

**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT ON  
SAFEGUARDS ON INITIATION OF AN INVESTIGATION  
AND THE REASONS FOR IT**

**NOTIFICATION UNDER ARTICLE 12.4 OF THE AGREEMENT ON  
SAFEGUARDS BEFORE TAKING A PROVISIONAL SAFEGUARD  
MEASURE REFERRED TO IN ARTICLE 6**

**NOTIFICATION UNDER ARTICLE 12.1(B) OF THE AGREEMENT ON  
SAFEGUARDS ON FINDING A SERIOUS INJURY OR THREAT  
THEREOF CAUSED BY INCREASED IMPORTS**

**NOTIFICATION PURSUANT TO ARTICLE 12.1(C)  
OF THE AGREEMENT ON SAFEGUARDS**

Replies to Questions Posed by MEXICO<sup>1</sup>  
Concerning the Notifications of JORDAN<sup>2</sup>

The following communication, dated 1 October, has been received from the Permanent Mission of Jordan

Mexico would like to ask the Government of Jordan the following questions relating to the application of the measures listed hereunder:

- **Definitive measures on certain sanitary ware products in all of their forms and specifications (sink with stands, washbasin pedestals, flushing cisterns, urinal and similar sanitary fixtures made out of porcelain)<sup>3</sup>;**
- **definitive measures on pasta<sup>4</sup>;**
- **definitive measures on magnetic tapes<sup>5</sup>.**

**Q1. Would the Government of Jordan please tell us how it complied with Article 9.1 of the Agreement on Safeguards.**

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<sup>1</sup> G/SG/Q2/JOR/4

<sup>2</sup> G/SG/N/8/JOR/4, G/SG/N/10/JOR/4 and Corr.1, G/SG/N/8/JOR/3 and Corr.1, G/SG/N/10/JOR/3 and Corrs.1 and 2, G/SG/N/6/JOR/2, G/SG/N/7/JOR/1 and G/SG/N/10/JOR/2.

<sup>3</sup> G/SG/N/8/JOR/4, G/SG/N/10/JOR/4 and Corr.1.

<sup>4</sup> G/SG/N/8/JOR/3 and Corr.1, G/SG/N/10/JOR/3 and Corrs.1 and 2.

<sup>5</sup> G/SG/N/6/JOR/2, G/SG/N/7/JOR/1 and G/SG/N/10/JOR/2.

Reply

Article 2(2) of the Agreement on Safeguards provides that "Safeguard measures shall be applied to a product being imported irrespective of its source".

Additionally, Article 9.1 of the Safeguards Agreement states that: "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".

Disciplines of these two articles were adopted by the Jordanian competent authority in determining the extent of application of the safeguard measures in all the three cases, i.e. pasta, sanitary wares and magnetic tapes.

In implementing Article 9.1 of the Agreement, the Jordanian competent authority concluded that import shares of developing countries had, by far, exceeded the 9 per cent discipline. In the pasta case, shares of Member developing countries were 61 per cent of total imports, where shares of developing countries in sanitary wares case accounted for 68 per cent of total subject imports. As for the pasta case, shares of developing countries accounted for 91 per cent of total subject imports.

Accordingly, Jordan has not excluded any developing or least-developed countries from the application of the measures.

**Q2. What criteria did Jordan use to determine which countries were to be exempted from application of the measure?**

Reply

Jordan used the criteria provided by the conjunct reading of Articles 2.2 and 9.1 of the Agreement on Safeguards.

**Q3. Would Jordan please explain why Mexico was not exempted from application of the definitive safeguard measure, given that it made no exports to Jordan.**

Reply

Jordan has not excluded any developing country Member including Mexico from the application of the measures as illustrated in the answer to question 1.

**Q4. We would like to know when Jordan will notify to the WTO the list of countries exempted from the definitive measure, in order to comply with Footnote 2 to Article 9 of the Agreement on Safeguards.**

Reply

Jordan shall not notify to the WTO a list of countries exempted from the definitive safeguards measures as there were no countries exempted from the measures.

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