

Committee On Safeguards

**NOTIFICATION UNDER ARTICLE 12.1(C) UPON TAKING A DECISION
TO APPLY OR EXTEND A SAFEGUARD MEASURE**

**NOTIFICATION OF NON-APPLICATION OF SAFEGUARD MEASURE
TO DEVELOPING COUNTRIES UNDER ARTICLE 9.1 OF
THE AGREEMENT ON SAFEGUARDS**

UNITED STATES

Fine Denier Polyester Staple Fiber

The following communication, dated and received on 9 November 2024, is being circulated at the request of the delegation of the United States.

Pursuant to Article 12.1(c) of the WTO Agreement on Safeguards (Safeguards Agreement), the United States is notifying its decision to apply a safeguard measure. In addition, the United States is notifying the non-application of the safeguard measure to developing countries under Article 9.1 of the Safeguards Agreement.

There are no changes to paragraphs 1-4 from [G/SG/N/8/USA/11](#) (dated 12 July 2024), [G/SG/N/8/USA/11/Suppl.2](#) (dated 2 September 2024), and [G/SG/N/8/USA/11/Suppl.3](#) (dated 14 October 2024).

5. Provide precise description of the proposed measure.

On November 8, 2024, the President signed a proclamation detailing the proposed measure to be applied on imports of fine denier polyester staple fiber. The Presidential proclamation is attached to this notification.

6. Provide proposed date of introduction of the measure.

The measure is scheduled to take effect 15 days after the signing of the proclamation by the President, or on November 23, 2024.

7. Provide the expected duration of the measure.

The President approved applying the safeguard measure for four years. The date ranges for each of the four years is provided in the attached proclamation.*

* The Presidential proclamation and its Annex are available electronically. To consult this document, please contact Ms Anne Richards (anne.richards@wto.org) of the Rules Division.

- 8. For a measure with a duration of more than three years, provide the proposed date for the review (under Article 7.4) to be held not later than the mid-term of the measure, if such a date for the review has already been scheduled.**

Although a date for the mid-term review has not yet been scheduled, the United States intends to schedule the initiation of the mid-term review before the end of the second year of the measure, with an expected completion date not later than the mid-term of the measure. More specific details of the mid-term review will be notified to this Committee once a date has been scheduled.

- 9. If the expected duration is over one year, provide expected timetable for progressive liberalization of the measure.**

The liberalization schedule for the measure is provided in the attached proclamation.

- 12. If the notification relates to a decision to apply or extend a safeguard measure, Members are encouraged to provide the following information:**

- i. The major exporting Members of imports of the product involved.**

During the period of investigation, Thailand, India, Chinese Taipei, and Indonesia were major exporting countries.

- ii. If there are any exporting Members to which the measure does not apply for any reason other than the application of Article 9.1, the names of such exporting Members and reasons for non-application of the measure.**

The President has determined that the measure will not apply to Australia, Canada, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Mexico, Nicaragua, Panama, Peru, and Singapore. The reason for this is detailed in the attached proclamation.

The President also determined to exclude Caribbean Basin Economic Recovery Act beneficiaries, which include Antigua and Barbuda, Aruba, the Bahamas, Barbados, Belize, British Virgin Islands, Curaçao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.

In addition, the measure will not apply to the following developing countries which are not WTO Members: Algeria, Azerbaijan, Congo (Kinshasa), Eritrea, Ethiopia, Iraq, Kiribati, Kosovo, Lebanon, Sao Tomé and Príncipe, Serbia, Somalia, South Sudan, Tuvalu, and Uzbekistan.

ANNEX

**Non-Application of the Safeguard Measure to Developing Countries
Under Article 9.1 of the Agreement on Safeguards**

The safeguard measure shall not apply to imports of any fine denier polyester staple fiber product, as specifically described in the attached proclamation, of a developing country that is also a Member of the WTO, as long as that country's share of total imports of the product, based on imports during a recent representative period, does not exceed 3 percent, provided that imports that are the product of all such countries with less than 3 percent import share collectively account for not more than 9 percent of total imports of the product. For example, neither Indonesia nor Thailand qualify for non-application as imports from those countries have exceeded the applicable thresholds.

The following countries qualify for non-application of the measure:

Afghanistan, Albania, Angola, Armenia, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Côte d'Ivoire, Djibouti, Dominica, Ecuador, Egypt, Eswatini, Fiji, Gabon, The Gambia, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan (Kyrgyz Republic), Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Moldova, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Niger, Nigeria, North Macedonia, Pakistan, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Suriname, Tanzania, Timor-Leste, Togo, Tonga, Tunisia, Uganda, Ukraine, Vanuatu, Yemen (Republic of), Zambia, and Zimbabwe.

In addition, for purposes of this notification, if during the duration of the measure, the President determines that a surge in imports of a fine denier polyester staple fiber product, as specifically described in the attached proclamation, results in imports of a product from a developing country that is also a Member of the WTO is exceeding either of the thresholds described above, the safeguard measure shall be modified to apply to such product from such country.
