



17 September 2013

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Council for Trade in Goods  
Committee on Safeguards

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**IMPOSITION BY SOUTH AFRICA OF A PROVISIONAL SAFEGUARD MEASURE  
ON IMPORTS OF FROZEN POTATO CHIPS**

**NOTIFICATION UNDER ARTICLE 12.5 OF THE RESULTS OF CONSULTATIONS  
UNDER ARTICLE 12.4**

The following communication, dated 12 September 2013, is being circulated at the request of the Delegations of South Africa and the European Union.

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We enclose a notification pursuant to Article 12.5 of the Agreement on Safeguards, of the results of consultations under Article 12.4 of that Agreement which took place between South Africa and the European Union in relation to the imposition of a provisional safeguard measure by South Africa on imports of frozen potato chips. The measures were notified to the WTO Committee on Safeguards on 14 June 2013.

Pursuant to Article 12.5 of the Agreement on Safeguards, and in light of the agreed format for notifications (G/SG/1/Rev.1, 5 November 2009), South Africa and the European Union provide the following notification to the Council for Trade in Goods.

**1. Specify the provision under which consultations were held**

Article 12.4.

**2. Provide reference to the WTO document that notified the safeguard action regarding which consultations were held**

WTO document G/SG/N/7/ZAF/2, dated 21 June 2013.

**3. Specify the Members involved in the consultations and provide the time period during which consultations were held**

The Members involved in the consultations were South Africa and the European Union. The consultations took place on 6 August 2013.

**4. Describe the results of the consultations**

The consultations were aimed at clarifying the factual and legal issues related to the imposition of provisional measures. The European Union submitted questions in writing before the consultations (annexed to the request for consultations G/SG/120) concerning the increase in imports, the determination of serious injury, the application of the provisional safeguard measure and the notification and consultation obligations related to the investigation.

During the consultation South Africa provided certain explanations in response to the questions raised. South Africa provided responses to the written questions from the EU.<sup>1</sup>

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<sup>1</sup> To consult these responses, please contact Ms Budd ([hilary.budd@wto.org](mailto:hilary.budd@wto.org)), or Ms Naville ([delphine.naville@wto.org](mailto:delphine.naville@wto.org)) of the Rules Division.

The European Union expressed its appreciation for the consultations and the answers provided by South Africa, but still has serious concerns concerning the imposition of the provisional measure since the consultations could not dispel the doubts that this measure is not warranted.

In a public hearing held on 4 September 2013 the EU in its presentation to the International Trade Administration Commission of South Africa (the Commission) again raised the same issues which were indicated during the above mentioned consultations held between the EU and South Africa.

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