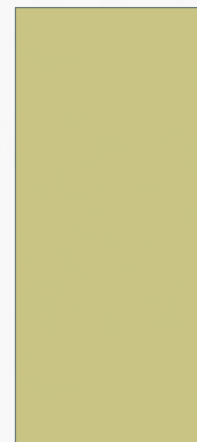


SAFEGUARD MEASURES

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AUTHORITIES, MARCH 2018



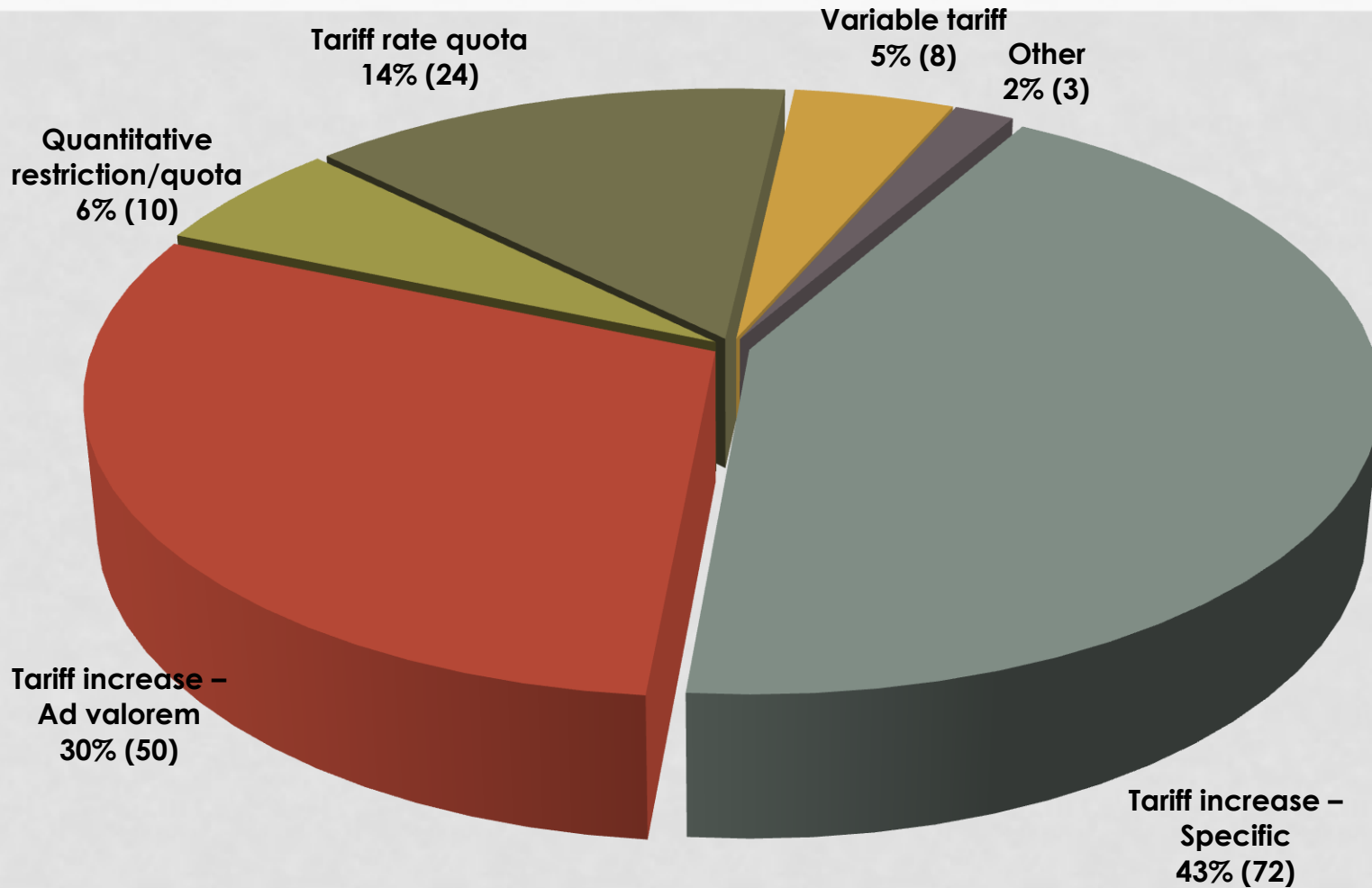
MEASURES – DECISION-MAKING

- Who decides whether to impose measures, in what form, at what level and for how long?
 - Is there a separation between “technical” and “political” decision-makers?
- Do you make a public interest assessment?
 - What national guidance exists for making that assessment?
 - In practice, have you ever declined to apply measures on such grounds?
- Do you require domestic producers to submit adjustment plans? If so, what role do they play in decisions to impose and extend measures?

FORM OF MEASURES

- No specific limitations in the Agreement on Safeguards
 - Compare AD/CVD – duties
- Members use mix of ad valorem and specific duties, quotas and TRQs
- Why do authorities choose one over another? What are the advantages and disadvantages of each?

Forms of SG Final Measures (January 1995 – 20 February 2018)



LEVEL OF MEASURES

- “...only the extent necessary to prevent serious injury and facilitate adjustment...” (AS Article 5.1)
- Clear rules only in the context of quotas:
 - Average of imports in last three representative years
 - Absent clear justification that different level is necessary to prevent or remedy serious injury
- In practice, what considerations do you look at in setting the level of measures?

RTA PARTNERS

- Application at Customs Union or National Level?
 - E.g., GCC v Mercosur, Turkey
 - Machinery for Customs Union application?
- Treatment of FTA partners
 - Exclude or include in measures?
 - If include, always or conditionally (NAFTA, e.g.)?
 - If exclude, how do you ensure “parallelism” between imports and injury?
 - Excluded imports – “other factor” (*US-Steel*).

SMALL DEVELOPING SUPPLIERS

- Obligation to exclude small developing Member suppliers (3% of imports/9% collectively). Article 9.3.
 - How do authorities decide which Members are developing?
 - On basis of what period are shares calculated?
 - How do authorities provide transparency about who is excluded?
 - Are shares updated and small suppliers re-included if shares climb? By what mechanism?