

**Committee on Agriculture
Special Session**

**REVISED DRAFT MODALITIES FOR AGRICULTURE
SPECIAL SAFEGUARD MECHANISM**

1. Based on constructive consultations to this point, we have made genuine progress on the SSM as relates to what happens in cases where it would mean going above the bound rate. And the progress that we have made, while even reaching something that I could describe as tantamount to convergence on some elements, has still been uneven. In other words, we have made real progress, but the unavoidable reality is that we are still short of a clean text, let alone actual agreement on key matters. That being so I could hardly pretend that there was something cooked and ready to go that could be inserted in the revised draft text.

2. But I could not leave things just like that, because we have manifestly moved on. The constructive engagement we have had did at least quarry out certain lines of direction and, one of these days, a solution is actually going to have to be found that works for everyone. We need something to work on in a spirit of getting to a conclusion. In that spirit, and based on what I have heard, the best I can suggest is the following as an effort to represent the elements of convergence that are emerging. It is not in final legal drafting form but could, hopefully, operate as a structure to get us to closure. Adjustments could obviously be made to the drafting below, but if this issue ever going to be resolved, my sense is that it something not a million miles from what is outlined below could be a way to create a springboard to closure.

3. The following shall be the basis upon which the SSM may be triggered for “above the bound rate”:

The volume-based SSM shall, subject to the conditions in sub-paragraph x below, be applicable within a twelve month reporting period. This twelve month period may be a marketing year, calendar year, fiscal year etc at the discretion of the Member concerned. But, once chosen, it is the binding basis for application.

The SSM shall become applicable when, within that twelve month period, the trigger levels, calculated in respect of the average of the preceding three years’ imports, have been met. If, however, an SSM was in force during that three year period, the monthly average of the imports net of that period of SSM application shall be calculated and applied as the proxy imports for the months during which the SSM was in force, unless actual imports during its application were higher.

Where the volume of imports during any period exceeds 120 per cent but does not exceed 140 per cent, the maximum additional duty that may be imposed shall not exceed one-third of the current bound tariff or eight percentage points, whichever is the higher.

These remedies shall not normally be applicable unless the domestic price is actually

5. I should also note the fact that there are other matters still requiring subsequent decision. It