



17 January 2017

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Committee on Safeguards

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

**NOTIFICATION PURSUANT TO ARTICLE 9, FOOTNOTE 2  
OF THE AGREEMENT ON SAFEGUARDS**

REPLIES TO QUESTIONS POSED BY THE UNITED STATES<sup>1</sup> REGARDING THE NOTIFICATION  
OF THE KINGDOM OF BAHRAIN, THE STATE OF KUWAIT, THE SULTANATE OF OMAN,  
THE STATE OF QATAR, KINGDOM OF SAUDI ARABIA, AND UNITED ARAB EMIRATES  
(COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF "GCC")<sup>2</sup>

The following communication, dated on 16 January 2017, is being circulated at the request of the Kingdom of Bahrain as President of the GCC on behalf of the GCC Member States: United Arab Emirates; Bahrain, Kingdom of; Saudi Arabia, Kingdom of; Oman, the Sultanate of; Qatar, the State of; and Kuwait, the State of.

**Question 1**

**In its collective notification, the GCC indicates that the investigation was initiated on 3 October 2016 and provisional measures came into force on 1 November 2016 (i.e., less than 30 days from initiation). Article 6 of the WTO Agreement on Safeguards states that "[i]n critical circumstances where delay would cause damage which it would be difficult to repair, a Member may take a provisional safeguard measure pursuant to a preliminary determination that there is clear evidence that increased imports have caused or are threatening to cause serious injury." The notification provides data that, in the GCC competent authorities' view, constitute "clear evidence" needed to impose provisional measures. Please indicate whether the information relied on was placed in the administrative record and made available to interested parties prior to making a determination to impose provisional measures. If not, please explain the reason for this decision.**

Reply

The GCC investigating authority (TSAIP) received a properly documented safeguard complaint, the complaint contains clear evidence of serious injury and critical circumstances where delay would cause damage which it would be difficult to repair. A copy of the non-confidential version of the complaint made available to interested parties prior initiation.

<sup>1</sup> G/SG/Q2/ARE/3-G/SG/Q2/BHR/2-G/SG/Q2/KWT/2-G/SG/Q2/OMN/2-G/SG/Q2/QAT/2-G/SG/Q2/SAU/2.

<sup>2</sup> G/SG/N/7/ARE/1-G/SG/N/11/ARE/1-G/SG/N/7/BHR/1-G/SG/N/11/BHR/1-G/SG/N/7/KWT/1-G/SG/N/11/KWT/1-G/SG/N/7/OMN/1-G/SG/N/11/OMN/1-G/SG/N/7/QAT/1-G/SG/N/11/QAT/1-G/SG/N/7/SAU/1-G/SG/N/11/SAU/1 (dated 21 October 2016) and G/SG/N/7/ARE/1/Suppl.1-G/SG/N/7/BHR/1/Suppl.1-G/SG/N/7/KWT/1/Suppl.1-G/SG/N/7/OMN/1/Suppl.1-G/SG/N/7/QAT/1/Suppl.1-G/SG/N/7/SAU/1/Suppl.1 (dated 1 November 2016).

## Question 2

**In addition to the data in the complaint for investigation, please identify the source(s) of additional information used by the GCC competent authorities that constitute "clear evidence" that increased imports have caused or are threatening to cause serious injury, and substantiates the decision to impose provisional duties. If no additional information was examined by the GCC competent authorities, please explain the reason for this decision and how this is consistent with Article 6 of the WTO Agreement on Safeguards.**

### Reply

In order to ensure the requirements of Article 6 of the WTO Agreement on Safeguards and Article 73 of the Rules of Implementation of the GCC Common Law (Amended), the GCC-TSAIP examined the accuracy and adequacy of the evidence provided in the complaint pursuant to Article 3 of the Rules of Implementation of the GCC Common Law on Antidumping, Countervailing Measures and Safeguard Measures (Amended).

## Question 3

**If information was received from interested parties prior to making a determination to impose provisional measures, did the GCC competent authorities analyse and assess the information provided during the post-initiation period? If not, please explain the reason for this decision.**

### Reply

No information from interested parties prior to making a determination to impose provisional measures was received.

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