Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based

NOTIFICATION FORMAT

Page 6-7 of G/AG/2

WHO?

Only among the following Members who have reserved the right in the Schedule to use the Special Safeguard Provisions.

> Members with no scheduled SSG rights are not allowed to invoke it and thus are not required to make Table MA:3 notification.
>
> Members with scheduled SSG rights, but not having invoked volume-based SSG, are not required to make a Table MA:3 notification. This is an *ad hoc* requirement.

Australia	Indonesia	Philippines
Barbados	Israel	South Africa
Bolivarian Republic of Venezuela	Japan	Swaziland
Botswana	Korea	Switzerland-Liechtenstein
Canada	Malaysia	Chinese Taipei
Colombia	Mexico	Thailand
Costa Rica	Morocco	Tunisia
Ecuador	Namibia	United States
El Salvador	New Zealand	Uruguay
European Union	Nicaragua	
Guatemala	Norway	
Iceland	Panama	

WHAT TO NOTIFY?

- Trigger level, period of application of safeguard action etc. along with calculations justifying the application of the volume-based safeguard measure.

> A Table MA:3 is required for each product upon first use of a volume-based special safeguard action in any year.

WHEN?

- Before invoking a volume-based SSG action (as far as practicable), and in any event within 10 days of the implementation of such action.

HOW TO NOTIFY?

▶ **Case 1:**

- BETA has the right in its Schedule to apply the SSG on three products: **butter, seed potatoes** and **apples**.
- BETA applies volume-based SSG on **butter** as from 20 September 2008.
- When and how should it make the Table MA:3 notification?

WHAT IF?

• The volume-based SSG is applied again by BETA in the year 2009 on the same product (butter)?

Table MA:3 notification for butter would be required again for 2009 showing the relevant trigger volume calculations etc.

Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based

Table MA:3

MARKET ACCESS: name of Member

Notification under Article 5 of the Agreement: special safeguard: volume-based

_____

(1) Description of product:

(2) Tariff item number:

(3) Trigger level: tonnes
(as calculated in Annex 1)

**(4) Volume of imports entering
  territory in current period:**   tonnes

(5) Period of application:
(calendar/marketing year or shorter period
for perishable or seasonal products (specify))

Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based

SPECIAL SAFEGUARD: VOLUME-BASED: Annex 1 to MA:3

Information required for the calculation of the Trigger Level

Imports in the 3 preceding years: Year 1:   tonnes
                                         Year 2:   tonnes
                                         Year 3:   tonnes
                                         Average: tonnes

And if import penetration is taken into account:

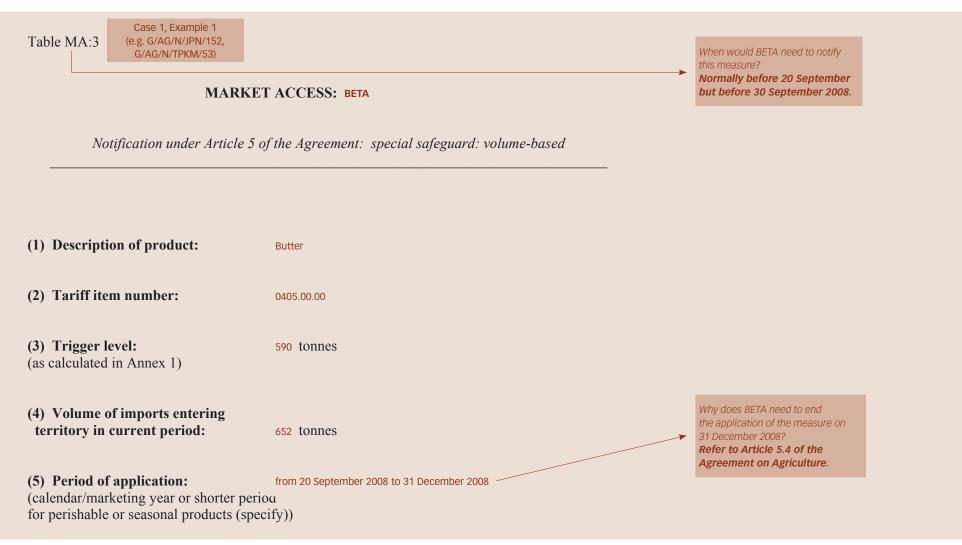Consumption in the 3 preceding years: Year 1:   tonnes
                                        Year 2:   tonnes
                                        Year 3:   tonnes
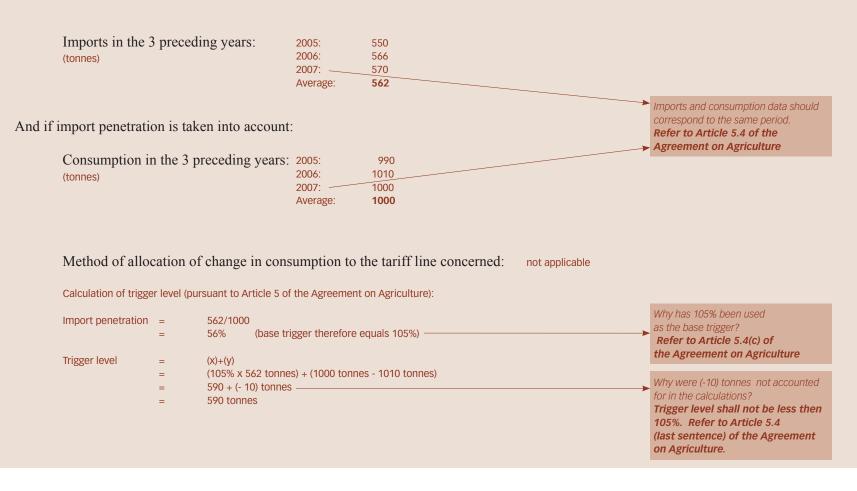   Average: tonnes

Method of allocation of change in consumption to the tariff line concerned:

Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based

▶ **Example 1:**

When <u>domestic consumption</u> data are available and are taken into account in the trigger calculations.

Table MA:3

Case 1, Example 1
(e.g. G/AG/N/JPN/152,
G/AG/N/TPKM/53)

When would BETA need to notify this measure?
Normally before 20 September but before 30 September 2008.

MARKET ACCESS: BETA

Notification under Article 5 of the Agreement: special safeguard: volume-based

(1) Description of product: Butter

(2) Tariff item number: 0405.00.00

(3) Trigger level: 590 tonnes
(as calculated in Annex 1)

**(4) Volume of imports entering
    territory in current period:**   652 tonnes

Why does BETA need to end the application of the measure on 31 December 2008?
Refer to Article 5.4 of the Agreement on Agriculture.

(5) Period of application: from 20 September 2008 to 31 December 2008
(calendar/marketing year or shorter period
for perishable or seasonal products (specify))

Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based

SPECIAL SAFEGUARD: VOLUME-BASED: Annex 1 to MA:3

Information required for the calculation of the Trigger Level

Imports in the 3 preceding years:
(tonnes)

2005:	550
2006:	566
2007:	570
Average:	**562**

And if import penetration is taken into account:

Consumption in the 3 preceding years:
(tonnes)

2005:	990
2006:	1010
2007:	1000
Average:	**1000**

Imports and consumption data should correspond to the same period.
Refer to Article 5.4 of the Agreement on Agriculture

Method of allocation of change in consumption to the tariff line concerned: not applicable

Calculation of trigger level (pursuant to Article 5 of the Agreement on Agriculture):

| Import penetration | = | 562/1000 |
| | = | 56%   (base trigger therefore equals 105%) |

Trigger level	=	(x)+(y)
	=	(105% x 562 tonnes) + (1000 tonnes - 1010 tonnes)
	=	590 + (- 10) tonnes
	=	590 tonnes

Why has 105% been used as the base trigger?
Refer to Article 5.4(c) of the Agreement on Agriculture

Why were (-10) tonnes not accounted for in the calculations?
Trigger level shall not be less then 105%. Refer to Article 5.4 (last sentence) of the Agreement on Agriculture.

Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based
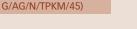
► **Example 2:**

When domestic consumption data is either not available or not taken into account in the trigger calculations.

Table MA:3 | Case 1, Example 2 (e.g. G/AG/N/JPN/70, G/AG/N/TPKM/45)

MARKET ACCESS: BETA

Notification under Article 5 of the Agreement: special safeguard: volume-based

_____

(1) Description of product: Butter

(2) Tariff item number: 0405.00.00

(3) Trigger level: 703 tonnes
(as calculated in Annex 1)

Volume in entry 4 has to exceed the trigger volume in entry 3.
Refer to Article 5.1(a) of the Agreement on Agriculture

**(4) Volume of imports entering
     territory in current period:**   710 tonnes

Compared to example 1 above, the safeguard action commenced later. Action possible only when actual imports exceed the trigger level, which is higher in example 2.
Refer to Article 5.1(a) of the Agreement on Agriculture.

(5) Period of application: from 20 November 2008 to 31 December 2008
(calendar/marketing year or shorter period
for perishable or seasonal products (specify))

Table MA:3 Notification under Article 5 of the Agreement: special safeguard: volume-based

SPECIAL SAFEGUARD: VOLUME-BASED: Annex 1 to MA:3

Information required for the calculation of the Trigger Level

Imports in the 3 preceding years:
(tonnes)

	2005:	550
	2006:	566
	2007:	570
	Average:	**562**

And if import penetration is not taken into account:

Calculation of trigger level (pursuant to Article 5 of the Agreement on Agriculture):

Trigger level   =   (x)+(y)
    =   (125% x 562 tonnes)
    =   703 tonnes

Domestic consumption data, when used in the trigger calculations (as in Example 1 above) affects the trigger level by influencing the value of:
- *the "**x**" component (by way of determining the "**base trigger level**") and*
- *the "**y**" component (which equals the absolute change in domestic consumption in the most recent year compared to the preceding year).*

When domestic consumption data is not taken into account in the trigger calculations (as in this example):
- *the "base trigger level" for the "**x**" component is fixed at 125%, and*
- *the "**y**" component is zero.*

Refer to footnote 3 of the Agreement on Agriculture.

Table MA:4 Notification under Article 5 of the Agreement: special safeguard: price-based

NOTIFICATION FORMAT

Pages 8-9 of G/AG/2

WHO?

Only among the following Members who have reserved the right in the Schedule to use the Special Safeguard provisions.

> Members with no scheduled SSG rights are not allowed to invoke it and thus are not required to make Table MA:4 notification.
>
> There is a possibility to make an *up-front* notification of trigger prices any time before the first invocation of a price-based SSG on relevant products.
>
> If a Member decides to notify on a case-by-case basis in the form of *ad hoc* notifications, such notifications would be required only when a price-based SSG is actually invoked on a product and only upon its first invocation.

Australia	Iceland	Norway
Barbados	Indonesia	Panama
Bolivarian Republic of Venezuela	Israel	Philippines
Botswana	Japan	South Africa
Canada	Korea	Swaziland
Colombia	Malaysia	Switzerland-Liechtenstein
Costa Rica	Mexico	Chinese Taipei
Ecuador	Morocco	Thailand
El Salvador	Namibia	Tunisia
European Union	New Zealand	United States
Guatemala	Nicaragua	Uruguay

WHEN?

- Anytime <u>before</u> invoking a price-based SSG on a product <u>for the first time</u> in the form of an *up-front* notification;

- If <u>no up-front notification</u> for the product(s) concerned, an *ad hoc* notification as far as practicable before invoking a price-based SSG and in any event within 10 days of the implementation of such action.

WHAT TO NOTIFY?

- Trigger price for product(s) subject to a price-based SSG along with calculations to derive the trigger price and the source of price information.

HOW TO NOTIFY?

▶ **Case 1:**

- BETA has the right in its Schedule to apply the Special safeguard provisions on three products: **butter, seed potatoes** and **apples**.

- BETA decides to notify trigger prices for two eligible products, for example, **butter** and **seed potatoes** through an *up-front* notification.

- When and how should it make this *up-front* Table MA:4 notification?

WHAT IF?

• The price-based SSG is applied on butter after the circulation of the above-mentioned *up-front* Table MA:4 notification?

There would be no need to circulate a Table MA:4 notification. Trigger prices for a product are to be notified only once. The trigger prices being based on average import unit values during a fixed reference period (i.e.1986-88) would not change once notified.

However, there are examples of subsequent Table MA:4 notifications on the same product even when the relevant trigger price was already notified, e.g. G/AG/N/CRI/11 and G/AG/N/CRI/14.

Table MA:4 Notification under Article 5 of the Agreement: special safeguard: price-based

Table MA:4

<div align="center">

MARKET ACCESS: name of Member

Notification under Article 5 of the Agreement: special safeguard: price-based

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_____

A: "UP-FRONT" NOTIFICATION OF TRIGGER PRICES

Where a Member provides an up-front notification of trigger prices the following format should be used:

Tariff item number	Description of product	Trigger price
		(as calculated in Annex 1)

B: AD HOC NOTIFICATION

Where no up-front notification of the trigger prices is made, the following format should be used on the first use of the price-based special safeguard for any product:

(1) Description of product:

(2) Tariff item number:

(3) Trigger price:
(as calculated in Annex 1)

(4) Date of application:

SPECIAL SAFEGUARD: PRICE-BASED: Annex 1 to Table MA:4

Information required for the calculation of the Trigger Price

Prices in the reference period: 1986:
1987:
1988:
Average:

Source of price information:

Table MA:4 Notification under Article 5 of the Agreement: special safeguard: price-based

Table MA:4

Case 1
(e.g. G/AG/N/PHL/27)

When to make this up-front notification?
Any time. But before the first time invocation of a price-based safeguard measure on these two products.

MARKET ACCESS: BETA

Notification under Article 5 of the Agreement: special safeguard: price-based

_____

A: "UP-FRONT" NOTIFICATION OF TRIGGER PRICES

Tariff item number	Description of product	Trigger price ($/tonne)
		(as calculated in Annex 1)
0405.00.00	Butter	1250
0701.10.00	Seed potatoes	876

Table MA:4 Notification under Article 5 of the Agreement: special safeguard: price-based

SPECIAL SAFEGUARD: PRICE-BASED: Annex 1 to Table MA:4

Information required for the calculation of the Trigger Price

0405.00.00   **Butter**

Prices in the reference period: 1986:   1000
($ per tonne)   1987:   1300
                                  1988:   1450
                                  Average: **1250**

Why is data on reference price for 1986-88 used?
Refer to Article 5.1(b) of the Agreement on Agriculture

Source of price information: c.i.f. import values (Department of Statistics)

0701.10.00   **Seed potatoes**

Prices in the reference period: 1986:   777
($ per tonne)   1987:   1000
                                  1988:   851
                                  Average: **876**

Source of price information: c.i.f. import values (Department of Statistics)

Table MA:4 Notification under Article 5 of the Agreement: special safeguard: price-based

▶ **Case 2:**

- In the year 2008, BETA decides to invoke price-based SSG on **apples**.

- The *up-front* Table MA:4 notification from BETA did <u>not</u> include **apples**.

- An *ad hoc* Table MA:4 would, therefore, need to be circulated by BETA containing the trigger price for **apples**.

- When should BETA make this *ad hoc* Table MA:4 notification?

Table MA:4

Case 2
(e.g. G/AG/N/JPN/40)

When to notify this measure?
Normally before 15 May 2008 but before 25 May 2008.

MARKET ACCESS: BETA

Notification under Article 5 of the Agreement: special safeguard: price-based

B: AD HOC NOTIFICATION

(1) Description of product: Apples

(2) Tariff item number: 0808.10.00

(3) Trigger price: $850/tonne
(as calculated in Annex 1)

(4) Date of application: as from 15 May 2008

MA SSG

Table MA:4 Notification under Article 5 of the Agreement: special safeguard: price-based

SPECIAL SAFEGUARD: PRICE-BASED: Annex 1 to Table MA:4

Information required for the calculation of the Trigger Price
(pursuant to Article 5 of the Agreement on Agriculture)

Prices in the reference period: 1986:   800
($ per tonne)   1987:   900
                                                       1988:   850
                                                       Average: **850**

Source of price information: c.i.f. import values (Department of Statistics)

How to calculate the trigger price if there were no imports of apples during 1986-88?
Trigger prices would need to be approximated using the guidance in footnote 2 of the Agreement on Agriculture. e.g G/AG/N/JPN/146 (also refer to page 18 of G/AG/R/56 for an explanation of calculations in G/AG/N/JPN/146)

Table MA:5 Annual summary of special safeguard actions taken

NOTIFICATION FORMAT

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WHO?

All the following Members who have reserved the right in the Schedule to use the Special Safeguard Provisions.

> Members with scheduled SSG rights are required to make an annual Table MA:5 notification, irrespective of whether a safeguard measure was actually invoked in a reporting year.

Australia	Iceland	Norway
Barbados	Indonesia	Panama
Bolivarian Republic of Venezuela	Israel	Philippines
Botswana	Japan	South Africa
Canada	Korea	Swaziland
Colombia	Malaysia	Switzerland-Liechtenstein
Costa Rica	Mexico	Chinese Taipei
Ecuador	Morocco	Thailand
El Salvador	Namibia	Tunisia
European Union	New Zealand	United States
Guatemala	Nicaragua	Uruguay

WHEN?

- No later than 30 days following the year in question.

WHAT TO NOTIFY?

- Annual summary of safeguard actions taken during the relevant implementation year.

- Where the special safeguard provisions were not invoked in any year, a Nil statement should be notified (e.g. Case 2 on page 38 below).

> Though not necessarily required under the agreed Table MA:5 format, some Table MA:5 notifications also include information on volume of imports affected by safeguard actions, e.g. G/AG/N/KOR/39, G/AG/N/CHE/27/Rev.1, G/AG/N/USA/67.

HOW TO NOTIFY?

▶ **Case 1:**

- BETA invoked volume-based SSG on **butter** during 2008 (refer to **Case 1** (Example 1) under Table MA:3 above).

- During 2008, BETA also applied price-based SSG on **apples** (refer to **Case 2** under Table MA:4 above).

- When and how should BETA make its Table MA:5 notification for the year 2008?

Table MA:5 Annual summary of special safeguard actions taken

Table MA:5

MARKET ACCESS: name of Member

REPORTING PERIOD: calendar year, marketing year, etc.

Annual summary of special safeguard actions taken

Tariff item number	Description of product	Whether volume-based action taken during period	Whether price-based action taken during period
1	2	3	4

Table MA:5 Annual summary of special safeguard actions taken

Table MA:5

Case 1
(e.g. G/AG/N/TPKM/65)

MARKET ACCESS: BETA

When to notify this measure?
No later than 30 January 2009.

REPORTING PERIOD: calendar year 2008

Annual summary of special safeguard actions taken

Tariff item number	Description of product	Whether volume-based action taken during period	Whether price-based action taken during period
1	2	3	4
0405.00.00	Butter	Action taken during 20 September 2008 to 31 December 2008	No action taken
0808.10.00	Apples	No action taken	Action commenced 15 May 2008.

The information on volume-based safeguard actions in column 3 has to be derived from Table MA:3 notification(s) already issued during the implementation year in question (i.e. 2008).

No concurrent action
Refer to Article 5.1(a) of the Agreement on Agriculture

Trigger prices for all products included in column 4 should have already been notified in Table MA:4, either through *up-front* or *ad hoc* Table MA:4 notifications.
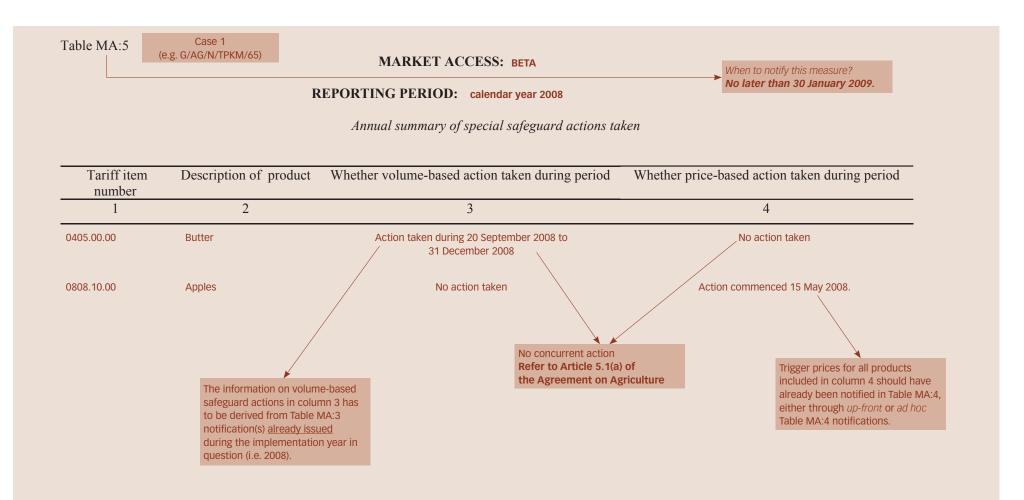
Table MA:5 Annual summary of special safeguard actions taken

▶ **Case 2:**

- GAMMA has the right to apply the SSG on a number of agricultural products in accordance with its Schedule.

- GAMMA did not invoke the SSG during calendar year 2008, i.e. neither price-based nor volume-based SSG was actually applied in the calendar year 2008 by GAMMA.

- Could GAMMA "skip" this notification requirement? If not, when should it notify?

Table MA:5

Case 2
(e.g. G/AG/N/CHE/41)

MARKET ACCESS: GAMMA

When to notify this measure?
No later than 30 January 2009.

REPORTING PERIOD: calendar year 2008

Annual summary of special safeguard actions taken

In accordance with the notification requirements (paragraph (iii), page 5 of document G/AG/2), GAMMA notifies that the special safeguard provisions were not invoked during the calendar year 2008.

No SSG action was applied during the calendar year 2008 but a Table MA:5 notification would still be required with a "*Nil statement*".