

(Article 12- *Notification and Consultation*)

Article 12.1

- Agreement on Safeguards require “immediate” notification by member to the Committee on Safeguards whenever an investigation is initiated, a finding of serious injury or threat thereof caused by increased imports is made or where a is taken decision to apply or extend a safeguard measure.
- **DS98 (Korea – Dairy Safeguard), DS166 (US – Wheat Gluten)**- - The panel found that the term "immediately" implies a certain urgency and also that the requirement to notify “*immediately*” does not mean “*as soon as practically possible.*”
- In this context the Members whose official language is not a WTO working language, may encounter further delay in preparing their notifications. There is no specific number of days mentioned in Article 12, hence the degree of urgency is assessed on a case to case basis (DS98 Korea Dairy Safeguard).
- As per **Article 12.2** all pertinent information has to be included in the Notification to Committee on Safeguards i.e. Evidence of serious injury or threat thereof caused by increased imports, precise description of the product involved, the proposed measure, proposed date of introduction, expected duration and timetable for progressive liberalization.

Notification practice adopted by India

- Any Safeguard measure in India is initiated by Director General of Safeguards under Section 8B of the Customs Tariff Act, 1975 and the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997.
- As soon as any Safeguard investigation is initiated then DG Safeguards informs the Trade Policy Division of the Department of Commerce along with a copy of draft notification to be made to WTO Committee on Safeguards. After the legal vetting the draft Notification is finalised and sent to Permanent Mission of India to WTO for notifying to WTO Committee on Safeguards.
- Similarly the Notifications are also made on taking a Provisional Safeguard measure, making a finding of serious injury or threat thereof caused by increased in imports and taking a decision to apply or extend a safeguard measure.