



**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**

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")¹

The following communication, dated 15 November 2016, is being circulated at the request of the Delegation of the United States.

The United States thanks the GCC Members for their collective notification regarding the safeguards investigation on imports of ferro silico manganese, and poses the following question:

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.

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.

¹ 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 3

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