

WORLD TRADE ORGANIZATION

RESTRICTED

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Committee on Safeguards

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

1. Under Article 12.1(a) of the Agreement on Safeguards, a Member shall immediately notify the Committee on Safeguards upon initiating an investigatory process relating to serious injury or threat thereof and the reasons for it.
2. In view of the requirement that a notification has to be provided immediately upon initiating an investigation, and the possibility that certain Members may need to make such a notification prior to any discussion on the relevant format by the Committee on Safeguards, a format is suggested below for these notifications under Article 12.1(a) of the Agreement on Safeguards to assist Members to focus on the type of information to be submitted in the notifications and to obtain similar responses from different Members.

Suggested format for notifications under Article 12.1(a) of the Agreement on Safeguards

Notification to the Committee on Safeguards upon initiation of an investigation process relating to serious injury or threat thereof and the reasons for it

Note: The format is suggested without prejudice to the interpretation of the relevant provisions in the Agreement on Safeguards by the competent bodies. Members are also reminded of the provision in Article 12.11 of the Agreement on Safeguards, which reads as follows: "The provisions on notification in this Agreement shall not require any Member to disclose confidential information the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private."

1. Specify the date when the investigation was initiated.
2. Specify the product subject to the investigation.
3. Provide the reasons for the initiation of investigation, for example:
 - (i) Was the investigation initiated pursuant to a petition from the domestic industry?
 - (ii) Evidence on the basis of which the investigation was initiated.
 - (iii) Evidence, if any, on critical circumstances where delay would cause damage which it would be difficult to repair.