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Committee on Safeguards

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**NOTIFICATION UNDER ARTICLE 12.1(C) OF THE AGREEMENT ON  
SAFEGUARDS (EXTENSION OF THE EXISTING MEASURE)**

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

VIET NAM

*Diammonium Phosphate and Monoammonium Phosphate fertilizers*

*Supplement*

The following communication, dated 11 March 2020, is being circulated at the request of the delegation of Viet Nam.

The Ministry of Industry and Trade of the Socialist Republic of Viet Nam hereinafter referred as "MOIT" encloses a notification pursuant to Article 12.1(c) and Article 9, footnote 2 of the WTO Agreement on Safeguards, on taking a decision to extend a safeguard measure that is being applied against imports of "certain fertilizers of Diammonium Phosphate (DAP) and Monoammonium Phosphate (MAP)" under HS Code 3105.10.90; 3105.30.00; 3105.40.00; 3105.51.00; 3105.59.00; 3105.90.00, and non-application of safeguard measure to developing countries.

Consistent with Article 12.3 of the Agreement on Safeguards, MOIT is ready to hold consultations with those Members having a substantial interest as exporters of the product concerned.

**1 NOTIFICATION UNDER ARTICLE 12.1(C) OF THE AGREEMENT ON SAFEGUARDS UPON  
TAKING A DECISION TO EXTEND A SAFEGUARD MEASURE**

**1. Evidence that the safeguard measure continues to be necessary to prevent or remedy serious injury or threat thereof caused by increased imports and that the industry concerned is adjusting**

The domestic industry has changed positively with the application of safeguard measure. However, the domestic industry has not yet achieved profit during the period of safeguard application and the growth rate has begun to show signs of decline from 2019. This fact shows that the domestic industry is still under intense competition pressure from imports when the damage has not been overcome.

**2. Information on whether there is an absolute increase in imports or an increase in imports relative to domestic production**

Year	2016	2017	2018	6M 2018	6M 2019
Imports (Ton)	862,918	952,186	676,432	291,563	268,857
Trend (%)	-	10.34	-28.96	-	-7.79
The ratio of imports to domestic consumption(%)	80.37	74.34	64.11	59.19	62.58

The volume of imports under review tended to decrease from 952,186 tons in 2017 to 676,432 tons in 2018. However, as the safeguard tariff gradually decreased, the amount of imports under review began to tend to increase relative to domestic production and domestic consumption, the proportion of imports. The total domestic consumption increased from 59.19% in the first 6 months of 2018 to 62.58% in the first 6 months of 2019.

### 3. Precise description of the product involved

Certain mineral or chemical fertilizers under HS Code 3105.10.90; 3105.30.00; 3105.40.00; 3105.51.00; 3105.59.00; 3105.90.00 imported into Viet Nam.

### 4. Description of any part of the imported product that will no longer be subject to the measure in the extension

Products which ingredients have one of the following contents are excluded from the safeguard measure: Nitrogen (N) < 7%; Phosphate (P<sub>2</sub>O<sub>5</sub>) < 30%; Potassium Monoxide (K<sub>2</sub>O) > 3%.

### 5. Precise description of proposed measure

The safeguard measure is proposed to be extended for 30 months until September 06, 2022 (September 06 is included) in the form of specific duties which are shown in the threshold column of the table below.

Timetable	Specific duty (VND per ton)
From March 07, 2020 to March 06, 2021	1,050,662.00
From March 07, 2021 to March 06, 2022	1,029,219.00
From March 07, 2022 to September 06, 2022	1,007,778.00
From September 07, 2022 onwards	0.00 (If not extended)

### 6. Proposed date of introduction of the measure

See response to item 5 above.

### 7. Expected duration of the measure

See response to item 5 above.

### 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

See response to item 5 above.

### 9. Expected timetable for progressive liberalization of the measure

See response to item 5 above.

### 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

Not applicable.

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

### 1. The measure

It is proposed to impose safeguard measure in the form of specific duties which will be progressively liberalized as described in item 5 above.

## 2. The product subject to the measure

The measure is applied to the products described in item 3 above.

## 3. Developing countries to which the measure is not applied under article 9.1 of the Agreement on Safeguards

The developing countries which are excluded from the measure as they export less than 3% of imports to Vietnam are listed below:

### 3.1. Sub - Saharan Africa

<a href="#">Angola</a>	<a href="#">Madagascar</a>	<a href="#">Nigeria</a>
<a href="#">Benin</a>	<a href="#">Malawi</a>	<a href="#">Rwanda</a>
<a href="#">Botswana</a>	<a href="#">Mali</a>	<a href="#">Sao Tome and Principe</a>
<a href="#">Burkina Faso</a>	<a href="#">Mauritania</a>	<a href="#">Senegal</a>
<a href="#">Burundi</a>	<a href="#">Mauritius</a>	<a href="#">Sierra Leone</a>
<a href="#">Cabo Verde</a>	<a href="#">Mozambique</a>	<a href="#">Somalia</a>
<a href="#">Cameroon</a>	<a href="#">Namibia</a>	<a href="#">South Africa</a>
<a href="#">Central African Republic</a>	<a href="#">Niger</a>	<a href="#">South Sudan</a>
<a href="#">Chad</a>	<a href="#">Gabon</a>	<a href="#">Sudan</a>
<a href="#">Comoros</a>	<a href="#">Gambia, The</a>	<a href="#">Swaziland</a>
<a href="#">Congo, Dem. Rep.</a>	<a href="#">Ghana</a>	<a href="#">Tanzania</a>
<a href="#">Congo, Rep.</a>	<a href="#">Guinea</a>	<a href="#">Togo</a>
<a href="#">Cote d'Ivoire</a>	<a href="#">Guinea-Bissau</a>	<a href="#">Uganda</a>
<a href="#">Eritrea</a>	<a href="#">Kenya</a>	<a href="#">Zambia</a>
<a href="#">Ethiopia</a>	<a href="#">Lesotho</a>	<a href="#">Zimbabwe</a>
	<a href="#">Liberia</a>	

### 3.2. Asia Pacific

<a href="#">American Samoa</a>	<a href="#">Myanmar</a>
<a href="#">Cambodia</a>	<a href="#">Palau</a>
<a href="#">Fiji</a>	<a href="#">Papua New Guinea</a>
<a href="#">Indonesia</a>	<a href="#">Philippines</a>
<a href="#">Kiribati</a>	<a href="#">Samoa</a>
<a href="#">Korea, Dem. Rep.</a>	<a href="#">Solomon Islands</a>
<a href="#">Lao PDR</a>	<a href="#">Thailand</a>
<a href="#">Malaysia</a>	<a href="#">Timor-Leste</a>
<a href="#">Marshall Islands</a>	<a href="#">Tonga</a>
<a href="#">Micronesia, Fed. Sts.</a>	<a href="#">Tuvalu</a>
<a href="#">Mongolia</a>	<a href="#">Vanuatu</a>

**3.3. Europe and Central Asia**

<a href="#">Albania</a>	<a href="#">Macedonia, FYR</a>
<a href="#">Armenia</a>	<a href="#">Moldova</a>
<a href="#">Azerbaijan</a>	<a href="#">Montenegro</a>
<a href="#">Belarus</a>	<a href="#">Romania</a>
<a href="#">Bosnia and Herzegovina</a>	<a href="#">Serbia</a>
<a href="#">Bulgaria</a>	<a href="#">Tajikistan</a>
<a href="#">Georgia</a>	<a href="#">Turkey</a>
<a href="#">Kazakhstan</a>	<a href="#">Turkmenistan</a>
<a href="#">Kosovo</a>	<a href="#">Ukraine</a>
<a href="#">Kyrgyz Republic</a>	<a href="#">Uzbekistan</a>

**3.4. Latin America and the Caribbean**

<a href="#">Belize</a>	<a href="#">Guyana</a>
<a href="#">Bolivia</a>	<a href="#">Haiti</a>
<a href="#">Brazil</a>	<a href="#">Honduras</a>
<a href="#">Colombia</a>	<a href="#">Jamaica</a>
<a href="#">Costa Rica</a>	<a href="#">Mexico</a>
<a href="#">Cuba</a>	<a href="#">Nicaragua</a>
<a href="#">Dominica</a>	<a href="#">Panama</a>
<a href="#">Dominican Republic</a>	<a href="#">Paraguay</a>
<a href="#">Ecuador</a>	<a href="#">Peru</a>
<a href="#">El Salvador</a>	<a href="#">St. Lucia</a>
<a href="#">Grenada</a>	<a href="#">St. Vincent and the Grenadines</a>
<a href="#">Guatemala</a>	<a href="#">Suriname</a>

**3.5. Middle East and North Africa**

<a href="#">Algeria</a>	<a href="#">Syrian Arab Republic</a>
<a href="#">Djibouti</a>	<a href="#">Tunisia</a>
<a href="#">Egypt, Arab Rep.</a>	<a href="#">West Bank and Gaza</a>
<a href="#">Iran, Islamic Rep.</a>	<a href="#">Yemen, Rep.</a>
<a href="#">Iraq</a>	
<a href="#">Lebanon</a>	
<a href="#">Libya</a>	

**3.6. Nam Á**

<a href="#">Afghanistan</a>	<a href="#">Maldives</a>
<a href="#">Bangladesh</a>	<a href="#">Nepal</a>
<a href="#">Bhutan</a>	<a href="#">Pakistan</a>
<a href="#">India</a>	<a href="#">Sri Lanka</a>

Information regarding the procedures and relevant deadlines with regard to the investigation is contained in the notice of initiation.

Further information and comments should be sent to:

**LEGAL AFFAIRS DIVISION**

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