

**1 ARTICLE 32 OF THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES . 1**

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**1 ARTICLE 32 OF THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES**

**1.1 Text of Article 32**

**Article 32**

*Other Final Provisions*

32.1 No specific action against a subsidy of another Member can be taken except in accordance with the provisions of GATT 1994, as interpreted by this Agreement.<sup>56</sup>

*(footnote original)* <sup>56</sup> This paragraph is not intended to preclude action under other relevant provisions of GATT 1994, where appropriate.

32.2 Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.

32.3 Subject to paragraph 4, the provisions of this Agreement shall apply to investigations, and reviews of existing measures, initiated pursuant to applications which have been made on or after the date of entry into force for a Member of the WTO Agreement.

32.4 For the purposes of paragraph 3 of Article 21, existing countervailing measures shall be deemed to be imposed on a date not later than the date of entry into force for a Member of the WTO Agreement, except in cases in which the domestic legislation of a Member in force at that date already included a clause of the type provided for in that paragraph.

32.5 Each Member shall take all necessary steps, of a general or particular character, to ensure, not later than the date of entry into force of the WTO Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement as they may apply to the Member in question.

32.6 Each Member shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations.

32.7 The Committee shall review annually the implementation and operation of this Agreement, taking into account the objectives thereof. The Committee shall inform annually the Council for Trade in Goods of developments during the period covered by such reviews.

32.8 The Annexes to this Agreement constitute an integral part thereof.

**1.2 Article 32.6: Notifications of countervailing duty legislation**

1. At its meeting on 22 February 1995, the Committee on Subsidies and Countervailing Measures (SCM Committee) decided that all Members which had new or existing legislation and/or regulations which applied in whole or in part to countervailing duty investigations or reviews covered by the new Agreement would notify the full and integrated text of that legislation and/or regulations to the Committee by 15 March 1995. If the relevant legislation was the text of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) itself, the Member was to inform the Committee but need not submit the text of the Agreement itself. If such legislation and/or regulations did not exist or were not yet available (for example, because they had not yet been translated into a WTO working language), the Member would inform the Committee by 15 March of this fact, explain the reasons therefor, and give an indicative date of when it expected to be able to notify. The Secretariat would endeavour to translate and circulate the notifications promptly. They would be circulated as

unrestricted documents. The Committee would hold its first special meeting to review these notifications in conjunction with and immediately following its first regular meeting. The Committee would at least begin its review of these notifications at its first special meeting. If in light of the number of notifications received, it was not feasible for the Committee to review all notifications in its first meeting, the Chairman would establish a schedule for the review of these notifications through a series of special meetings.<sup>1</sup>

2. At a joint special meeting on 24-26 April 1996 of the Committee on Anti-Dumping Practices and the SCM Committee, the Committees agreed that the proposed procedures for the future review of legislations would be circulated in written form to Members, for their consideration and comment, with a view to reaching a decision on procedures for future review of legislations at the Committees' meetings.<sup>2</sup>

3. As of 30 March 2021, pursuant to Article 32.6 and in accordance with the decision by the SCM Committee, 117 Members have notified the Committee of their domestic countervailing duty legislation or made communications in this respect to the Committee.<sup>3</sup> These notifications can be found in the documents series [G/SCM/N/1/\\*](#). 20 Members have not yet made notifications under Article 32.6 of the SCM Agreement.<sup>4</sup>

### 1.2.1 Timeliness and completeness of notifications

4. As part of the SCM Committee's efforts, pursuant to a 2009 request from the Chairperson of the Trade Policy Review Body on "ways to improve the timeliness and completeness of notifications and other information flows on trade measures", at the request of the SCM Committee Chairperson the Secretariat regularly updates and circulates document [G/SCM/W/546](#), which provides information on the state of compliance with various notification obligations under the SCM Agreement, including those under Article 32.<sup>5</sup> The Committee continues discussions on this matter, most recently at its regular meeting on 26 October 2021.<sup>6</sup>

### 1.3 Article 32.7: Annual reports

5. The annual reports of the SCM Committee are found in the following documents: [G/L/31](#) for 1995; [G/L/126](#) for 1996; [G/L/201](#) for 1997; [G/L/267](#) for 1998; [G/L/341](#) for 1999; [G/L/408](#) for 2000; [G/L/496](#) for 2001; [G/L/585](#) for 2002; [G/L/655](#) 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](#) for 2013; [G/L/1077](#) for 2014; [G/L/1133](#) for 2015; [G/L/1157](#) for 2016; [G/L/1195](#) for 2017; [G/L/1272](#) for 2018; [G/L/1341](#) for 2019; [G/L/1368](#) for 2020 and [G/L/1414](#) for 2021.

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<sup>1</sup> [G/SCM/M/1](#), paras. 40-59.

<sup>2</sup> [G/ADP/M/8](#) – [G/SCM/M/10](#), para. 26. See also [G/ADP/W/284](#) – [G/SCM/W/293](#).

<sup>3</sup> These 117 Members consist of: Afghanistan; Albania; Angola; Antigua and Barbuda; Argentina; Armenia; Australia; Kingdom of Bahrain; Barbados; Benin; Plurinational State of Bolivia; Brazil; Brunei Darussalam; Burkina Faso; Burundi; Cambodia; Cameroon; Canada; Chad; Chile; People's Republic of China; Colombia; Congo; Costa Rica; Côte d'Ivoire; Cuba; Dominica; Dominican Republic; Ecuador; Egypt; El Salvador; European Union; Fiji; Gabon; the Gambia; Georgia; Ghana; Grenada; Guatemala; Guinea; Guyana; Haiti; Honduras; Hong Kong, China; Iceland; India; Indonesia; Israel; Jamaica; Japan; Jordan; Kazakhstan; Kenya; Republic of Korea; the State of Kuwait; Kyrgyz Republic; Lao People's Democratic Republic; Lesotho; Liberia; Liechtenstein; Macao, China; Madagascar; Malawi; Malaysia; Maldives; Mali; Mauritius; Mexico; Republic of Moldova; Mongolia; Montenegro; Morocco; Myanmar; Namibia; Nepal; New Zealand; Nicaragua; Nigeria; North Macedonia; Norway; Oman; Pakistan; Panama; Papua New Guinea; Paraguay; Peru; Philippines; Qatar; Russian Federation; Saint Kitts & Nevis; Saint Lucia; Kingdom of Saudi Arabia; Senegal; Seychelles; Singapore; South Africa; Sri Lanka; Suriname; Switzerland; Chinese Taipei; Thailand; the; Togo; Tonga; Trinidad and Tobago; Tunisia; Türkiye; Uganda; Ukraine; United Arab Emirates; United Kingdom; United States; Uruguay; Vanuatu; Bolivarian Republic of Venezuela; Viet Nam; Zambia; and Zimbabwe. For a full list including document numbers, see [G/SCM/W/546/Rev.12](#), Annex H.

<sup>4</sup> These 20 Members consist of: Bangladesh; Belize; Botswana; Cabo Verde; Central African Republic; Democratic Republic of the Congo; Djibouti; Eswatini; Guinea-Bissau; Mauritania; Mozambique; Niger; Rwanda; Saint Vincent & Grenadines; Samoa; Sierra Leone; Solomon Islands; Tajikistan; Tanzania; and Yemen. For a full list including document numbers, see [G/SCM/W/546/Rev.12](#), Annex H.

<sup>5</sup> See, most recently, [G/SCM/W/546/Rev.12](#), dated 31 March 2021.

<sup>6</sup> [G/SCM/M/117](#), paras 77-89.

Current as of: December 2021