1.1 Text of Article 10

Article 10

Application of Article VI of GATT 1994

The provisions of Part II or III may be invoked in parallel with the provisions of Part V; however, with regard to the effects of a particular subsidy in the domestic market of the importing Member, only one form of relief (either a countervailing duty, if the requirements of Part V are met, or a countermeasure under Articles 4 or 7) shall be available. The provisions of Parts III and V shall not be invoked regarding measures considered non-actionable in accordance with the provisions of Part IV. However, measures referred to in paragraph 1(a) of Article 8 may be investigated in order to determine whether or not they are specific within the meaning of Article 2. In addition, in the case of a subsidy referred to in paragraph 2 of Article 8 conferred pursuant to a programme which has not been notified in accordance with paragraph 3 of Article 8, the provisions of Part III or V may be invoked, but such subsidy shall be treated as non-actionable if it is found to conform to the standards set forth in paragraph 2 of Article 8.

Members shall take all necessary steps to ensure that the imposition of a countervailing duty on any product of the territory of any Member imported into the territory of another Member is in accordance with the provisions of Article VI of GATT 1994 and the terms of this Agreement. Countervailing duties may only be imposed pursuant to investigations initiated and conducted in accordance with the provisions of this Agreement and the Agreement on Agriculture.

1.2 Implemented-Related Issues and Concerns

1. Paragraph 10.3 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns mandates the SCM Committee to continue the review of the countervailing duty provisions of the SCM Agreement, and requests that the Committee report to the General Council by 31 July 2002. As regards the requirement to report to the General Council, the Chairman of the SCM Committee submitted a report on 30 July 2002. The General Council took note of the report at its meeting on 8 and 31 July 2002.

2. At its regular meetings of 26 April and 25 October 2016, the SCM Committee discussed a proposal from Brazil regarding the establishment of a Working Group on Implementation.