



**Council for Trade in Goods  
Committee on Subsidies and  
Countervailing Measures**

**CURRENT FUNCTIONING OF THE  
COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES**

**REPORT TO THE COUNCIL FOR TRADE IN GOODS  
BY THE CHAIRPERSON OF THE COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES**

The following report is being submitted by the Chairperson of the Committee on Subsidies and Countervailing Measures (SCM Committee), Ms Sally Bardayán Rivera, at the request of the Chairperson of the Council for Trade in Goods<sup>1</sup>, and was prepared with the assistance of the Secretariat.

**1 PAST EFFORTS TO IMPROVE THE WORK OF THE COMMITTEE**

**The past efforts to improve the work of the Committee are referred to in detail under section two below. However, the following are the highlights of these past efforts which resulted in the current status of the Committee's practices:**

- Decision of the Committee in 1995 to set the dates of regular meetings to be held in the last weeks of April and October of each year (G/SCM/M/1).
- Adoption of the questionnaire format for subsidy notifications in 1995 (G/SCM/6) and the adoption of the revised version of that document in 2003 (G/SCM/6/Rev.1).
- Adoption of the procedures for the review of new and full subsidy notifications, which provide that such review shall take place at special meetings and be based on written questions and replies (G/SCM/117).
- Adoption of the Committee's approved procedures for the review of the legislative notifications in 1996 and the revision of those procedures in 2014 (G/SCM/W/293/Rev.1).
- Adoption of the agreed format for semi-annual reports (G/SCM/2) in 1995 and the adoption of its revised version in 2009 (G/SCM/2/Rev.1).
- Adoption of the minimum information to be provided in reports under Article 25.11 on all preliminary or final countervailing actions in 1995 (G/SCM/3) and the adoption of the revised version of that document in 2009 (G/SCM/3/Rev.1).
- Adoption of the "one-time notification" format in 2009 to relieve the Members without competent authorities to conduct countervailing duty investigations from the obligation to submit semi-annual reports of countervailing actions (G/SCM/129).
- Circulation of the annotated draft agendas six weeks prior to the formal meetings of the Committee.

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<sup>1</sup> JOB/CTG/18.

- Circulation of a deadlines document following each meeting to recapitulate the deadlines for answers to questions raised in connection to the last meeting and indicate the future deadlines for all documentation to be submitted in connection with the next meeting.
- Constant coordination among the three Rules Committees (Anti-Dumping Practices, Subsidies and Countervailing Measures and Safeguards), as their meetings are held in the same week. Coordination among the three Rules Committees and the Working Party on State Trading Enterprises (WPSTE) which holds its meetings back-to-back with the three Committees.
- Issuance of reminders for each notification cycle of semi-annual reports covering preceding six months.
- Annual update and circulation of the Secretariat's report on the notification obligations under the SCM Agreement.
- Members are reminded and encouraged by the Chairs at every meeting to use the e-subscription function.
- Members are reminded and encouraged by the Chairs at every meeting to provide their missing notifications.
- Courtesy copies of all room documents issued prior to the meetings and placed online are also sent to an updated contact list of delegates responsible for the Committee.
- The launch in 2022 of the new online "Countervailing Notification Portal" for the submission of Members' semi-annual reports.
- The launch in 2021 of the "Explore Data" function of the portal which provides online access to all information submitted by Members in their semi-annual reports.
- The launch in 2022 of the "Trade Remedies Data Portal", a searchable database of information on trade remedy actions that presents this information in an accessible, customizable and user-friendly manner.

**In addition, the following topics/proposals have been discussed at the Committee:**

- The proposal to amend the review procedures for 2023 new and full subsidy notifications, which was first submitted by Canada, the European Union, Japan, and the United States, has been on the agenda of the regular meetings of the Committee since October 2019.<sup>2</sup> To date the Committee has not reached a consensus on this proposal.
- The United States' proposal to institute a written procedure for questions and answers under Articles 25.8 and 25.9 of the SCM Agreement has been on the agenda of the Committee's regular meetings since September 2014.<sup>3</sup> To date, the Committee has not reached a consensus on this proposal.
- At the Committee's regular meeting in spring 2014, Australia suggested adding another Annex to the Secretariat's report in G/SCM/W/546/... series containing a table with all requests under Article 27.6 for the Secretariat to calculate export competitiveness.<sup>4</sup> No decision was made by the Committee on this suggestion.
- At the Committee's regular meeting in spring 2016, the United States suggested that the Committee consider expanding the information notified regarding fisheries subsidies to

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<sup>2</sup> G/SCM/W/583.

<sup>3</sup> Last revision of the proposal can be found in document G/SCM/W/557/Rev.4.

<sup>4</sup> G/SCM/M/89.

include certain stock and catch-related information. No consensus was reached on this suggestion.<sup>5</sup>

- At the Committee's regular meeting in spring 2016, Brazil proposed the establishment of an Implementation Working Group on countervailing measures, with an identical mandate to that of the Working Group on Implementation of the Committee on Anti-Dumping Practices (i.e., exchange of investigating authorities' experiences, and eventual development of recommendations).<sup>6</sup> No consensus was reached on this proposal.
- At the Committee's regular meeting in spring 2018, Australia, Canada, the European Union, Iceland, New Zealand, Norway and the United States requested an agenda item on the implementation of paragraph 2 of the Ministerial Decision on fisheries subsidies (WT/MIN(17)/64; 13 December 2017), concerning subsidy notifications. Members discussed various suggestions to increase the level of compliance with the notification obligations on fisheries subsidies. No decision was made by the Committee on that matter.

## 2 CURRENT STATUS OF COMMITTEE PRACTICES

### 2.1 Assistance to delegates

The Committee does not regularly organize training activities for Geneva-based delegates on the practical aspects of its functioning and has never been requested by Members to provide such activities. The Secretariat systematically provides assistance to all delegations involved in the meetings before and after the meetings. The Secretariat circulates the so-called "deadlines document" containing the specific dates by which Members should submit the various documentation in connection with the last meeting and in conjunction with the following meeting. It also contacts all delegations with items listed on the agenda (by phone/email/in person) to remind them of the upcoming meeting, the issues raised and whether there are any outstanding questions to answer before or at the meeting.

At every Committee meeting, which is heavily attended by capital-based officials, the Chair regularly promotes the use of the e-subscription tool (i.e. contact list) and also the use of Documents Online and Documents for Meetings.

The Committee has not undertaken specific initiatives to increase the participation of capital-based officials *per se*, as the Committee has always been heavily attended by capital-based delegations. The fact that the dates of the meetings were decided by the Committee in 1995 to take place in the last week of April and the last week of October (unless that falls on a WTO holiday), made it easy for capital-based officials to plan their travel and organize their meeting dates. The only exception was during the COVID-19 pandemic when capital-based officials and in a couple of meetings Geneva-based delegates, were unable to attend in person. However, despite time zone differences, capital-based officials attend online meetings via interprefy and interact effectively. The continued use of interprefy even after the COVID-19 pandemic, has definitely increased attendance and enhanced participation of more capital-based officials who can now attend such meetings online via a flexible virtual tool.

### 2.2 Organization of Committee work

#### 2.2.1 Digital tools used for Committee work

The Secretariat has been involved in a series of projects aimed at digitizing the trade remedy notification process and improving the way information on the use of trade remedy measures is compiled, stored and presented to Members. A major development in this regard is the launch of the Anti-Dumping and Countervailing Notification Portals, which allow Members to electronically create and submit their semi-annual reports through a dedicated e-platform while minimizing effort and reducing reporting errors, and the addition of the "Explore Data" function, which provides online access to all information submitted by Members in their semi-annual reports.

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<sup>5</sup> G/SCM/M/97.

<sup>6</sup> For Committee discussions, see G/SCM/M/97. Written proposals can be found in G/SCM/W/567 and G/SCM/W/568.

The Secretariat started promoting the new portals as early as 2019 and upon the initial launch in October 2020 the Secretariat held a series of presentations, demonstrations and trainings tailored to increase Members' awareness of the Portals and their functionality, for which it has received very positive feedback from Members.

In parallel, the Secretariat has upgraded and restructured the Anti-Dumping ("AD") and Countervailing Duty ("CVD") databases, which has required intensive work with individual Members to clean up past records in those databases. This work has culminated in the development, by the Rules and IT Divisions of the WTO Secretariat, of the Trade Remedies Data Portal, a searchable database of information on trade remedy actions that presents this information in an accessible, customizable and user-friendly manner. This Portal was presented to Members at the Committee meeting in October 2022 and has gone online as of 1 November 2022.

### 2.2.2 Planning and organization of formal meetings

The Committee holds its special and regular meetings at the same time each year, i.e., the last week of April and the last week of October. These dates have been fixed by virtue of a Committee decision dated 22 February 1995.<sup>7</sup> In the rare occurrence that any day of these weeks fall on a WTO official holiday, the Committee is informed and decides on an alternative meeting date, usually the following week.

Having a fixed schedule of meetings allows for advance planning and predictability for delegations considering that those meetings are usually attended by capital-based officials.

It should also be noted that the dates of the Committee's meetings are coordinated with the Committees on Safeguards (SG) and Anti-Dumping Practices (ADP) which hold their meetings in the same weeks (the "Rules week" meetings). The same coordination is also extended to the WPSTE which holds its meetings back-to-back with the three Committees. All four bodies involve to a large extent the same capital-based officials.

**Table 1: Number of formal and informal meetings**

Year	Formal meeting (number and duration)	Informal meetings (number and duration)	Other (e.g. workshops, symposia, etc.)
<b>2019 (spring)</b>	Special meeting (30.04.2019) Regular meeting (30.04.2019) Total duration: 1 day	18 April 2019 (0.5 day)	---
<b>2019 (autumn)</b>	Special meeting (19.11.2019) Regular meeting (19.11.2019) Total duration: 1 day	27 June 2019 (0.5 day)	Presentation by the Secretariat on the technical assistance activities offered by the Secretariat regarding preparation of subsidy notifications (at the informal meeting)
<b>2020 (spring)</b>	COVID-19 pandemic – meetings cancelled	---	---
<b>2020 (autumn)</b>	Special meeting (27.10.2020) Regular meeting (27.10.2020) Total duration: 1 day	---	---
<b>2021 (spring)</b>	Special meeting (27.04.2021) Regular meeting (27.04.2021) Total duration: 1 day	---	---

<sup>7</sup> G/SCM/M/1.

Year	Formal meeting (number and duration)	Informal meetings (number and duration)	Other (e.g. workshops, symposia, etc.)
<b>2021 (autumn)</b>	Special meeting (26.10.2021) Regular meeting (26.10.2021) Total duration: 1 day	---	---
<b>2022 (spring)</b>	Special meeting (26.04.2022) Regular meeting (26.04.2022) Total duration: 1 day	3 March 2022 (0.5 day)	Presentation by the Secretariat on the CV Notification Portal
<b>2022 (autumn)</b>	Special meeting (25.10.2022) Regular meeting (25.10.2022) Total duration: 1 day	---	Presentation by the Secretariat on the new Trade Remedies Data Portal

### 2.2.3 Formal meetings

#### *i. Communicating the initial agenda of the special meeting of the Committee*

The Committee reviews the new and full subsidy notifications of Members at special meetings, which are held back-to-back with its regular meetings. According to the agreed review procedures, only new and full subsidy notifications distributed in all three WTO working languages not less than 17 weeks before a meeting may be reviewed at that meeting. Shortly after that deadline, the Secretariat circulates an airgram listing the new and full subsidy notifications which will be reviewed at the next special meeting of the Committee (Table 2). In this document, the Secretariat also reminds the specific deadlines with respect to the review procedures (i.e., regarding submitting written questions and answers on the notifications to be reviewed).

#### *ii. Annotated draft agendas and airgrams*

In addition to the list of new and full subsidy notifications to be reviewed by the Committee, the Secretariat issues - since 1995 - detailed annotated draft agendas for both special and regular meetings, approximately six weeks before each regular meeting, where different items are listed along with the relevant information and deadlines. The annotated draft agendas provide detailed background explanation regarding each agenda item. They also inform Members of the dates by which they can (i) submit written questions and replies; (ii) provide any comments on the proposed agenda items or (iii) add any items to the agenda, prior to the issuance of the formal airgram convening the meetings.

The formal airgrams for both special and regular meetings are issued at a minimum 10 days prior to the first meeting of the Rules week (SG, SCM, ADP). The airgrams contain the proposed agendas which were circulated in detailed form in the annotated draft agenda documents, along with any items requested by the set deadline to be placed on the agenda by any Member.

The order of the agenda of the regular meeting is fixed, whereby standing agenda items for review of different notifications come first, followed by the Chair's reports on various issues (i.e., timeliness and completeness of notifications; Permanent Group of Experts; constant dollar methodology for graduation from SCM Agreement Annex VII(b); etc.), any issues requested to be placed on the agenda by any Member or group of Members and ultimately followed by Other Business, date of the next meeting, election of officers (spring meeting) and adoption of the Committee's Annual Report to the Council for Trade in Goods (autumn meeting).

A list of contact details for the delegates responsible for the Committee has been created many years ago. It is updated continuously and is issued as a room document prior to each meeting. Annotated draft agendas, airgrams, draft annual reports and all communications issued by the Committee or the Chair and placed online, are also sent by email to this contact list to keep delegates attending the meetings informed.

Immediately after meetings, the Secretariat circulates a deadlines document, for follow-up documents related to the meeting just concluded, and for documents to be submitted for consideration at the next meeting.

**Table 2: Preparation of airgrams and agendas**

Year	Date of formal meetings	Date of circulation of annotated draft agendas	No. of days before the meeting	Date of circulation of airgrams	No. of days before the meeting
<b>2019 (spring)</b>	30 April 2019	22 March 2019	39 days	8 January 2019 <sup>8</sup> 18 April 2019 <sup>9</sup>	112 days 12 days
<b>2019 (autumn)</b>	19 November 2019	11 October 2019	39 days	26 July 2019 <sup>8</sup> 8 November 2019 <sup>9</sup>	116 days 11 days
<b>2020 (spring)</b>	COVID-19 pandemic – meetings cancelled	---	---	---	---
<b>2020 (autumn)</b>	27 October 2020	18 September 2020	39 days	30 June 2020 <sup>8</sup> 16 October 2020 <sup>9</sup>	119 days 11 days
<b>2021 (spring)</b>	27 April 2021	19 March 2021	39 days	11 January 2021 <sup>8</sup> 16 April 2021 <sup>9</sup>	106 days 11 days
<b>2021 (autumn)</b>	26 October 2021	17 September 2021	39 days	29 June 2021 <sup>8</sup> 15 October 2021 <sup>9</sup>	119 days 11 days
<b>2022 (spring)</b>	26 April 2022	18 March 2022	39 days	11 January 2022 <sup>8</sup> 14 April 2022 <sup>9</sup>	105 days 12 days
<b>2022 (autumn)</b>	25 October 2022	16 September 2022	39 days	29 June 2022 <sup>8</sup> 14 October 2022 <sup>9</sup>	118 days 11 days

*iii. Distribution of documents before and after the formal meetings of the Committee*

- Prior to each meeting, the Secretariat circulates a list reflecting the status of the semi-annual reports, i.e., indicating the reports that have and have not been received. Two documents are circulated per semester to remind Members to submit their semi-annual reports covering a given reporting period (January-June and July-December).
- The Secretariat issues – on an ongoing basis – monthly reports containing information on the different *ad hoc* notifications received from Members. The Secretariat has a service that provides the electronic version of such documents to delegates and other government officials, upon request.
- The Secretariat circulates prior to each meeting an updated list of Members' authorities competent to conduct countervailing duty investigations as notified by Members.
- Prior to each meeting, the Secretariat circulates an updated list of contact details of delegations for Members' review and submission of further updates, if any.

<sup>8</sup> Contains the list of notifications to be reviewed at the special meeting of the Committee.

<sup>9</sup> Final airgrams for both special and regular meetings.

- Prior to the October meeting each year, the Secretariat circulates the draft annual report for Members' review and written comments.
- Immediately after meetings, the Secretariat circulates a deadlines document, for follow-up documents related to the meeting just concluded, and for documents to be submitted for consideration at the next meeting. In addition, following a meeting of the Committee the Secretariat normally prepares a strictly factual news item for the WTO website, approved by the Chair of the Committee, reflecting the main topics that were raised at the meeting.

#### *iv. Preparation of the minutes*

The Secretariat prepares the minutes of both the special and regular meetings of the Committee. In practice, both documents are circulated simultaneously.

The Secretariat starts drafting the minutes of the meetings immediately after the regular meeting of the Committee but can only finalize the first drafts when it receives all the written versions of the statements or after the recordings of the meetings are transcribed to make sure that the minutes are comprehensive, accurate and complete. The minutes are basically a detailed summary of what Members said at the meeting. The Secretariat normally awaits deadlines pertaining to the questions and answers to be provided following the meeting to lapse (these questions and answers are usually circulated and referred to in the draft minutes) before the draft minutes are sent to Members for comments. The draft minutes are then sent to Members that took the floor at the meetings to comment on whether the summary reflects their interventions or not. The draft minutes are also sent to Members regarding which an item was raised, even if they did not take the floor. Members who took the floor at the meeting are given at least 10 calendar days to comment on their own interventions. The minutes are then immediately circulated once any necessary changes have been introduced.

**Table 3: Preparation of the minutes/summary reports**

Year	Last date of the formal meeting	Date of circulation of the minutes	No. of pages	No. of days after the meeting
<b>2019 (spring)</b>	30 April 2019	10 September 2019	30 pages	133 days
<b>2019 (autumn)</b>	19 November 2019	13 February 2020	33 pages	86 days
<b>2020 (spring)</b>	COVID-19 pandemic – meetings cancelled	---	---	---
<b>2020 (autumn)</b>	27 October 2020	25 February 2021	37 pages	121 days
<b>2021 (spring)</b>	27 April 2021	20 August 2021	36 pages	115 days
<b>2021 (autumn)</b>	26 October 2021	2 March 2022	31 pages	127 days
<b>2022 (spring)</b>	26 April 2022	16 September 2022	48 pages	143 days
<b>2022 (autumn)</b>	25 October 2022	-	-	-

#### **2.2.4 Informal meetings**

Between 2019 and 2022 the Committee held three informal meetings.

**Table 4: Convening of informal meetings**

Year	Date of informal meeting	Date of communication convening the informal meeting	No. of days before the meeting
<b>2019</b>	18 April 2019	5 April 2019	13 days
<b>2019</b>	27 June 2019	18 June 2019	9 days
<b>2022</b>	3 March 2022	17 February 2022	14 days

## 2.3 Substantive work

### 2.3.1 Thematic sessions

The Committee has not organized any thematic sessions since 2015.

### 2.3.2 Notifications

#### *i. Legislative notifications*

Pursuant to Article 32.6 of the SCM Agreement, Members must notify the full integrated text(s) of their laws, regulations and administrative procedures in one of the WTO languages. Any modification to the laws, regulations or administrative procedures must also be notified promptly. A notification has to be made even where a Member does not maintain such laws/regulations.

Legislative notifications are reviewed at the regular meetings of the SCM Committee. In addition to its general Rules of Procedures, the Committee adopted specific procedures for the review of legislative notifications in 1996. These procedures were revised to add further clarity in 2014 (G/SCM/W/293/Rev.1) which resulted in the retention of all unanswered written questions, posed to legislative notifications under review, on the agendas of the Committee's meetings until written answers are submitted. Legislative notifications are formatted and circulated by the Secretariat upon receipt.

#### *ii. Notifications of domestic authorities under Article 25.12*

Article 25.12 of the SCM Agreement calls for notification of domestic authorities competent to initiate and conduct CVD investigations. This notification requirement can be fulfilled by providing to the Committee the name, address, telephone and fax numbers, and e-mail address(es) of the investigating authority. There is no standard format for such notifications.

The Secretariat circulates prior to each meeting an updated list of Members' authorities competent to conduct countervailing duty investigations as notified by Members in G/SCM/N/18/... series.

#### *iii. Notifications of countervailing duty actions: semi-annual reports and ad hoc notifications*

Article 25.11 of the SCM Agreement requires Members to notify, without delay, all preliminary or final actions taken with respect to countervailing duties. It also stipulates that Members shall submit, on a semi-annual basis, reports on any countervailing duty actions taken within the preceding six months. In June 1995, the Committee agreed on a standard format for semi-annual reports (G/SCM/2) and on the minimum information to be provided in reports under Article 25.11 on all preliminary or final countervailing actions (G/SCM/3). At its regular meeting on 20 October 2009, the Committee adopted revised versions of these two notification formats.<sup>10</sup>

There is a significant number of Members that do not have a competent authority to conduct countervailing duty investigations and which therefore have not imposed any countervailing measures and are unlikely to do so in the foreseeable future. In order to relieve these Members from the obligation to submit semi-annual reports of countervailing actions, the Committee, at its regular meeting on 20 October 2009<sup>11</sup>, adopted a one-time notification format (G/SCM/129). A Member

<sup>10</sup> G/SCM/2/Rev.1 and G/SCM/3/Rev.1.

<sup>11</sup> G/SCM/M/71, para. 129.



submitting this type of notification will not be expected to submit semi-annual reports of countervailing actions until such time as it sets up a competent authority and starts conducting investigations. This is a tangible improvement that both provides transparency and assists developing countries and LDCs in complying with this notification obligation by alleviating their burden in submitting repeated nil notifications. One-time notifications are circulated in the G/SCM/N/202/... series. To date, 47 Members have submitted such one-time notification.

Semi-annual reports are not circulated automatically as submitted by Members. The Secretariat checks these reports thoroughly prior to circulation to ensure there are no anomalies or data inconsistencies in the documents. In case of the identification of any potential issues, the Secretariat immediately contacts the Member concerned and provides its comments and suggestions in this respect. Following the confirmation received from the relevant Member, the Secretariat circulates the report. In some cases, Members' feedback may take some time which can cause some delays in the circulation of the report until after the circulation of the final airgram of the meeting.

In addition to the circulation of the semi-annual reports, a list developed by the Secretariat reflecting the status of these notifications is circulated prior to each meeting. The Secretariat also issues – on an ongoing basis - monthly reports containing information on the different *ad hoc* notifications received from Members and it has a service that provides the electronic version of such documents to delegates and other government officials, upon request.

The Secretariat has been involved in a series of projects aimed at digitizing the trade remedy notification process and improving the way information on the use of trade remedy measures is compiled, stored and presented to Members.

A major development in this regard is the launch, in 2020, of the Anti-Dumping and Countervailing Notification Portals, which allow Members to electronically create and submit through a dedicated e-platform semi-annual reports while minimizing effort and reducing reporting errors, and the addition of the "Explore Data" function, which provides online access to all information submitted by Members in their semi-annual reports. The Secretariat has given presentations, demonstrations and training sessions tailored to the needs of individual delegations to increase Members' awareness of the Portals and their functionality for which it has received very positive feedback from Members. In parallel, the Secretariat has upgraded and restructured the AD and CVD databases, which has required intensive work with individual Members to clean up past records in those databases.

This work has culminated in the development, by the Rules and IT Divisions of the WTO Secretariat, of the Trade Remedies Data Portal, a searchable database of information on trade remedy actions that presents this information in an accessible, customizable and user-friendly manner. This Portal has been presented to Members at the Committee meeting in October 2022 and has gone online in November 2022.

#### *iv. New and full subsidy notifications*

Article 26.1 of the SCM Agreement stipulates that the Committee shall examine new and full notifications of Members in special sessions to be held every third year and that updating notifications made in the intervening years are to be examined at each regular meeting of the Committee. In May 2001, the Committee decided that new and full subsidy notifications would be made every two years and that the annual updating notifications would be de-emphasised.<sup>12</sup> The Committee extended this decision in 2003 and 2005.<sup>13</sup>

In July 1995, the Committee adopted a questionnaire format for subsidy notifications under Article 25 of the SCM Agreement and under Article XVI of the GATT 1994 (G/SCM/6).<sup>14</sup> In November 2003, the Committee adopted a revised version of this questionnaire format for subsidy notifications (G/SCM/6/Rev.1).<sup>15</sup> The adoption of the original format for subsidy notifications in 1995 and the adoption of the revised format for subsidy notifications in 2003 were based on discussions

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<sup>12</sup> G/SCM/M/30, para. 6.

<sup>13</sup> G/SCM/M/46, para. 43; G/SCM/M/53, para. 35.

<sup>14</sup> G/SCM/M/3, para. 5.

<sup>15</sup> G/SCM/M/48, para. 212.

in the Working Party on Subsidy Notifications, which the Committee had established in February 1995 pursuant to footnote 54 to Article 25.3 of the SCM Agreement.<sup>16</sup>

Members' subsidy notifications are reviewed at special meetings of the Committee, which are held back-to-back with the Committee's regular meetings. At such meetings, Members may raise questions regarding a notified programme, the failure to notify a programme, or the failure to submit any notification. The procedures followed by the Committee for such reviews, as contained in document G/SCM/117, were most recently re-adopted in April 2021, for the review of 2021 new and full notifications.<sup>17</sup> Written questions and answers concerning subsidy notifications are circulated in the G/SCM/Q2/... document series. All unanswered written questions posed regarding new and full subsidy notifications are identified in the annotated draft agenda and also retained in the final airgram of the special meeting.

#### *v. Other notification obligations*

- Article 27.13 of the SCM Agreement exempts, for a limited period of time, certain subsidies granted in connection with privatization programmes provided certain conditions are met. To qualify for this exemption, any such privatization programme must be notified, following the format in G/SCM/15.
- Article 27.5 of the SCM Agreement provides that a developing Member which reaches export competitiveness in a given product has to phase out its export subsidies for that product within two years. For Members in Annex VII which reach export competitiveness, this period is eight years. Under Article 27.6, export competitiveness may be determined either on the basis of a notification by the developing Member at issue, or on the basis of a computation by the Secretariat conducted at the request of any Member. No standard format has been developed for such notifications, and to date, no such notifications have been submitted.

#### *vi. Committee discussions to raise awareness on the notification obligations*

At every regular meeting of the Committee, the Chair raises the issue of missing notifications under each agenda item pertaining to different notification obligations and strongly urges Members to fulfil their notification obligations. The Chair's call for notifications and the subsequent discussions are reflected in both the minutes of the meetings and the annual reports of the Committee.

Since Spring 2009, pursuant to the request of the Chair of the Trade Policy Review Body (TPRB), the Committee has discussed, at formal and informal meetings, "ways to improve the timeliness and completeness of notifications and other information flows on trade measures". Under this agenda item, the Chairs provide a status report on the new and full subsidy notifications and invite Members with pending notifications to update the Committee about their progress in preparing subsidy notifications. Under this agenda item, the Chairs regularly remind Members of the assistance offered by the Secretariat regarding the notification obligations and invite Members that are having difficulties in complying with their obligations to request assistance from the Secretariat. The substance of those discussions is reflected in the minutes of the Committee meetings.

Furthermore, the annual report of the Committee includes several tables reflecting the status of different types of notifications submitted by Members and those that are missing.

### **2.3.3 Reports prepared by the Secretariat**

#### *i. Annual report on the notification obligations under the SCM Agreement*

Every year since 2009, the Secretariat has prepared, at the request of Members, a background note providing a snapshot of the level of compliance since 1995 with the various notification obligations under the SCM Agreement. The report not only explains all the notification obligations under the SCM Agreement, but also provides detailed information about Members' level of compliance with those obligations. The Secretariat updates this report before the spring meetings of the Committee and circulates it in the G/SCM/W/546/... series.

<sup>16</sup> G/SCM/M/1, para. 84.

<sup>17</sup> G/SCM/M/115.

### *ii. Technical cooperation handbook on notification requirements*

The Secretariat has modified the Handbook of SCM-related notification obligations and the mock examples for certain notifications to be submitted. These can be found on the subsidies and countervailing measures webpage and can offer additional clarity as to how and when the notification obligations should be fulfilled.<sup>18</sup> In addition, the Trade Remedies Data Portal contains information on how to submit notifications.

### *iii. Updates on Article 27.4 extensions of the transition period for the elimination of export subsidies*

Members that were granted extensions under Article 27.4 pursuant to the procedures in WT/L/691 were required, under paragraph 2(c) of the procedures, to submit transparency notifications in respect of each of the final two-years phase-out period, calendar years 2014 and 2015. The Members with extensions were to have completed the elimination of their export subsidies not later than 31 December 2015. They also were required to provide a final transparency notification in respect of calendar year 2015. The Secretariat updates and circulates a table showing the status of notifications and of actions reported by Members with extensions under Article 27.4 in the revisions of the document RD/SCM/36.

### *iv. Annual update on constant dollar methodology for graduation from SCM Annex VII*

Pursuant to the Doha Ministerial Decision on Implementation-Related Issues and Concerns (document WT/MIN(01)/17, para. 10.1), Annex VII(b) to the Agreement on Subsidies and Countervailing Measures includes the Members that are listed therein until their GNP per capita reaches USD 1,000 in constant 1990 dollars for three consecutive years, and that as of 1 January 2003, the methodology set forth in G/SCM/38, Appendix 2 applies for making these calculations. Every year since 2003, in accordance with this Decision, the Secretariat circulates notes updating the GNP per capita figures for the Members listed in Annex VII(b) based on that methodology. Those notes are contained in the document series G/SCM/110, the most recent version of which, Addendum 19, was circulated on 31 March 2022.

In addition, in response to a request made at the July 2021 meeting of the Council for Trade in Goods with respect to the proposal by the LDC Group<sup>19</sup>, the Secretariat also conducted GNP per capita calculations for all WTO Members using the agreed methodology in G/SCM/38.<sup>20</sup>

### *v. Other reports prepared by the Secretariat*

- Prior to the October meeting each year, the Secretariat also issues a draft annual report to Members for comments. These reports are adopted by the Committee at the end of the October meeting.
- The Secretariat circulates monthly reports of ad hoc anti-dumping actions notified by Members. These notifications are compiled by the Secretariat in those circulated reports, while the original notifications are kept electronically with the Secretariat for inspection by Government officials wishing to do so.

## **2.3.4 Participation by external stakeholders**

The International Monetary Fund, World Bank and UNCTAD have regular Observer status in the Committee. Pursuant to a decision of the Committee in October 1998, the Organization of African, Caribbean and Pacific States ("OACPS") and the OECD are invited to attend meetings on an *ad hoc* basis.

## **2.3.5 Work with other Committees or WTO bodies**

Coordination among the three Rules Committees; ADP, SCM and SG is constant.

<sup>18</sup> [https://www.wto.org/english/tratop\\_e/scm\\_e/scm\\_e.htm](https://www.wto.org/english/tratop_e/scm_e/scm_e.htm)

<sup>19</sup> WT/GC/W/742 - G/C/W/752.

<sup>20</sup> G/SCM/W/585.

Latest examples of presentations made jointly by the Committees on ADP and SCM are as follows:

- in October 2015, explaining the notifications formats (audio and presentations placed online until now for Members' benefit);
  - in October 2022, introducing the Trade Remedies Data Portal (audio and presentations are available online for Members' benefit).
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