

26 May 2015

(15-2704)

Page: 1/2

Council for Trade in Goods
Committee on Safeguards

Original: English

**NOTIFICATION UNDER ARTICLE 12.5 OF THE AGREEMENT ON SAFEGUARDS TO THE
COUNCIL FOR TRADE IN GOODS OF PROPOSED SUSPENSION OF CONCESSIONS
AND OTHER OBLIGATIONS REFERRED TO IN PARAGRAPH 2 OF
ARTICLE 8 OF THE AGREEMENT ON SAFEGUARDS**

INDONESIA

The following communication, dated 21 May 2015, is being circulated at the request of the Delegation of Indonesia.

Pursuant to Article 12.5 of the Agreement on Safeguards, Indonesia would like to hereby notify the Council for Trade in Goods of its proposed suspension of concessions and other obligations referred to in Article 8.2 of the Agreement on Safeguards. This notification is made in connection with a safeguard measure imposed by India on imports of saturated fatty alcohols, notified to the Council on 25 March 2015 and circulated in WTO document G/SG/N/8/IND/26/Suppl.2-G/SG/N/10/IND/17/Suppl.2-G/SG/N/11/IND/12/Suppl.2 (30 March 2015), imposing a measure with the effective date of 28 August 2014.

Pursuant to Article 12.5 of the Agreement on Safeguards, and in accordance with the agreed format for notification (G/SG/1/Rev.1 (5 November 2009)), Indonesia proposes to suspend concessions and other obligations as provided for in Article 8.2.

1. Which Member is proposing suspension of concessions and other obligations referred to in Article 8.2

Indonesia.

2. Specify the measure, the product subject to the measure, the WTO document that notified the safeguard measure, and the Member imposing the measure in relation to which the Member is proposing suspension of concessions and other obligations referred to in Article 8.2

The measure at issue was imposed by India as a definitive safeguard measure on imports of saturated fatty alcohols with carbon chain length of C8, C10, C12, C14, C16 and C18 including single, blends and unblended (not including branched isomers) which includes blends of a combination of carbon chain lengths, C12-C14, C12-C16, C12-C18, C16-18 and C14-C16 (commonly categorized as C12-C14), classified under Indian Customs sub-headings Nos. 38237010, 38237020, 38237040, 38237090 and 29051700 of the Customs Tariff Act, 1975, for the period 28 August 2014 to 27 February 2017.

This measure was notified in WTO document G/SG/N/8/IND/26/Suppl.2-G/SG/N/10/IND/17/Suppl.2-G/SG/N/11/IND/12/Suppl.2 (30 March 2015), with the effective date of 28 August 2014.

3. Describe the proposed suspension of concessions and other obligations referred to in Article 8.2 and the proposed date from which it will come into effect

Indonesia hereby notifies the Council for Trade in Goods of its decision to suspend concessions or other obligations under the General Agreement on Tariffs and Trade 1994 (GATT 1994) that are substantially equivalent to the amount of trade affected by the Indian measure. Details of the said suspension of concessions will be provided to the Council for Trade in Goods before the suspension of concessions is applied. The suspension will come into effect on the earlier of 27 August 2017, in case India decides to extend the period of application of the measure in accordance with Article 7 of the Agreement on Safeguards, or following the date of a decision from the WTO Dispute Settlement Body that the safeguard measure imposed by India is incompatible with the WTO Agreements. The suspension of concessions will continue to apply until India's safeguard measure is lifted.

More generally, Indonesia notes that consultations within the meaning of Article 12.3 of the Agreement on Safeguards have not taken place. Indeed, these consultations could not have taken place because India has taken the highly unusual step of backdating the date of imposition of the definitive safeguard measure, to 28 August 2014. India has thereby imposed a definitive safeguard measure without giving affected Members any opportunity for consultations on a proposed safeguard measure and without the possibility of adjusting the measure in the light of the comments of those Members. Indonesia also considers that various other aspects of the measure are inconsistent with India's obligations under Article XIX of the GATT 1994 and the Agreement on Safeguards.

Indonesia hereby reserves its right under Articles 8.2 and 8.3 of the Safeguards Agreement to suspend the application of substantially equivalent concessions or other obligations under the GATT 1994.

Indonesia will inform both the Council for Trade in Goods and India on the next appropriate steps.
