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Committee on Safeguards

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**NOTIFICATION UNDER ARTICLE 12.1(B) OF THE AGREEMENT
ON SAFEGUARDS ON FINDING A SERIOUS INJURY OR
THREAT THEREOF CAUSED BY INCREASED IMPORTS**

**NOTIFICATION PURSUANT TO ARTICLE 12.1(C)
OF THE AGREEMENT ON SAFEGUARDS**

**NOTIFICATION PURSUANT TO ARTICLE 9, FOOTNOTE 2
OF THE AGREEMENT ON SAFEGUARDS**

VIET NAM

(Diammonium Phosphate and Monoammonium Phosphate fertilizers)

The following communication, dated 9 March 2018, is being circulated at the request of the delegation of Viet Nam.

In accordance with Ordinance No. 42/2002/PL-UBTVQH10 dated 25 May 2002 of the Standing Committee of the National Assembly on Safeguards on Imports of Foreign Goods into Viet Nam and Decree No. 150/2003/ND-CP dated 8 December 2003 of the Government providing detailed regulations for implementation of Ordinance on safeguards on imports of foreign goods into Viet Nam, the Ministry of Industry and Trade notifies the application of safeguard measures on the imports of "certain fertilizers of Diammonium Phosphate (DAP) and Monoammonium Phosphate (MAP)" under HS code 3105.10.20; 3105.10.90; 3105.20.00; 3105.30.00; 3105.40.00; 3105.51.00; 3105.59.00; 3105.90.00.

1. Background

On 12 May 2017, the Ministry of Industry and Trade issued the Decision No. 1682A/QD-BCT on the initiation of safeguard investigation on certain fertilizers of DAP and MAP (hereinafter referred to as "subject products") imported from various countries.

On 4 August 2017, the Ministry of Industry and Trade issued the Decision No. 3044/QD-BCT on the application of provisional safeguard measures on subject products imported from various countries.

2. Subject product

The fertilizers under the investigation included: DAP and MAP containing substantial elements of Nitrogen and Phosphorus with minimum content of 7% Nitrogen and 30% Phosphorus.

Certain DAP and MAP products under HS Code: 3105.10.20; 3105.10.90; 3105.20.00; 3105.30.00; 3105.40.00; 3105.51.00; 3105.59.00; 3105.90.00.

Fertilizers are excluded from scope of subject products having one of the elements as follows: N < 7%; P₂O₅ < 30%; K₂O > 3%.

3. Safeguard measures applied

The Ministry of Industry and Trade shall apply safeguard measure in the form of additional import duty on subject products imported into Viet Nam as follows:

Effective period	Safeguard duties
19/08/2017–06/03/2018	VND 1.128.531 per ton
07/03/2018–06/03/2019	VND 1.128.531 per ton
07/03/2019–06/03/2020	VND 1.072.104 per ton

4. Countries or origin of products under investigation subject to safeguard measure

Safeguard measure is applied to imported products from all countries under investigation, except for countries excluded from the investigation in accordance with the regulation on negligible volume of imports (Article 13 of Decree 150/2003/ND-CP of 8 December 2003 detailing regulations for implementation of Ordinance on safeguards on imports of foreign goods into Viet Nam). Please see the list of countries excluded from the investigation in the Appendix below.

5. Effective date of the safeguard measures

Safeguard measures will take effect from **7 March 2018**.

6. Basis for application of the safeguard measures

Based on the information provided by interested parties, the Investigating Authority determines as follows:

- The volume of subject products imported into Viet Nam increased in both relative and absolute terms.
- There is a price depression and price suppression of subject products against the like products produced domestically.
- The domestic industry has suffered serious injury in terms of: output, capacity, turnover, utilization capacity, profit, market share, inventories, labor and the volume of domestic sales in the period of 2013–2016.
- The domestic industry has faced with negative equity and may have to stop production if the loss continues in 2017.
- The increase of import of subject products has caused serious injury to the domestic industry.

7. Further information

Information on the decision to apply safeguard measures on subject products is accessible at the website of the Ministry of Industry and Trade (<http://www.moit.gov.vn>) and Trade Remedies Authority of Viet Nam (<http://www.pvtm.gov.vn>).

Further information and comments should be sent to:

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Trade Remedies Authority of Viet Nam - Ministry of Industry and Trade
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APPENDIX
LIST OF COUNTRIES EXCLUDED FROM THE INVESTIGATION

1. Sub-Sahara Africa

Angola	Madagascar	Nigeria
Benin	Malawi	Rwanda
Botswana	Mali	Sao Tome and Principe
Burkina Faso	Mauritania	Senegal
Burundi	Mauritius	Sierra Leone
Cabo Verde	Mozambique	Somalia
Cameroon	Namibia	South Africa
Central African Republic	Niger	South Sudan
Chad	Gabon	Sudan
Comoros	Gambia, The	Swaziland
Congo, Dem. Rep.	Ghana	Tanzania
Congo, Rep.	Guinea	Togo
Cote d'Ivoire	Guinea-Bissau	Uganda
Eritrea	Kenya	Zambia
Ethiopia	Lesotho	Zimbabwe
	Liberia	

2. Asia Pacific

American Samoa	Myanmar
Cambodia	Palau
Fiji	Papua New Guinea
Indonesia	Philippines
Kiribati	Samoa
Korea, Dem. Rep.	Solomon Islands
Lao PDR	Thailand
Malaysia	Timor-Leste
Marshall Islands	Tonga
Micronesia, Fed. Sts.	Tuvalu
Mongolia	Vanuatu

3. Europe and Central Asia

Albania	Macedonia, FYR
Armenia	Moldova
Azerbaijan	Montenegro
Belarus	Romania
Bosnia and Herzegovina	Serbia
Bulgaria	Tajikistan
Georgia	Turkey
Kazakhstan	Turkmenistan
Kosovo	Ukraine
Kyrgyz Republic	Uzbekistan

4. Latin America and Caribbean

Belize	Guyana
Bolivia	Haiti
Brazil	Honduras
Colombia	Jamaica
Costa Rica	Mexico
Cuba	Nicaragua
Dominica	Panama
Dominican Republic	Paraguay
Ecuador	Peru
El Salvador	St. Lucia
Grenada	St. Vincent and the Grenadines
Guatemala	Suriname

5. Middle East and North Africa

Algeria	Libya
Djibouti	Morocco
Egypt, Arab Rep.	Syrian Arab Republic
Iran, Islamic Rep.	Tunisia
Iraq	West Bank and Gaza
Jordan	Yemen, Rep.
Lebanon	

6. South Asia

Afghanistan	Maldives
Bangladesh	Nepal
Bhutan	Pakistan
India	Sri Lanka