

Under the second clause of Article 3.3, Members have committed to provide export subsidies, , with respect to agricultural products. This clause clearly also involves 'export subsidy commitments' within the meaning of Article 10.1. Our interpretation of this term is confirmed by the title of Article 9, which is ' . Consistently with our reading of that term, Article 9.1 relates to (1) the commitments made for agricultural products, under the first clause of Article 3.3, and to (2) the general agricultural products listed in Article 9.1 to agricultural products."⁸

6. The Appellate Body in further stated that with regard to unscheduled products, Members are prohibited from providing any export subsidies, while in respect of scheduled agricultural products the "nature of the commitment made under the first clause of Article 3.3 is different":

"With respect to agricultural products, Members are under Article 3.3 from providing export subsidies as listed in Article 9.1. Article 10.1 prevents the application of export subsidies which ' , or which ' of that prohibition. Members would certainly have 'found a way round', a way to 'evade', this prohibition if they could transfer, through tax exemptions, the very same economic resources that they are prohibited from providing in other forms under Articles 3.3 and 9.1. Thus, with respect to the against providing subsidies listed in Article 9.1 on agricultural products, we believe that the FSC measure involves the application of export subsidies, listed in Article 9.1, in a manner that, at the very least, ' to lead to circumvention' of that 'export subsidy commitment' in Article 3.3.

With respect to agricultural products, the nature of the commitment made under the first clause of Article 3.3 is different. Members are not subject to a general prohibition against providing export subsidies as listed in Article 9.1; rather, there is a for Members to provide such subsidies up to the level of the reduction commitments specified in their Schedule. ...

As regards products, when the specific reduction commitment levels have been hed,

