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## **1 ARTICLE 8 OF THE AGREEMENT ON SAFEGUARDS**

### **1.1 Text of Article 8**

#### **Article 8**

##### *Level of Concessions and Other Obligations*

1. A Member proposing to apply a safeguard measure or seeking an extension of a safeguard measure shall endeavour to maintain a substantially equivalent level of concessions and other obligations to that existing under GATT 1994 between it and the exporting Members which would be affected by such a measure, in accordance with the provisions of paragraph 3 of Article 12. To achieve this objective, the Members concerned may agree on any adequate means of trade compensation for the adverse effects of the measure on their trade.

2. If no agreement is reached within 30 days in the consultations under paragraph 3 of Article 12, then the affected exporting Members shall be free, not later than 90 days after the measure is applied, to suspend, upon the expiration of 30 days from the day on which written notice of such suspension is received by the Council for Trade in Goods, the application of substantially equivalent concessions or other obligations under GATT 1994, to the trade of the Member applying the safeguard measure, the suspension of which the Council for Trade in Goods does not disapprove.

3. The right of suspension referred to in paragraph 2 shall not be exercised for the first three years that a safeguard measure is in effect, provided that the safeguard measure has been taken as a result of an absolute increase in imports and that such a measure conforms to the provisions of this Agreement.

### **1.2 Article 8.2**

#### **1.2.1 Extensions of time-limits under Article 8.2**

1. In a number of instances, Members have notified the Committee of bilateral agreements to extend the 90-day period set forth in Article 8.2 to a later date, or for as long as the safeguard measure remains in force.<sup>1</sup> Concerning the similar practice under the GATT 1947 in respect of extension of time-limits under Article XIX:3, see the document on Article XIX of the GATT 1947 (GATT Analytical Index, pp. 524-529).

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<sup>1</sup> See e.g. [G/SG/N/12/AUS/1](#); [G/SG/N/12/ARG/2](#); [G/SG/171](#); and [G/SG/202](#).

**1.2.2 Table of Article 8.2 invocations<sup>2</sup>**

| Item No. | Member proposing suspension | Member imposing safeguard | Safeguard measure <sup>3</sup>   | Proposed suspension of concessions <sup>4</sup>   | References <sup>5</sup>  |
|----------|-----------------------------|---------------------------|--|---|--|
| 1        | European Communities        | United States             | QR on wheat gluten<br><br>(3 years and one day starting 1 June 1998)   | TRQ on corn gluten feed imports from the United States, starting 1 June 2001 or 5 days after DSB adopts report that the United States' safeguard is WTO-inconsistent.   | <a href="#">G/L/251</a> – <a href="#">G/SG/N/12/EEC/1</a> ( <a href="#">G/SG/N/10/USA/2</a> )                                    |
| 2        | Poland                      | Slovak Republic           | QR on imports of sugar<br><br>(4 years starting 1 May 2001)  | QR on imports of margarine, vegetable fats, butter, and butterfats from the Slovak Republic, starting 1 August 2001.  | <a href="#">G/L/453</a> – <a href="#">G/SG/35</a> + <a href="#">Suppl.1-3</a> ( <a href="#">G/SG/N/10/SVK/1</a> )                |
| 3        | European Communities        | United States             | Duty increases on imports of various steel products; TRQs on imports of steel slab<br><br>(3 years and one day starting 20 March 2002) | Duty increases on two groups of products: (1) for those in Annex I, 100% duty increase not later than 12 October 2002 if the US has decided before 19 July 2002 on product exclusions and present an offer on trade compensation, or otherwise not later than 1 August 2002, until Annex II applies or the United States' safeguard is lifted; (2) for those in Annex II, 8% - 30% duty increases starting 20 March 2005 or 5 days after DSB adopts report that the United States' safeguard measure is WTO-inconsistent. | <a href="#">G/C/10/Suppl.1</a> – <a href="#">G/SG/43/Suppl.1</a> ( <a href="#">G/SG/N/10/USA/6</a> + <a href="#">Suppl.1-8</a> ) |
| 4        | China                       | United States             | (See item 3)   | Duty increase of 24% on selected US-origin products, starting March 2005 or 5 days after DSB adopts report that the United States' safeguard measure is WTO-inconsistent.   | <a href="#">G/C/17</a> – <a href="#">G/SG/46</a><br>(See item 3)   |
| 5        | Norway                      | United States             | (See item 3)   | Duty increase of 30% on selected US-origin products, starting 20 March 2005 or 5 days after DSB adopts report that the United States' safeguard measure is WTO-inconsistent.  | <a href="#">G/C/16</a> – <a href="#">G/SG/45</a><br>(See item 3)   |

<sup>2</sup> In the chronological order of the timing of the notification of the proposed suspension of concessions.

<sup>3</sup> The duration of the measure as initially notified is indicated in parenthesis.

<sup>4</sup> Members are obliged to notify proposals but are not obliged to notify whether the proposed suspension took effect.

<sup>5</sup> Document symbols in parenthesis refer to notifications of safeguard measures.

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| Item No. | Member proposing suspension | Member imposing safeguard | Safeguard measure <sup>3</sup>  | Proposed suspension of concessions <sup>4</sup>  | References <sup>5</sup>  |
|----------|-----------------------------|---------------------------|---|--|--|
| 6        | Japan                       | United States             | (See item 3)  | Duty increases on two groups of products: (1) for those in Annex I, 100% duty increase not earlier than 18 June 2002, until Annex II applies, or US safeguard lifted; (2) for those in Annex II, 8% - 30% duty increase, not earlier than 20 March 2005 or 5 days after DSB adopts report that the United States' safeguard measure is WTO-inconsistent. | <a href="#">G/C/15</a> – <a href="#">G/SG/44</a> + <a href="#">Suppl.1-2</a><br>(See item 3)   |
| 7        | Switzerland                 | United States             | (See item 3)  | Specific duty increases on imports of selected products from the US, starting 20 March 2005 or 5 days after DSB adopts report that the United States' safeguard measure is WTO-inconsistent.   | <a href="#">G/C/18</a> – <a href="#">G/SG/47</a><br>(See item 3)   |
| 8        | Turkey <sup>6</sup>         | European Communities      | TRQs on imports of certain steel products<br><br>(3 years starting 29 March 2002)   | Substantially equivalent concessions, to be notified later, starting 29 September 2005 if the EC extends its safeguard measure.  | <a href="#">G/SG/N/12/TUR/1</a> and <a href="#">G/L/624</a> – <a href="#">G/SG/N/12/TUR/1/Corr.1</a><br>( <a href="#">G/SG/N/10/EEC/1</a> + <a href="#">Suppl.1-2</a> )  |
| 9        | Turkey                      | Jordan                    | Tariff surcharge on imports of sanitary ware products<br><br>(25 February 2003 to 24 February 2006)                           | Substantially equivalent concessions, to be notified later, starting 25 February 2006 if Jordan's safeguard measure is extended, or following the date DSB adopts report that the safeguard measure is WTO-inconsistent.   | <a href="#">G/L/626</a> – <a href="#">G/SG/N/12/TUR/3</a><br>( <a href="#">G/SG/N/10/JOR/4</a> and <a href="#">Corr.1</a> )  |
| 10       | Turkey                      | Jordan                    | (See item 9)  | Substantially equivalent concessions, to be notified later, starting 25 February 2006 if Jordan's safeguard measure is extended, or following the date DSB adopts report that the safeguard measure is WTO-inconsistent.   | <a href="#">G/L/625</a> – <a href="#">G/SG/N/12/TUR/2</a><br>(See item 9)  |
| 11       | Norway                      | European Communities      | TRQs, minimum import prices and security requirement, for imports of farmed salmon<br><br>(6 February 2005 to 13 August 2008) | 100% or 30% additional duty on imports of certain EC products, from 6 February 2008 or 5 days after DSB adopts report that EC safeguard measure is WTO-inconsistent.   | <a href="#">G/L/738</a> – <a href="#">G/SG/N/12/NOR/1</a> + <a href="#">Corr.1</a><br>( <a href="#">G/SG/N/8/EEC/3</a> – <a href="#">G/SG/N/10/EEC/3</a> – <a href="#">G/SG/N/11/EEC/3/Suppl.1</a> + <a href="#">G/SG/N/10/EEC/3/Suppl.1-3</a> ) |

<sup>6</sup> As of June 2022: Türkiye.

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| Item No. | Member proposing suspension | Member imposing safeguard | Safeguard measure <sup>3</sup>   | Proposed suspension of concessions <sup>4</sup>  | References <sup>5</sup>   |
|----------|-----------------------------|---------------------------|--|--|---|
| 12       | Turkey                      | Ukraine                   | Special duty on imports of motor cars<br><br>(3 years and 30 days starting from 14 March 2013)   | Duty increase of 23% on selected Ukraine-origin products, starting from 12 July 2013.  | <a href="#">G/L/1028</a> – <a href="#">G/SG/N/12/TUR/4</a> + <a href="#">Suppl.1</a> ( <a href="#">G/SG/N/8/UKR/3</a> – <a href="#">G/SG/N/10/UKR/3</a> – <a href="#">G/SG/N/11/UKR/1</a> + <a href="#">Suppl.1-4</a> ) |
| 13       | Russia                      | Ukraine                   | (See item 12)  | Duty increases of 0.1 € per kg, 15% or 54% on selected Ukraine-origin products, starting from the date of the adoption of the relevant decision within the Customs Union.  | <a href="#">G/L/1032</a> – <a href="#">G/SG/N/12/RUS/1</a> and <a href="#">Corr.1</a> (See item 12)   |
| 14       | Chinese Taipei              | Indonesia                 | Specific duty on imports of flat-rolled products of iron or non-alloy steel<br><br>(3 years starting from 22 July 2014 until 21 July 2017)     | Substantially equivalent concessions, to be notified later, starting on 22 July 2017 if Indonesia's safeguard measure is extended, or following the date DSB adopts report that the safeguard measure is WTO-inconsistent. | <a href="#">G/L/1076</a> – <a href="#">G/SG/N/12/TPKM/1</a> ( <a href="#">G/SG/N/10/IDN/16</a> + <a href="#">Suppl.1-4</a> )  |
| 15       | Indonesia                   | India                     | Duty increase on imports of saturated fatty alcohols<br><br>(28 August 2014 until 27 February 2017)  | Substantially equivalent concessions, to be notified later, starting on 27 August 2017 if India's safeguard measure is extended, or following the date DSB adopts report that the safeguard measure is WTO-inconsistent.   | <a href="#">G/L/1117</a> – <a href="#">G/SG/N/12/IDN/2</a> ( <a href="#">G/SG/N/10/IND/17/Suppl.2</a> )   |
| 16       | Turkey                      | Thailand                  | Duty increase on imports of non-alloy hot-rolled steel flat products<br><br>(3 years starting from 7 June 2017 until 6 June 2020) <sup>7</sup> | Duty increase of 9.27% on selected Thailand-origin products, starting from 5 September 2017.   | <a href="#">G/L/1183</a> – <a href="#">G/SG/N/12/TUR/5</a> ( <a href="#">G/SG/N/10/THA/3/Suppl.2</a> )  |

<sup>7</sup> The original measure notified on 15 January 2015 was for 3 years starting from 7 June 2014. Thailand extended this measure starting from 7 June 2017.

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|----------|-----------------------------|---------------------------|---|--|---|
| 17       | China                       | United States             | Duty increase and tariff rate quota on imports of crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products)<br><br>(4 years and one day starting 7 February 2018) <sup>8</sup> | Substantially equivalent concessions starting 07 February 2021 or from the date of a decision by the DSB that safeguard measure imposed by the United States is incompatible, whichever is earlier.  | <a href="#">G/L/1220</a> – <a href="#">G/SG/N/12/CHN/2</a> ( <a href="#">G/SG/N/10/USA/7</a> and its Supplements) |
| 18       | China                       | United States             | Tariff Rate Quotas on imports of Large Residential Washers<br><br>(3 years and one day starting from 7 February 2018 until 7 February 2021) <sup>9</sup>  | Substantially equivalent concessions starting from 3 years and one day after 7 February 2018, if the United States extends its safeguard measure, or from date of decision by the DSB that the safeguard measure imposed by the United States is incompatible, whichever is earlier.       | <a href="#">G/L/1221</a> – <a href="#">G/SG/N/12/CHN/3</a> ( <a href="#">G/SG/N/10/USA/8</a> and its Supplements) |
| 19       | Korea                       | United States             | (See item 18)   | Substantially equivalent concessions, details to be notified later, starting from 7 February 2021, if the United States' safeguard measure is extended or from the date of the DSB decision that the safeguard measure imposed by the United States is incompatible, whichever is earlier. | <a href="#">G/L/1223</a> – <a href="#">G/SG/N/12/KOR/2</a><br>(See item 18)                                       |
| 20       | Korea                       | United States             | (See item 17)   | Substantially equivalent concessions, details to be notified later, starting from 7 February 2021 or from date of the DSB decision that the safeguard measure imposed by the United States is incompatible, whichever is earlier.  | <a href="#">G/L/1224</a> – <a href="#">G/SG/N/12/KOR/3</a><br>(See item 17)                                       |
| 21       | Japan                       | United States             | (See item 17)   | Duty increase on selected products originating in the United States, details to be notified later, starting from 7 February 2021 or the fifth day following the DSB decision that the safeguard measure imposed by the United States is incompatible, whichever is earlier.                | <a href="#">G/L/1226</a> – <a href="#">G/SG/N/12/JPN/3</a><br>(See item 17)                                       |

<sup>8</sup> In February 2022, this measure was extended to stay in force for four more years.

<sup>9</sup> In February 2021, this measure was extended to stay in force for two more years.

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| Item No. | Member proposing suspension | Member imposing safeguard | Safeguard measure <sup>3</sup>   | Proposed suspension of concessions <sup>4</sup>   | References <sup>5</sup>   |
|----------|-----------------------------|---------------------------|--|---|---|
| 22       | Brazil                      | European Union            | Tariff rate quota, subject to an out-of-quota duty of 25%, on certain steel products<br><br>(2 February 2019 until 30 June 2021) <sup>10</sup> | Brazil notified its "intention to apply", within 30 days of its notification, additional duties on selected products originating in the European Union. <sup>11</sup>   | <a href="#">G/L/1296</a> – <a href="#">G/SG/N/12/BRA/3</a> ( <a href="#">G/SG/N/8/EU/1</a> – <a href="#">G/SG/N/10/EU/1</a> – <a href="#">G/SG/N/11/EU/1/Suppl.1</a> and its Supplements) |
| 23       | Korea                       | European Union            | (See item 22)  | Substantially equivalent concessions taking the form of duty increase on selected products originating in the European Union (details to be notified later), starting from 19 July 2021 (if the European Union decides to extend the measure) or the fifth day following the DSB decision that the measures are not in conformity with the WTO Agreement, if that is earlier. | <a href="#">G/L/1306</a> – <a href="#">G/SG/N/12/KOR/4</a><br>(See item 22)   |
| 24       | Russia                      | European Union            | (See item 22)  | Substantially equivalent concessions (details to be notified later) starting from either after the first three years that that the European Union's safeguard measures are in effect, or after the date of the DSB decision that the safeguard measures are inconsistent with the relevant provisions of the WTO Agreement, whichever is earlier. (See also item 31)          | <a href="#">G/L/1304</a> – <a href="#">G/SG/N/12/RUS/3</a><br>(See item 22)   |
| 25       | Turkey                      | European Union            | (See item 22)  | (This proposal was subsequently modified. See item 33)  | <a href="#">G/L/1359</a> – <a href="#">G/SG/N/12/TUR/9</a><br>(See item 22)   |
| 26       | Turkey                      | Egypt                     | Additional duty of 16% of the CIF for billets and 25% of CIF for steel rebar<br><br>(3 years starting from 12 October 2019)                    | Substantially equivalent concessions starting from either after the first three years that Egypt's safeguard measure is in effect, or after the date of a DSB decision that the safeguard measure imposed is inconsistent with the WTO Agreements, whichever is earlier.  | <a href="#">G/L/1350</a> – <a href="#">G/SG/N/12/TUR/7</a> ( <a href="#">G/SG/N/8/EGY/9</a> – <a href="#">G/SG/N/10/EGY/9</a> )   |
| 27       | Ukraine                     | Egypt                     | (See item 26)  | Substantially equivalent concessions starting from either after the first three years that Egypt's safeguard measure is in effect, or after the date of a DSB decision that the safeguard measure imposed is inconsistent with the WTO Agreements, whichever is earlier.  | <a href="#">G/L/1353</a> – <a href="#">G/SG/N/12/UKR/1</a><br>(See item 26)   |

<sup>10</sup> In July 2021, this measure was extended to stay in force for three more years.

<sup>11</sup> See [G/L/1296](#) – [G/SG/12/BRA/3](#) for details.

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| Item No. | Member proposing suspension | Member imposing safeguard | Safeguard measure <sup>3</sup>   | Proposed suspension of concessions <sup>4</sup>  | References <sup>5</sup>   |
|----------|-----------------------------|---------------------------|--|--|---|
| 28       | Turkey                      | European Union            | (See item 22)  | (This proposal was subsequently modified. See item 33)   | <a href="#">G/L/1359/Rev.1</a> - <a href="#">G/SG/N/12/TUR/9/Rev.1</a><br>(See item 22)   |
| 29       | Canada                      | Costa Rica                | Duty increase on imports of certain refined white sugar<br><br>(3 years starting from 19 August 2020)              | (Canada's second notification (see right) is a follow-up) Canada "reserve[d] its rights to suspend the application of substantially equivalent concessions or other obligations" if certain events occurred subsequently. <sup>12</sup>  | <a href="#">G/L/1374</a> - <a href="#">G/SG/N/12/CAN/1</a> and <a href="#">G/L/1374/Rev.1</a> - <a href="#">G/SG/N/12/CAN/1/Rev.1</a> <a href="#">G/SG/N/10/CRI/2</a> and <a href="#">Rev.1</a> ) |
| 30       | Brazil                      | Costa Rica                | (See item 29)  | (Brazil's second notification (see right) is a follow-up) Duty increase of 27.68% on selected products originating in Costa Rica, starting from 17 November 2020.  | <a href="#">G/L/1364</a> - <a href="#">G/SG/N/12/BRA/4</a> and <a href="#">G/L/1364/Suppl.1</a> - <a href="#">G/SG/N/12/BRA/4/Suppl.1</a><br>(See item 29)  |
| 31       | Russia                      | European Union            | (See item 22)  | "The safeguard measures of the European Union have undergone several adjustments since 2 February 2019, when they were first introduced. ... The suspension of concessions ... shall take due account of [such] evolution of the safeguard measures of the European Union." <sup>13</sup>  | <a href="#">G/SG/N/12/RUS/3/Suppl.1</a> - <a href="#">G/L/1304/Suppl.1</a><br>(See item 22)   |
| 32       | Russia                      | United Kingdom            | Tariff-rate-quotas, with an out-of-quota duty of 25%, on certain steel products (Until 30 June 2021) <sup>14</sup> | "Given that the safeguard measures of the European Union have been applied, continue to be applied, and may be further applied on the territory of the United Kingdom after 30 June 2021, the Russian Federation submits that the aforementioned suspension of concessions ... [vis à vis the European Union (see item 24)] is applicable to the safeguard measures in force in the United Kingdom." <sup>15</sup> | <a href="#">G/SG/N/12/RUS/3/Suppl.2</a> - <a href="#">G/L/1304/Suppl.2</a> - <a href="#">G/SG/N/12/RUS/4</a> - <a href="#">G/L/1387</a> ( <a href="#">G/SG/N/6/GBR/1</a> ) <sup>16</sup>          |
| 33       | Turkey                      | European Union            | (See item 22)  | Turkey took into account the extension of the measures notified by the European Union. Turkey's suspension takes the form of an increase in duty on selected products originating in the European Union. The list of products and the duty rates will be notified accordingly.   | <a href="#">G/L/1359/Rev.2</a> - <a href="#">G/SG/N/12/TUR/9/Rev.2</a><br>(See item 22)   |

<sup>12</sup> See [G/L/1374/Rev.1](#) - [G/SG/N/12/CAN/1/Rev.1](#) for details.

<sup>13</sup> Excerpt from [G/SG/N/12/RUS/3/Suppl.1](#) - [G/L/1304/Suppl.1](#).

<sup>14</sup> See [G/SG/N/6/GBR/1](#) for detailed context. In July 2021, this measure was extended to stay in force for three more years.

<sup>15</sup> Excerpt from [G/SG/N/12/RUS/3/Suppl.2](#) - [G/L/1304/Suppl.2](#) - [G/SG/N/12/RUS/4](#) - [G/L/1387](#).

<sup>16</sup> See also [G/SG/N/6/GBR/1](#); [G/SG/N/8/GBR/1](#); [G/SG/N/10/GBR/1](#); [G/SG/N/11/GBR/1](#); and supplements.

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|----------|-----------------------------|---------------------------|--|--|---|
| 34       | Ecuador                     | Ukraine                   | Special duty on fresh cut roses<br><br>(3 years starting from 17 May 2021) | Ecuador reserved its right to suspend substantially equivalent concessions or other obligations starting from 21 May 2024 if Ukraine decides to extend the period of application of the measure or after the date on which the safeguard measure is determined to be inconsistent with the WTO Agreements, whichever is earlier. | <a href="#">G/L/1395 - G/SG/N/12/ECU/1</a><br><a href="#">(G/SG/N/10/UKR/10/Suppl. 1 - G/SG/N/11/UKR/8/Suppl.1)</a> |
| 35       | India                       | European Union            | (See item 22)  | Equivalent amount of duty collected from products originating in the European Union. In the form of an increase in duty on the selected products originating in the EU. "The details of the suspension ... will be provided to the Council for Trade in Goods before their application." <sup>17</sup>                           | <a href="#">G/L/1396 - G/SG/N/12/IND/2</a><br>(See item 22)   |
| 36       | Korea                       | United Kingdom            | (See item 32)  | Korea refers to its earlier notification against the European Union's safeguard measure (item 23). The suspension would take the form of an increase in duties on selected products originating in the United Kingdom. Details would be provided to the Council for Trade in Goods before its application.                       | <a href="#">G/L/1306/Suppl.1 - G/SG/N/12/KOR/4/Suppl.1</a><br>(See item 32)   |
| 37       | Brazil                      | United Kingdom            | (See item 32)  | Brazil reserved its rights to suspend substantially equivalent concessions or other obligations (details to be notified later).  | <a href="#">G/L/1422 - G/SG/N/12/BRA/5</a><br>(See item 32)   |

2. In addition to the above, the following documents have been submitted pursuant to Article 8.2 of the Agreement on Safeguards: [G/L/1218 - G/SG/N/12/CHN/1](#) (by China), [G/L/1237 - G/SG/N/12/EU/1](#) and [G/L/1356 - G/SG/N/12/EU/2](#) (by the European Union), [G/L/1239](#) and [Rev.1 - G/SG/N/12/IND/1](#) and [Rev.1](#) (by India), [G/L/1240 - G/SG/N/12/JPN/4](#), [G/L/1240/Suppl.1 - G/SG/N/12/JPN/4/Suppl.1](#) and [G/L/1240/Suppl.2 - G/SG/N/12/JPN/4/Suppl.2](#) (by Japan), [G/L/1241 - G/SG/N/12/RUS/2](#) (by Russia) and [G/L/1242 - G/SG/N/12/TUR/6](#), [G/L/1242/Suppl.1 - G/SG/N/12/TUR/6/Suppl.1](#), [G/L/1242/Suppl.2 - G/SG/N/12/TUR/6/Suppl.2](#), [G/L/1357 - G/SG/N/12/TUR/8](#) (by Turkey). These notifications specify the measures taken by the United States on steel and aluminium under Section 232 of the Trade Expansion Act of 1962 as measures against which the notifying Members are proposing their suspension of concessions. The United States does not consider these Section 232 measures to be safeguard measures.<sup>18</sup>

Current as of: December 2021

<sup>17</sup> Excerpt from [G/L/1396 - G/SG/N/12/IND/2](#).

<sup>18</sup> See e.g. the communication from the United States contained in document [G/SG/168](#), dated 4 April 2018.