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| <b>1 ARTICLE 12 OF THE AGREEMENT ON SAFEGUARDS .....</b>                | <b>1</b> |
| 1.1 Text of Article 12 .....  | 1        |
| 1.2 Articles 25.1-25.5: Notification of safeguard measures.....         | 2        |
| 1.2.1 Notification formats adopted by the Committee on Safeguards ..... | 2        |
| 1.2.2 Overview of notifications of safeguard measures.....              | 2        |
| 1.3 Article 12.6: Notification of safeguard legislation .....           | 2        |
| 1.4 Article 12.7: Notification of certain pre-existing measures .....   | 3        |
| 1.5 Other notification requirements.....                                | 3        |

## **1 ARTICLE 12 OF THE AGREEMENT ON SAFEGUARDS**

### **1.1 Text of Article 12**

#### **Article 12**

##### *Notification and Consultation*

1. A Member shall immediately notify the Committee on Safeguards upon:
  - (a) initiating an investigatory process relating to serious injury or threat thereof and the reasons for it;
  - (b) making a finding of serious injury or threat thereof caused by increased imports; and
  - (c) taking a decision to apply or extend a safeguard measure.
2. In making the notifications referred to in paragraphs 1(b) and 1(c), the Member proposing to apply or extend a safeguard measure shall provide the Committee on Safeguards with all pertinent information, which shall include evidence of serious injury or threat thereof caused by increased imports, precise description of the product involved and the proposed measure, proposed date of introduction, expected duration and timetable for progressive liberalization. In the case of an extension of a measure, evidence that the industry concerned is adjusting shall also be provided. The Council for Trade in Goods or the Committee on Safeguards may request such additional information as they may consider necessary from the Member proposing to apply or extend the measure.
3. A Member proposing to apply or extend a safeguard measure shall provide adequate opportunity for prior consultations with those Members having a substantial interest as exporters of the product concerned, with a view to, *inter alia*, reviewing the information provided under paragraph 2, exchanging views on the measure and reaching an understanding on ways to achieve the objective set out in paragraph 1 of Article 8.
4. A Member shall make a notification to the Committee on Safeguards before taking a provisional safeguard measure referred to in Article 6. Consultations shall be initiated immediately after the measure is taken.
5. The results of the consultations referred to in this Article, as well as the results of mid-term reviews referred to in paragraph 4 of Article 7, any form of compensation referred to in paragraph 1 of Article 8, and proposed suspensions of concessions and other obligations referred to in paragraph 2 of Article 8, shall be notified immediately to the Council for Trade in Goods by the Members concerned.
6. Members shall notify promptly the Committee on Safeguards of their laws, regulations and administrative procedures relating to safeguard measures as well as any modifications made to them.

7. Members maintaining measures described in Article 10 and paragraph 1 of Article 11 which exist on the date of entry into force of the WTO Agreement shall notify such measures to the Committee on Safeguards not later than 60 days after the date of entry into force of the WTO Agreement.

8. Any Member may notify the Committee on Safeguards of all laws, regulations, administrative procedures and any measures or actions dealt with in this Agreement that have not been notified by other Members that are required by this Agreement to make such notifications.

9. Any Member may notify the Committee on Safeguards of any non-governmental measures referred to in paragraph 3 of Article 11.

10. All notifications to the Council for Trade in Goods referred to in this Agreement shall normally be made through the Committee on Safeguards.

11. 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.

## **1.2 Articles 25.1-25.5: Notification of safeguard measures**

### **1.2.1 Notification formats adopted by the Committee on Safeguards**

1. At its first meeting of 24 February 1995, the Committee on Safeguards approved formats for notifications under Article 12 of the Agreement on Safeguards.<sup>1</sup>

2. At its meeting of 6 May 1996, the Committee on Safeguards adopted a format for the notification of termination of a safeguards investigation where no safeguard measure is imposed.<sup>2</sup>

3. At its meeting of 19 October 2009, the Committee on Safeguards approved certain amendments to existing notification formats under Articles 12.1(a), 12.1(b), 12.1(c), and 12.4 of the Agreement on Safeguards. At the same meeting, the Committee also approved a format for information to be provided upon the cessation of a safeguard measure.<sup>3</sup>

4. At its meeting of 26 October 2020, the Committee on Safeguards approved an amendment to an existing notification format under Articles 12.1(b) and 12.1(c) of the Agreement on Safeguards.<sup>4</sup>

### **1.2.2 Overview of notifications of safeguard measures**

5. Notifications of safeguard measures under Article 12 of the Agreement on Safeguards are found in the following document series: [G/SG/N/6/\\*](#) for Article 12.1(a), [G/SG/N/8/\\*](#) for Article 12.1(b), [G/SG/N/10/\\*](#) and [G/SG/N/14/\\*](#) for Article 12.1(c), [G/SG/N/7/\\*](#) for Article 12.4, [G/SG/N/12/\\*](#) and [G/SG/N/13/\\*](#) for Article 12.5, [G/SG/N/1/\\*](#) for Article 12.6, and [G/SG/N/3/\\*](#) for Article 12.7.

## **1.3 Article 12.6: Notification of safeguard legislation**

6. At its meeting of 24 February 1995, the Committee adopted a format for notifications of laws, regulations, and administrative procedures relating to safeguard measures.<sup>5</sup> Further, the

<sup>1</sup> [G/SG/M/1](#), item H. The latest version of the formats can be found in document [G/SG/1/Rev.2](#) – [G/SG/N/6/Rev.2](#) – [G/SG/89/Rev.1](#).

<sup>2</sup> [G/SG/M/6](#), Section C. The text of the adopted format can be found in document [G/SG/2](#).

<sup>3</sup> [G/SG/M/36](#), item D. The latest version of these formats can be found in document [G/SG/1/Rev.2](#) – [G/SG/N/6/Rev.2](#) – [G/SG/89/Rev.1](#), section G.

<sup>4</sup> See [G/SG/1/Rev.2](#) – [G/SG/N/6/Rev.2](#) – [G/SG/89/Rev.1](#), section C, note (3).

<sup>5</sup> [G/SG/M/1](#), section H. The text of the adopted format can be found in document [G/SG/N/1](#). The Committee agreed that these notifications would be distributed as unrestricted documents. [G/SG/M/1](#), section I, paras. 37-38.

Committee decided that all Members that had available relevant legislation and/or regulations which apply to safeguard measures covered by the Agreement on Safeguards should notify the full and integrated text of that legislation and/or regulations to the Committee by 15 March 1995, with the understanding that if such legislation and/or regulations did not exist or was not yet available, the Member would inform the Committee of this fact, would explain the reasons therefore, and would provide an indicative date by which time a notification was expected.<sup>6</sup> Also, the Committee decided that notification of modifications to legislation should be submitted within 30 days after domestic publication of the modifications, with the understanding that, if the notification could not be submitted within this 30-day time-frame, the reason for this would be notified within the same time-frame, with an indication of when the modification would eventually be notified.<sup>7</sup>

7. At its meeting of 6 May 1996, the Committee on Safeguards adopted procedures for future reviews of legislative notifications.<sup>8</sup>

8. Members' notifications of their domestic safeguard legislation and/or regulations can be found in the [G/SG/N/1/\\*](#) document series. As of 22 October 2018, twenty (20) Members had not made such a notification.<sup>9</sup>

#### **1.4 Article 12.7: Notification of certain pre-existing measures**

9. At its meeting of 24 February 1995, the Committee on Safeguards decided that the information required in the notifications under Article 12.7 of the Agreement on Safeguards should also be provided by signatories that were eligible to become original Members of the WTO within the same time limits as those which apply to WTO Members.<sup>10</sup>

10. At its meeting of 24 February 1995, the Committee on Safeguards adopted a format for notifications of pre-existing Article XIX measures described in Article 10 of the Agreement on Safeguards.<sup>11</sup> At the same meeting, the Committee also adopted a format for notifications of measures subject to the prohibition and elimination of certain measures under Article 11.1 of the Agreement on Safeguards.<sup>12</sup> With respect to reporting by Members regarding elimination of these pre-existing measures, see the document on Article 10 of the Agreement on Safeguards (Practice), the document on Article 11 of the Agreement on Safeguards (Practice), and the document on Article 13 of the Agreement on Safeguards (Practice).

#### **1.5 Other notification requirements**

11. Under paragraph 16.1 of the Protocol of Accession of China, certain notifications were to be notified to the Committee on Safeguards.<sup>13</sup>

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<sup>6</sup> [G/SG/M/1](#), section I, paras. 64-65.

<sup>7</sup> [G/SG/M/1](#), section I, paras. 64-65.

<sup>8</sup> [G/SG/M/6](#), section G. The text of the adopted format can be found in document [G/SG/W/116](#).

<sup>9</sup> See Annex 1 of document [G/L/1275](#), containing a list of notifications by Members under Article 12.6, including Members that have not made such notifications.

<sup>10</sup> [G/SG/M/1](#), section E. With respect to the clarification made by the Chairman concerning the implication of the decision, see document [G/SG/M/1](#), para. 28.

<sup>11</sup> [G/SG/M/1](#), section H. The text of the adopted format can be found in document [G/SG/N/2](#).

<sup>12</sup> [G/SG/M/1](#), section H. The text of the adopted format can be found in document [G/SG/N/3](#).

<sup>13</sup> Notifications are circulated in the [G/SG/N/16/\\*](#) document series.