



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

QUESTIONS POSED BY THE UNITED STATES 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>1</sup>

The following communication, dated and received on 17 February 2021, is being circulated at the request of the delegation of the United States.

---

The United States thanks the Gulf Cooperation Council (GCC) for its supplemental notification under 12.1(a) of the *WTO Agreement on Safeguards*, and poses the following questions:

**Question 1**

The United States notes at the outset that the notification advises of additions and removal of products from the scope of the GCC's investigation of certain steel products.<sup>2</sup> In addition, according to Article 35 of Section II of the *Gulf Cooperation Council Common Law of Anti-dumping, Countervailing Measures and Safeguards (Rules of Implementation)*, the competent authorities must conclude all investigations within a period of twelve months, or up to eighteen months when exceptional cases merit an extension of up to six months.

Given that this investigation was initiated on October 23, 2019, please indicate the current status of the October 23, 2019, investigation, including whether the GCC competent authorities made a determination of exceptional circumstances (or similar finding) for extending the period of investigation, and the basis for that finding. Please also indicate when the competent authorities expect to conclude the investigation.

**Question 2**

Please identify the specific provisions in the *Rules of Implementation* that authorize the competent authorities to modify the scope of an investigation.

---

<sup>1</sup>G/SG/N/6/ARE/3/Suppl.1 - G/SG/N/6/BHR/4/Suppl.1 - G/SG/N/6/KWT/4/Suppl.1 - G/SG/N/6/OMN/3/Suppl.1 - G/SG/N/6/QAT/3/Suppl.1 - G/SG/N/6/SAU/3/Suppl.1 (dated 20 January 2021).

<sup>2</sup> The notice states that the investigation scope has been expanded to include metallic coated steel, reinforced steel bars and wire rod sections, and welded and seamless pipes and tubes. The following were removed from the scope: flat hot rolled coils and sheets, cold rolled flat steel coils and sheets, and welded and seamless pipes and tubes.

### Question 3

On July 23, 2020, the GCC notified its finding of serious injury in this investigation.<sup>3</sup> However, on January 20, 2021, the GCC notified that the competent authorities obtained "sufficient *prima facie* evidence that would justify {} modifications within the scope of the current investigation."

- (a) Please describe the nature of the *prima facie* evidence that the GCC competent authorities found would justify the modifications in the scope of investigation – the addition of products, and the exclusion of products that were part of the original investigation. Please indicate how interested parties may review this evidence and review the rationale for the modification in scope.
- (b) Please indicate whether the GCC competent authorities have published the report and detailed analysis of the case relating to the determination made on July 23, 2020, as required by Article 3.1 and Article 4.2(c) of the *WTO Agreement on Safeguards*.
- (c) Please explain the process that the GCC competent authorities intend to follow going forward, including the status of the determination made on July 23, 2020, and whether a remedy will be imposed based on that determination while the investigation is ongoing.

### Question 4

According to Article 26 of Section II of the *Rules of Implementation*, "the investigation committee shall give an equal opportunity to all concerned and interested parties to defend their interests within the specified investigation period." Also, Article 3.1 of the *WTO Agreement on Safeguards* states that investigations shall include appropriate means for interested parties to present evidence and their views.

- a. Please identify what opportunities have been made available for registered parties to present evidence and submit their views concerning the scope modifications indicated in the January 21, 2021 notification.
- b. Given that the scope modifications indicated in the January 21, 2021 notification expand the scope of the ongoing investigation, please identify opportunities for potential newly interested parties to present evidence and submit their comments, given that they may not have been part of the earlier phase of the investigation.

---

---

<sup>3</sup> G/SG/N/8/ARE/3 - G/SG/N/8/BHR/3 - G/SG/N/8/KWT/3 - G/SG/N/8/OMN/3 - G/SG/N/8/QAT/3 - G/SG/N/8/SAU/3 (dated 23 July 2020).