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1 ARTICLE 8

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.¹ 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, p. 524-529).

¹ 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

Member proposing suspension	Member imposing safeguard	Safeguard measure²	Proposed suspension of concessions³	References⁴
EC	US	QR on wheat gluten (3 years and one day starting 1 June 1998)	TRQ on corn gluten feed imports from US, starting 1 June 2001 or 5 days after DSB adopts report that US safeguard is WTO-inconsistent	G/L/251 – G/SG/N/12/EEC/1 (G/SG/N/10/USA/2)
Poland	Slovak Republic	QR on imports of sugar (4 years starting 1 May 2001)	QR on imports of margarine, vegetable fats, butter and butterfats from Slovak Republic, starting 1 August 2001	G/L/453 – G/SG/35 + Suppl.1-3 (G/SG/N/10/SVK/1)
EC	US	Duty increases on imports of various steel products; TRQ on imports of steel slab (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 US safeguard lifted; (2) for those in Annex II, 8% - 30% duty increases starting 20 March 2005 or 5 days after DSB adopts report that US safeguard is WTO-inconsistent	G/C/10/Suppl.1 – G/SG/43/Suppl.1 (G/SG/N/10/USA/6 + Suppl.1-8)
China	US	Duty increases on imports of various steel products; TRQ on imports of steel slab (3 years and one day starting 20 March 2002)	Duty increase of 24% on selected US-origin products, starting March 2005 or 5 days after DSB adopts report that US safeguard is WTO-inconsistent	G/C/17 – G/SG/46 (G/SG/N/10/USA/6 + Suppl.1-8)

² The duration of the measure as initially notified is indicated in parenthesis.

³ Members are obliged to notify proposals but are not obliged to notify whether the proposed suspension took effect.

⁴ Document symbols in parenthesis refer to notifications of safeguard measures.

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Norway	US	Duty increases on imports of various steel products; TRQ on imports of steel slab (3 years and one day starting 20 March 2002)	Duty increase of 30% on selected US-origin products, starting 20 March 2005 or 5 days after DSB adopts report that US safeguard is WTO-inconsistent	G/C/16 – G/SG/45 (G/SG/N/10/USA/6 + Suppl.1-8)
Japan	US	Duty increases on imports of various steel products; TRQ on imports of steel slab (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 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 US safeguard is WTO-inconsistent	G/C/15 – G/SG/44 + Suppl.1-2 (G/SG/N/10/USA/6 + Suppl.1-8)
Switzerland	US	Duty increases on imports of various steel products; TRQ on imports of steel slab (3 years and one day starting 20 March 2002)	Specific duty increases on imports of selected US products, starting 20 March 2005 or 5 days after DSB adopts report that US safeguard is WTO-inconsistent	G/C/18 – G/SG/47 (G/SG/N/10/USA/6 + Suppl.1-8)
Turkey	EC	TRQs on imports of certain steel products (3 years starting 29 March 2002)	Substantially equivalent concessions, to be notified later, starting 29 September 2005 if the EC extends its safeguard measure	G/SG/N/12/TUR/1 and G/L/624 – G/SG/N/12/TUR/1/Corr.1 (G/SG/N/10/EEC/1 + Suppl.1)
Turkey	Jordan	Tariff surcharge on imports of sanitary ware products (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 is WTO-inconsistent	G/L/626 – G/SG/N/12/TUR/3 (G/SG/N/10/JOR/4)

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Turkey	Jordan	Tariff surcharge on imports of certain pasta (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 is WTO-inconsistent	G/L/625 – G/SG/N/12/TUR/2 (G/SG/N/10/JOR/3)
Norway	EC	TRQs, minimum import prices and security requirement, for imports of farmed salmon (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 is WTO-inconsistent	G/L/738 – G/SG/N/12/NOR/1 + Corr.1 (G/SG/N/10/EEC/3 + Suppl.1-3)
Turkey	Ukraine	Special duty on imports of motor cars (3 years and 30 days starting from 14 March 2013)	Duty increase of 23% on selected Ukraine-origin products, starting from 12 July 2013.	G/L/1028 – G/SG/N/12/TUR/4 + Suppl.1 (G/SG/N/10/UKR/3 + Suppl.1-4)
Russia	Ukraine	Special duty on imports of motor cars (3 years and 30 days starting from 14 March 2013)	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.	G/L/1032 – G/SG/N/12/RUS/1 (G/SG/N/10/UKR/3 + Suppl.1-4)
Chinese Taipei	Indonesia	Specific duty on imports of flat-rolled products of iron or non-alloy steel (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 is WTO-inconsistent	G/L/1076 – G/SG/N/12/TPKM/1 (G/SG/N/10/IDN/16 + Suppl.1)
Indonesia	India	Duty increase on imports of saturated fatty alcohols (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 is WTO-inconsistent	G/L/1117 – G/SG/N/12/IDN/2 (G/SG/N/10/IND/17/Suppl.2)

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Turkey	Thailand	Duty increase on imports of non-alloy hot-rolled steel flat products (3 years starting from 7 June 2017 until 6 June 2020) ⁵	Duty increase of 9.27% on selected Thailand-origin products, starting from 5 September 2017.	G/L/1183 – G/SG/N/12/TUR/5 (G/SG/N/10/THA/3/Suppl.2)
China	US	Tariff Rate Quotas on imports of solar cells not partially or fully assembled into other products; and increase in duties on imports of modules. (4 years starting from 7 February 2018 until 6 February 2022)	Substantially equivalent concessions starting 07 February 2021 or from the date of a decision by the DSB that SG measure imposed by US is incompatible, whichever is earlier.	G/L/1220 – G/SG/N/12/CHN/2 (G/SG/N/10/USA/7 + Suppl.1)
China	US	Tariff Rate Quotas on imports of Large Residential Washers (3 years and one day starting from 7 February 2018 until 7 February 2021)	Substantially equivalent concessions starting from 3 years and one day after 7 February 2018, if US extends its safeguard measure, or from date of decision by the DSB that SG measure imposed by US is incompatible, whichever is earlier.	G/L/1221 – G/SG/N/12/CHN/3 (G/SG/N/10/USA/8)
Korea	US	Duty increase and tariff rate quotas on imports of large residential washers and parts thereof (3 years and one day starting from 7 February 2018)	Substantially equivalent concessions, details to be notified later, starting from 7 February 2021, if US's safeguard measure is extended or from date of decision of DSB that SG measure imposed by US is incompatible, whichever is earlier.	G/L/1223 – G/SG/N/12/KOR/2 (G/SG/N/10/USA/8)

⁵ 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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Korea	US	Duty increase and tariff rate quota on imports of crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) (4 years and one day starting 7 February 2018)	Substantially equivalent concessions, details to be notified later, starting from 7 February 2021 or from date of decision of DSB that SG measure imposed by US is incompatible, whichever is earlier.	G/L/1224 – G/SG/N/12/KOR/3 (G/SG/N/10/USA/7 + Suppl.1)
Japan	US	Duty increase and tariff rate quota on imports of crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) (4 years starting from 7 February 2018)	Duty increase on selected products originating in the US, details to be notified later, starting from 7 February 2021 or the fifth day from decision of DSB that SG measure imposed by US is incompatible, whichever is earlier.	G/L/1226 – G/SG/N/12/JPN/3 (G/SG/N/10/USA/7 + Suppl.1)
Brazil	European Union	Tariff-rate-quota, subject to an out-of-quota duty of 25%, on certain steel products (2 February 2019 until 30 June 2021)	Brazil notified its “intention to apply”, within 30 days of its notification, additional duties on selected products originating in the EU. ⁶	G/L/1296 – G/SG/12/BRA/3 (G/SG/N/8/EU/1 – G/SG/10/EU/1 – G/SG/N/11/EU/1/Suppl.1 and G/SG/N/8/EU/1/Suppl.1 – G/SG/10/EU/1/Suppl.1 – G/SG/N/11/EU/1/Suppl.2)
Korea	European Union	Tariff-rate-quota, subject to an out-of-quota duty of 25%, on certain steel products (2 February 2019 until 30 June 2021)	Substantially equivalent concessions taking the form of duty increase on selected products originating in EU (details to be notified later), starting from 19 July 2021 (if the EU decides to extend the measure) or the fifth day following the date of a decision of the DSB that the measures are	G/L/1306 – G/SG/N/12/KOR/4 (G/SG/N/8/EU/1 – G/SG/10/EU/1 – G/SG/N/11/EU/1/Suppl.1 and G/SG/N/8/EU/1/Suppl.1 – G/SG/10/EU/1/Suppl.1 – G/SG/N/11/EU/1/Suppl.2)

⁶ See [G/L/1296 – G/SG/12/BRA/3](#) for details.

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			not in conformity with the WTO Agreement, if that is earlier.	
Russia	European Union	Tariff-rate-quotas, with an out-of-quota duty of 25%, on certain steel products (2 February 2019 until 30 June 2021)	Substantially equivalent concessions (details to be notified later) starting from either after the first three years that the EU's safeguard measures are in effect, or after the date of the decision of the DSB that the safeguard measures are inconsistent with the relevant provisions of the WTO Agreement, whichever is earlier.	G/L/1304 – G/SG/N/12/RUS/3 (G/SG/N/8/EU/1 – G/SG/10/EU/1 – G/SG/N/11/EU/1/Suppl.1 and G/SG/N/8/EU/1/Suppl.1 – G/SG/10/EU/1/Suppl.1 – G/SG/N/11/EU/1/Suppl.2)
Turkey	Egypt	Additional duty of 16% of the CIF for billets and 25% of CIF for steel rebar (3 years starting from 12 October 2019)	Substantially equivalent concessions (details to be notified later) starting from either after the first three years that Egypt's safeguard measure is in effect, or after the date of a decision by DSB that the safeguard measure imposed is inconsistent with the WTO Agreements, whichever is earlier.	G/L/1350 – G/SG/N/12/TUR/7 (G/SG/N/8/EGY/9 – G/SG/N/10/EGY/9)

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](#) (by the European Union), [G/L/1239](#) – [G/SG/N/12/IND/1](#) (by India), [G/L/1240](#) – [G/SG/N/12/JPN/4](#) and [G/L/1240/Suppl.1](#) – [G/SG/N/12/JPN/4/Suppl.1](#) (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](#) (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 understand that these Section 232 measures are safeguard measures.⁷

Current as of: March 2020

⁷ See, e.g. the communication from the United States contained in document [G/SG/168](#), dated 4 April 2018.