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1.1 Text of Article 9

Article 9

Developing Country Members

1. Safeguard measures shall not be applied against a product originating in a developing country Member as long as its share of imports of the product concerned in the importing Member does not exceed 3 per cent, provided that developing country Members with less than 3 per cent import share collectively account for not more than 9 per cent of total imports of the product concerned.²

(footnote original) ² A Member shall immediately notify an action taken under paragraph 1 of Article 9 to the Committee on Safeguards.

2. A developing country Member shall have the right to extend the period of application of a safeguard measure for a period of up to two years beyond the maximum period provided for in paragraph 3 of Article 7. Notwithstanding the provisions of paragraph 5 of Article 7, a developing country Member shall have the right to apply a safeguard measure again to the import of a product which has been subject to such a measure, taken after the date of entry into force of the WTO Agreement, after a period of time equal to half that during which such a measure has been previously applied, provided that the period of non-application is at least two years.

1.2 Footnote to Article 9.1

1. The footnote to Article 9.1 of the Agreement on Safeguards requires Members to notify any exclusion of a developing country Member from a safeguard measure. At its first meeting on 24 February 1995, the Committee on Safeguards agreed on a format for such notifications.¹ This format was subsequently revised at the Committee's meeting on 19 October 2009.²

Current as of: December 2021

¹ [G/SG/M/1](#), item H.

² [G/SG/M/36](#), item D. The latest version of the format can be found [G/SG/1/Rev.1](#) – [G/SG/N/6/Rev.2](#) – [G/SG/89/Rev.1](#), Section B.