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Committee on Safeguards

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

UNITED STATES

*Fine Denier Polyester Staple Fiber*

*Supplement*

The following communication, dated and received on 30 August 2024, is being circulated at the request of the delegation of the United States.

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Pursuant to Article 12.1(b) of the WTO Agreement on Safeguards (Safeguards Agreement), the United States is supplementing its earlier notification<sup>1</sup> regarding the determination of the U.S. International Trade Commission (ITC) with respect to serious injury, or threat thereof, to the domestic industry caused by increased imports.

**1. Provide evidence, citing relevant data and the applicable period of investigation of serious injury or threat thereof caused by increased imports.**

As previously notified, on July 9, 2024, the ITC determined that fine denier polyester staple fiber is being imported in such increased quantities as to be a substantial cause of serious injury to the domestic industry.

The ITC forwarded its report to the President on August 26, 2024. The report contains: the ITC's injury determination, remedy recommendations, and certain additional findings; the basis for the ITC's injury determination, remedy recommendations, and findings; and a compilation of the factual information obtained by the ITC in its investigation (ITC Report). The United States has attached a copy of the ITC's report, excluding confidential business information, to this notification<sup>2</sup>. The ITC Report can also be downloaded from the ITC's website at: [https://usitc.gov/trade\\_remedy/publications/safeguard\\_pubs.htm](https://usitc.gov/trade_remedy/publications/safeguard_pubs.htm).

Consistent with Article 12.3 of the Safeguards Agreement, the United States is prepared to consult with those Members having a substantial interest as exporters of the product concerned, with a view to, inter alia, reviewing the information provided in this notification and the ITC Report, exchanging views on the measure proposed, and reaching an understanding on ways to achieve the objective set out in Article 8.1 of the Safeguards Agreement. Such Members are also requested to provide a direct contact point so that the United States may inform them without delay of any developments regarding the subject of any consultations.

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<sup>1</sup> [G/SG/N/8/USA/11](https://www.wto.org/press/pr/2024/240811.htm).

<sup>2</sup> A copy of the ITC Report is available electronically. To consult this document, please contact Ms Anne Richards ([anne.richards@wto.org](mailto:anne.richards@wto.org)) of the Rules Division.

The ITC's analysis of serious injury to the domestic industry producing the products concerned appears on pages 5-61 of the ITC Report, and its analysis of causation by increased imports appears on pages 19-61 of the ITC Report.

**2. Provide information on whether there is an absolute increase in imports or an increase in imports relative to domestic production.**

The ITC's findings regarding increased imports appear on pages 17-19 of the ITC Report.

**3. Provide precise description of the product involved.**

The products covered by the ITC's serious injury determination can be found in the 12 July 2024 notification, and are also described on pages 9-10 of the ITC Report.

**4. If the final measure replaces a provisional measure, or if a final measure is extended, provide a written description of any part of the imported product that will no longer be subject to the measure and the Harmonized System numbers under which it enters at least at the 6-digit level, and at a sub-national level (e.g., 8-digit, 9-digit, or 10-digit level) if practicable.**

Not applicable.

**5. Provide precise description of the proposed measure.**

Under U.S. law, those Commissioners who make affirmative serious injury or threat of serious injury determinations also make recommendations to the President on actions that would address the serious injury, or threat, and be the most effective in facilitating the efforts of the domestic industry to make a positive adjustment to import competition.<sup>3</sup> A summary of the ITC's proposed measures appears on pages 1-4 of its report. More specific views of each Commissioner on the proposed remedy appear on pages 63-99 of the ITC Report.

**6. Provide proposed date of introduction of the measure.**

Under U.S. law, the President generally has 60 days from receipt of an ITC report containing an affirmative determination of serious injury, or threat thereof, to determine what safeguard action, if any, he will take. If the President requests additional information from the ITC, that period may be extended by up to 15 days. Any action proclaimed by the President generally must take effect no later than 15 days after the President proclaims it.

As the President has not currently requested additional information from the ITC, he has until October 25, 2024 to determine what safeguard action, if any, he will take.

**7. Provide expected duration of the measure.**

See response to item 6 above.

**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.**

See response to item 6 above.

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

See response to item 6 above.

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<sup>3</sup> See 19 U.S.C. § 2252(e)(1) and (6).

**10. If the notification relates only to a finding of serious injury or threat thereof, and does not relate to a decision to apply or extend a safeguard measure:**

- (i) provide the deadline for interested parties to comment or any other procedures relevant to the decision to apply the measures, and**
- (ii) provide information regarding procedures for prior consultation with those Members having a substantial interest as exporters of the product concerned.**

Information regarding the procedures and relevant deadlines with regard to the investigation was provided in the notice of initiation. Members having a substantial interest as exporters of the product subject to these proceeding that wish to consult with the United States may make a request through the U.S. Mission in Geneva.

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