1 ARTICLE 24

1.1 Text of Article 24

Article 24

Committee on Subsidies and Countervailing Measures
and Subsidiary Bodies

24.1 There is hereby established a Committee on Subsidies and Countervailing Measures composed of representatives from each of the Members. The Committee shall elect its own Chairman and shall meet not less than twice a year and otherwise as envisaged by relevant provisions of this Agreement at the request of any Member. The Committee shall carry out responsibilities as assigned to it under this Agreement or by the Members and it shall afford Members the opportunity of consulting on any matter relating to the operation of the Agreement or the furtherance of its objectives. The WTO Secretariat shall act as the secretariat to the Committee.

24.2 The Committee may set up subsidiary bodies as appropriate.

24.3 The Committee shall establish a Permanent Group of Experts composed of five independent persons, highly qualified in the fields of subsidies and trade relations. The experts will be elected by the Committee and one of them will be replaced every year. The PGE may be requested to assist a panel, as provided for in paragraph 5 of Article 4. The Committee may also seek an advisory opinion on the existence and nature of any subsidy.

24.4 The PGE may be consulted by any Member and may give advisory opinions on the nature of any subsidy proposed to be introduced or currently maintained by that Member. Such advisory opinions will be confidential and may not be invoked in proceedings under Article 7.

24.5 In carrying out their functions, the Committee and any subsidiary bodies may consult with and seek information from any source they deem appropriate. However, before the Committee or a subsidiary body seeks such information from a source within the jurisdiction of a Member, it shall inform the Member involved.

1.2 Committee on Subsidies and Countervailing Measures

1.2.1 Rules of Procedure

1. At its meeting of 22 May 1996, the Council for Trade in Goods approved the Rules of Procedure for the SCM Committee.\(^1\)

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\(^1\) G/C/M/10, section 1(iv). The text of the adopted Rules of Procedure can be found in G/L/144 and G/SCM/10.
1.2.2 Reporting

2. The Committee on Subsidies and Countervailing Measures reports annually on its activities to the Council for Trade in Goods.²

1.3 Subsidiary bodies

1.3.1 Permanent Group of Experts (PGE)

3. A decision taken on 13 June 1995 by the SCM Committee provided that "[t]he initial five persons elected to the Permanent Group of Experts shall serve staggered terms of office of 1, 2, 3, 4, and 5 years".³ It further provided that "[t]he decisions as to which person shall serve which of these terms of office shall be decided by lot after the initial membership of the PGE has been established."⁴

4. The initial slate of experts was elected by the SCM Committee at its meeting on 6 March 1996.⁵ Since then, the SCM Committee has elected experts as required, according to the relevant process.⁶ The PGE has not yet been called upon to perform any of its envisaged duties.

5. In 1996, the Committee agreed on the Rules of Procedure for the Permanent Group of Experts.⁷

1.3.2 Informal Group of Experts (IGE)

6. By a decision of 13 June 1995, the Committee created an Informal Group of Experts⁸ with the following terms of reference:

"To examine matters which are not specified in Annex IV to the Agreement [calculation of the total ad valorem subsidization] or which need further clarification for the purposes of paragraph 1(a) of Article 6, and to report to the Committee such recommendations as the Group considers could assist the Committee in the development of an understanding among Members, as necessary, regarding such matters."⁹

7. The IGE met between 1 November 1995 and 7 May 1999 and submitted a report to the Committee¹⁰ as well as a supplementary report¹¹, in which it indicated that it believed it had completed its mandate. The Committee discussed and took note of the report and supplementary report at its meetings in April 1998 and November 1999, respectively.¹²

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² G/L/31 and Corr.1 for 1995; G/L/126 for 1996; G/L/201 for 1997; G/L/267 for 1998; G/L/341 and Corr.1 for 1999; G/L/408 for 2000; G/L/496 for 2001; G/L/585 for 2002; G/L/655 and Corr.1 for 2003; G/L/711 for 2004; G/L/754 for 2005; G/L/798 for 2006; G/L/840 for 2007; G/L/869 for 2008; G/L/906 for 2009; G/L/937 for 2010; G/L/970 for 2011; G/L/1005 for 2012; G/L/1052 and Corr.1 for 2013; G/L/1077 for 2014; G/L/1132 for 2015; G/L/1157 and Corr.1-2 for 2016; G/L/1195 for 2017; G/L/1272 for 2018; and G/L/1341 for 2019.

³ G/SCM/4, para. 1.

⁴ Ibid.

⁵ G/SCM/M/8, item A. The list of elected slate of experts can be found in G/SCM/9.

⁶ G/SCM/4.


⁸ G/SCM/M/2, item N.

⁹ G/SCM/5. For reports of the IGE, see documents G/SCM/W/415/Rev.2; G/SCM/M/16, item H; G/SCM/W/415/Rev.2/Suppl.1; and G/SCM/M/24 item E.

¹⁰ G/SCM/W/415/Rev.1, subsequently submitted as G/SCM/W/415/Rev.2.

¹¹ G/SCM/W/415/Rev.2/Suppl.1.

¹² G/SCM/M/16, paras. 68-82; and G/SCM/M/24, paras. 14-19.
1.3.3 Working Party on Subsidy Notifications

By a decision of 22 February 1995, the Committee created a Working Party on Subsidy Notifications.\textsuperscript{13} The Working Party's last meeting was on 27 October 2003. Its work is generally reflected in Chair's reports in the minutes of the SCM Committee meetings.\textsuperscript{14}

\textsuperscript{13} G/SCM/M/1, item P. The text of the decision can be found in G/SCM/1.

\textsuperscript{14} For the Chair’s report on the discussions in the Working Party at the October 2003 meeting, see G/SCM/M/48, paras. 210-220.