are not being imported in such increased quantities as to cause or threaten to cause serious injury to the Union industry.

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).

The DIMD has analyzed import data covering the period of investigation, i.e. the period from January 1, 2015 to June 30, 2018 for each three product categories covered by the investigation, namely hot-rolled steel products, cold-rolled steel products and coated steel products. The DIMD has analyzed data for each year of the period of the investigation, as well as for the period 1 July 2017 - June 30 2018 compared with the period 1 July 2016 - 30 June 2017.

The DIMD has not found evidence of an absolute increase in imports or an increase in imports relative to domestic production concerning cold-rolled steel products and coated steel products.

In the case of hot-rolled steel products, imports increased in absolute terms by 25,6% from 2015 to 2017 and by 25,9% in the period 1 July 2017 - 30 June 2018 compared with the period 1 July 2016 - 30 June 2017.

In relation to domestic production imports increased by 6,1% between 2015 and 2017 and by 6,5% in the period 1 July 2017 - 30 June 2018 compared with the period 1 July 2016 - 30 June 2017.

The DIMD concludes that there has been a sudden, sharp and recent increase in imports both in absolute and relative terms (to domestic production) for hot-rolled steel products.

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.)

The products covered by the measure are hot-rolled steel products (hot-rolled carbon steel and alloy steel in sheets and coils).

Hot-rolled steel products are classified under the following codes within the Common Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union (CN of FEA EAEU): 7208 10 000 0, 7208 25 000 0, 7208 26 000 0, 7208 27 000 0, 7208 36 000 0, 7208 37 000 0, 7208 38 000 0, 7208 39 000 0, 7208 40 000 0, 7208 51 200 1, 7208 51 200 9, 7208 51 910 0, 7208 51 980 0, 7208 52 100 0, 7208 52 910 0, 7208 52 990 0, 7208 53 100 0, 7208 53 900 0, 7208 54 000 0, 7208 90 200 0, 7208 90 800 0, 7211 13 000 0, 7211 14 000 0, 7211 19 000 0, 7225 30 100 0, 7225 30 300 0, 7225 30 900 0, 7225 40 120 1, 7225 40 120 9, 7225 40 150 1, 7225 40 150 9, 7225 40 400 0, 7225 40 600 0, 7225 40 900 0, 7226 91 200 0, 7226 91 910 0, 7226 91 990 0.

The codes of CN of FEA EAEU are given for information 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.¹

Not applicable.

5. Provide precise description of the proposed measure.

The measure is a quota on imports of hot-rolled steel products with an out-of-quota duty of 20%.

Consistent with the obligations under Article 9.1 of the Agreement on Safeguards, the measure applies to imports from all sources other than originating in developing and least-developed countries benefitting from the Unified System of Tariff Preferences (USTP) of the Eurasian Economic Union, except for the Republic of Korea (see the list of developing and least-developed countries in Annex below).

Shares of imports from developing and least-developed countries, except for the Republic of Korea, individually do not exceed 3% and collectively do not account for more than 9%.

In order to comply with bilateral obligations under the Treaty on a Free Trade Area between Members of the Commonwealth of Independent States (CIS), Republic of Moldova, Uzbekistan and Tajikistan are also excluded from the scope of the measure.

The quota allocation is as follows.

Product concerned (CN of FEA EAEU)	Quota Volume (tonnes)				
	Armenia	Belarus	Kazakhstan	Kyrgyz Republic	Russian Federation
7208 10 000 0, 7208 25 000 0, 7208 26 000 0, 7208 27 000 0, 7208 36 000 0, 7208 37 000 0, 7208 38 000 0, 7208 39 000 0, 7208 40 000 0, 7208 51 200 1, 7208 51 980 0, 7208 52 100 0, 7208 52 910 0, 7208 52 990 0, 7208 53 100 0, 7208 53 900 0, 7208 54 000 0, 7208 90 200 0, 7208 90 800 0, 7211 13 000 0, 7211 14 000 0, 7211 19 000 0, 7225 30 100 0, 7225 30 300 0, 7225 30 900 0, 7225 40 120 1, 7225 40 120 9, 7225 40 150 1, 7225 40 150 9, 7225 40 600 0, 7225 40 900 0, 7226 91 200 0, 7226 91 910 0, 7226 91 990 0	14 699	227 633	5 913	2 357	334 993
7208 51 200 9, 7225 40 400 0, 7208 51 910 0	829	36 640	6 116	329	698 249

¹ The HS codes will be provided for reference purposes only.

6. Provide proposed date of introduction of the measure.

The measure shall become effective on 1 December 2019.

7. Provide expected duration of the measure.

The measure will be in force for 1 year.

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.

Not applicable.

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

Not applicable

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.**

Not applicable

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.")**

Not applicable.

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.**

The major exporting Members of hot-rolled steel products are Ukraine, the European Union, Republic of Korea, Japan.

- 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.**

In order to comply with bilateral obligations under the Treaty on a Free Trade Area between Members of the Commonwealth of Independent States (CIS), Republic of Moldova, Uzbekistan and Tajikistan are also excluded from the scope 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.

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ANNEX**List of developing and least-developed countries, Members of WTO**

Afghanistan	Madagascar
Albania	Malawi
Angola	Malaysia
Antigua and Barbuda	Maldives
Argentina	Mali
Bahrain	Mauritania
Bangladesh	Mauritius
Barbados	Mexico
Belize	Mongolia
Benin	Montenegro
Bolivarian Republic of Venezuela	Morocco
Botswana	Mozambique
Brazil	Myanmar
Brunei Darussalam	Namibia
Burkina Faso	Nepal
Burundi	Nicaragua
Cabo Verde	Niger
Cambodia	Nigeria
Cameroon	North Macedonia
Central African Republic	Oman
Chad	Pakistan
Chile	Panama
China	Papua New Guinea
Colombia	Paraguay
Congo	Peru
Costa Rica	Philippines
Côte D'Ivoire	Plurinational State of Bolivia
Croatia	Qatar
Cuba	Rwanda
Democratic Republic of the Congo	Saint Kitts and Nevis
Djibouti	Saint Lucia
Dominica	Saint Vincent and the Grenadines
Dominican Republic	Samoa
Ecuador	Senegal
Egypt	Seychelles
El Salvador	Sierra Leone
Eswatini	Singapore
Fiji	Solomon Islands
Gabon	South Africa
Gambia	Sri Lanka
Ghana	Suriname
Grenada	Tanzania
Guatemala	Thailand
Guinea	The State of Kuwait
Guinea-Bissau	Togo
Guyana	Tonga
Haiti	Trinidad and Tobago
Honduras	Tunisia
Hong Kong, China	Turkey
India	Uganda
Indonesia	United Arab Emirates
Jamaica	Uruguay
Jordan	Vanuatu
Kenya	Viet Nam
Kingdom of Saudi Arabia	Yemen
Lao People's Democratic Republic	Zambia
Lesotho	Zimbabwe
Liberia	
