檔號　　保存年限

台灣醫療暨生技器材工業同業公會 收文 113.08.15 檔號：113428

經濟部國際貿易署　函

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受文者：台灣醫療暨生技器材工業同業公會

發文日期：中華民國113年8月13日
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附件：如文(1137024171-1.pdf、1137024171-2.pdf)

主旨：有關馬達加斯加擬對進口「尿布及衛生棉(Napkin (diapers) and sanitary towels)」實施防衛措施事，請查照並轉知會員廠商。

說明：

一、依據我常駐世界貿易組織代表團113年8月9日世貿字第1134340722號函辦理（如附件1，為利時效已先電郵貴會）。

二、馬達加斯加於112年10月26日公告展開旨案防衛調查（馬國海關稅則為96190000），並於本(113)年7月31日通知WTO防衛委員會（如附件2），鑒於調查結果顯示旨揭進口產品對其國內產業造成嚴重損害且非可預見，爰決定實施4年防衛措施（生效日將另公告），稅率為27%，並逐年調降至24%（如附件2第1.7段）。另我國未列入開發中國家豁免名單。

正本：台灣區造紙工業同業公會、臺灣區不織布工業同業公會、台灣醫療暨生技器材工業同業公會
副本：中華民國全國工業總會（含附件）、本署署長室、副署長室、雙邊貿易二組、中華民國常駐世界貿易組織代表團、駐南非代表處經濟組

署長 江文若

檔　　號:
保存年限:

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受文者：經濟部國際貿易署

發文日期：中華民國113年8月9日
發文字號：世貿字第1134340722號
速別：速件
密等及解密條件或保密期限：
附件：Madagascar-Napkins and Sanitary Towels 1件（1723202510_Madagascar-Napkins、and、Sanitary、Towels.pdf）

主旨：馬達加斯加通知世貿組織（WTO）針對「尿布及衛生棉」（Napkin (diapers) and sanitary towels）實施防衛措施（如附件，文件代號G/SG/N/8/MDG/12），敬請查照。

說明：

一、查馬國在上（2023）年10月26日針對旨揭產品展開防衛調查，WTO秘書處則在同年10月30日公布馬國展開調查之通知。

二、根據秘書處本（8）月8日公布之旨揭通知（通知載記之日期是本月2日），馬國將以進口產品到岸價格（c.i.f. value）為準、加徵27%額外從價稅（additional ad valorem duty）之方式，實施為期4年之防衛措施；開始實施日期為本通知公布之日期。受本案措施限制之產品名稱及馬國之稅則號列，請參見通知之第2.2節。依防衛協定第

7條第4項，有關本措施在實施期間內逐步調降稅率以自由化之降稅表，請參見通知第1.7節之降稅表。根據通知之第2.3節，我國並未列入豁免本措施之開發中會員名單。

三、馬國另依防衛協定第12條第3項，提供與在本案具有實質出口利益會員諮商之機會。諮商之請求應向通知第1.9節所示之連絡窗口提出。

正本：經濟部國際貿易署
副本：行政院經貿談判辦公室、外交部、駐南非代表處經濟組(均含附件)

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WORLD TRADE ORGANIZATION

G/SG/N/8/MDG/12
G/SG/N/10/MDG/12
G/SG/N/11/MDG/11/Suppl.3

2 August 2024

(24-5538)

Committee on Safeguards

Original: French

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

NOTIFICATION UNDER ARTICLE 12.1(C) OF THE AGREEMENT ON SAFEGUARDS

NOTIFICATION UNDER ARTICLE 9, FOOTNOTE 2, OF THE AGREEMENT ON SAFEGUARDS

MADAGASCAR

Napkins (diapers) and sanitary towels

Supplement

The following communication, dated and received on 31 July 2024, is being circulated at the request of the delegation of Madagascar.

In accordance with Articles 12.1(b) and 12.1(c) of the Agreement on Safeguards, Madagascar hereby notifies the Committee on Safeguards of a finding of serious injury or threat thereof caused by increased imports, and of the decision to apply a safeguard measure to imports of napkins (diapers) and sanitary towels entering Madagascar. Madagascar also wishes to notify the Committee, under Article 9, footnote 2, of the Agreement, of its decision not to apply the proposed safeguard measure to imports from developing countries.

1 NOTIFICATION, UNDER ARTICLES 12.1(B) AND 12.1(C) OF THE AGREEMENT ON SAFEGUARDS, OF A FINDING OF SERIOUS INJURY OR THREAT THEREOF CAUSED BY INCREASED IMPORTS, AND OF THE DECISION TO APPLY A SAFEGUARD MEASURE

1.1 Evidence of serious injury or threat thereof caused by increased imports

A. INCREASE IN IMPORTS

i. Unforeseen developments

Madagascar was unable to foresee the increase in imports of napkins (diapers) and sanitary towels because of the following factors, most notably the increased production of disposable baby napkins (diapers) in the main exporting countries, including China. This country has recently expanded its production capacity following the phasing out of its one-child policy. While this has enhanced China's export performance, European countries, the main importers, have seen a drop in demand owing to a fall in their birth rates. China has therefore set out to conquer other markets such as African countries, in order to sell a large part of its production.

Regarding sanitary towels, the change in consumption habits in developed countries, which are now much more demanding and oriented towards organic products, has led to a slowdown in the growth of the world's sanitary towel market, unlike the market in Madagascar where imports have increased significantly.

ii. Absolute change in imports

The volume of imports of napkins (diapers) and sanitary towels trended upward during the period of investigation from August 2020 to July 2023. It rose from 3,486 tonnes to 4,263 tonnes, an increase of 22 index points in only three years. An additional increase of 3 index points was recorded for the last six months of 2023.

iii. Change in imports relative to domestic production

Relative to domestic production, the increase in imports of napkins (diapers) and sanitary towels was sharp, sudden and continuous throughout the period under consideration. A relative increase in imports in the order of 52 index points was recorded between the beginning and end of the investigation period.

B. SERIOUS INJURY

An analysis of all relevant indicators made it possible to demonstrate the injury suffered by the domestic industry that was caused by increased imports. All the relevant indicators were analysed as outlined below.

i. Rate of increase in imports

The high rate of increase in imports in both absolute and relative terms - in the order of 22 and 52 index points respectively - has severely disrupted the development of the domestic industry. This concerns both the old producer and the new producer, who has experienced start-up difficulties.

ii. Share of the domestic market taken by imports

Unlike that of the domestic industry, the share taken by imports rose steadily during the investigation period. Imports increased by 8 and 11 index points respectively in terms of market share in the second and third year of the investigation period compared to the base year. This trend continued until December 2023.

iii. Domestic production

The domestic industry saw its production volume fall during the three years of the investigation period. It fell successively by 12 and 19 index points in the second and third year of the investigation period.

iv. Sales

The total volume of sales decreased during the period under consideration. Consequently, a fall of 10 index points was recorded between the first two years. The situation worsened in the last year, as the decline in sales was in the order of 17 index points compared to the base year. From August to December 2023, the volume of sales remained stable compared to the same period in 2022.

v. Production capacity utilization rate

The domestic industry is finding it difficult to exploit its production capacity fully. In relation to the change in the volume of production, the capacity utilization rate decreased by a total of 39 index points during the three years of the investigation period. Only after a new producer entered the market, did the domestic industry see an improvement in the production capacity utilization rate.

vi. Employment and productivity

Employment remained stable in the domestic industry for the first two years of the period under consideration. However, in the third year and the last five months of 2023, it increased by 31 and 4 index points respectively owing to the arrival of a new producer.

Meanwhile, productivity was down 38 index points over the first three years because of the decline in the total volume of production.

vii. Inventory

The inventory grew by 68 index points between the first two years and 115 index points throughout the period under consideration. This increase was particularly marked during the last five months of 2023 and amounted to 238 index points compared to the same period the year before. This points to the domestic industry's difficulties in selling its production in the face of increased imports.

viii. Profitability

During the first three years, the domestic industry recorded a decline in the profitability of its activities in the order of 48 index points. This situation continued between August and December 2023.

C. CAUSAL LINK

i. Effects of increased imports

Year	August 2020 - July 2021	August 2021 - July 2022	August 2022 - July 2023	August - December 2022	August - December 2023
Imports	100	105	122	100	103
Consumption	100	97	103	100	102
Production	100	88	81	100	101
Sales	100	90	83	100	101
Production capacity utilization rate	100	88	61	100	237
Market share of imports	100	108	119	100	101
Market share of the industry	100	92	81	100	99
Productivity	100	88	62	100	228
Inventory	100	168	215	100	338
Performance	100	73	52	100	79

As shown by the above table, imports of napkins (diapers) and sanitary towels noticeably, significantly and sharply increased. This coincides with the impairment of the domestic industry's economic indicators, in particular its production, sales, market share, production capacity utilization rate and profitability. The upsurge in imports resulted in the subsequent absorption of market share, leading to an increase in inventories and a drop in the domestic industry's sales and profits. The domestic industry has therefore been forced to reduce its production, resulting in a decrease in its production capacity utilization rate as well as its productivity.

ii. Effects of other causal factors

- **Contraction in demand**

Domestic consumption of napkins (diapers) and sanitary towels remained more or less stable during the investigation period. Between the first two years, domestic consumption fell by 3 index points, while in the third year it increased by 6 index points compared to the previous year. During the last five months of 2023, it increased by 2 index points compared to the same period in the previous year, but only imports benefited from this increase. Contraction in demand can therefore be ruled out as an injury factor.

- **Domestic competition**

The domestic industry is unable to exploit its production capacity fully. Despite the increase in domestic consumption, domestic production does not cover half of the domestic demand. Therefore, domestic competition cannot be considered an injury factor.

- **Technology used**

The domestic industry has cutting-edge machinery and technological tools that conform to international quality standards for the manufacture of napkins (diapers) and sanitary towels. Therefore, this factor cannot be considered a cause of the injury that is weakening the industry.

- **Export performance**

The napkins (diapers) and sanitary towels produced by the domestic industry are intended for the domestic market. Poor export performance cannot therefore be considered the cause of the injury.

In light of the foregoing, the Authority concluded that the overall and significant impairment of all the economic indicators of the domestic industry producing like and directly competitive products to "napkins (diapers) and sanitary towels" during the period under consideration is indeed due to the increase in imports of that product into Madagascar. As a result, none of the other factors analysed have any connection with the serious injury caused to the domestic industry.

1.2 Precise description of the product involved

Napkins (diapers) and sanitary towels imported into Madagascar under Harmonized System code 96190000 of the Madagascar customs tariff, which reads: "Sanitary towels (pads) and tampons, napkins (diapers), napkin liners and similar articles".

1.3 Precise description of the proposed measure

The definitive safeguard measure will take the form of an additional *ad valorem* duty of 27% of the c.i.f. value.

1.4 Proposed date of introduction of the measure

The definitive safeguard measure will enter into force on the date of publication of the related notice.

1.5 Expected duration of the measure

The duration of the definitive safeguard measure is four years.

1.6 Proposed date for the review (under Article 7.4)

The review, under Article 7.4 of the Agreement on Safeguards, will be held not later than the mid-term of the definitive measure.

1.7 Expected timetable for progressive liberalization of the measure

Period	Additional duty
2024-2025	27%
2025-2026	26%
2026-2027	25%
2027-2028	24%

1.8 Adjustment plan

The domestic industry producing napkins (diapers) and sanitary towels has provided an adjustment plan outlining the steps it will take during the safeguard application period to improve its situation.

The plan focuses primarily on optimizing the use of production capacity, developing new product lines and increasing staffing levels.

1.9 Date of prior consultations with those Members having a substantial interest as exporters of the goods

In accordance with Article 12.3 of the WTO Agreement on Safeguards, Madagascar is prepared to hold consultations with those Members having a substantial interest as exporters of the product concerned.

Requests for consultations should be sent to the Director-General of the ANMCC at the following email address: dg.anmcc@gmail.com; dg@anmcc.mg

2 NOTIFICATION, UNDER ARTICLE 9, FOOTNOTE 2, OF THE AGREEMENT ON SAFEGUARDS, OF NON-APPLICATION OF A SAFEGUARD MEASURE TO DEVELOPING COUNTRIES

2.1 Description of the measure

The definitive safeguard measure will take the form of an additional ad valorem duty of 27% of the c.i.f. value.

2.2 Products subject to the measure

Napkins (diapers) and sanitary towels imported into Madagascar under Harmonized System code 96190000 of the Madagascar customs tariff, which reads: "Sanitary towels (pads) and tampons, napkins (diapers), napkin liners and similar articles".

2.3 Developing countries to which the measure is not applied under Article 9.1 of the Agreement on Safeguards

Afghanistan; Albania; Angola; Antigua and Barbuda; Argentina, Armenia; Bahrain, Kingdom of; Bangladesh; Barbados; Belize; Benin; Bolivia, Plurinational State of; Botswana; Brazil; Brunei Darussalam; Burkina Faso; Burundi; Cabo Verde; Cambodia; Cameroon; Central African Republic; Chad; Chile; Colombia; Congo; Costa Rica; Côte d'Ivoire; Cuba; Democratic Republic of the Congo; Djibouti; Dominica; Dominican Republic; Ecuador; El Salvador; Eswatini; Fiji; Gabon; Gambia; Georgia; Ghana; Grenada; Guatemala; Guinea; Guinea-Bissau; Guyana; Haiti; Honduras; India; Indonesia; Israel; Jamaica; Jordan; Kazakhstan; Kenya; Kuwait, State of; Kyrgyz Republic; Lao People's Democratic Republic; Lesotho; Liberia; Malawi; Malaysia; Maldives; Mali; Mauritania; Mauritius; Mexico; Moldova, Republic of; Mongolia; Montenegro; Morocco; Mozambique; Myanmar; Namibia; Nepal; North Macedonia; Nicaragua; Niger; Oman; Pakistan; Panama; Papua New Guinea; Paraguay; Peru; Philippines; Qatar; Rwanda; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Samoa; Saudi Arabia, Kingdom of; Senegal; Seychelles; Sierra Leone; Singapore; Solomon Islands; South Africa; Sri Lanka; Suriname; Tajikistan; Thailand; Togo; Tonga; Trinidad and Tobago; Tunisia; Uganda; Ukraine; United Arab Emirates; Uruguay; Vanuatu; Venezuela, Bolivarian Republic of; Viet Nam; Yemen; Zambia; Zimbabwe.

2.4 Further information

Information on the decision to apply the definitive safeguard measure to the products concerned may be obtained from:

Monsieur Le Directeur Général de l'ANMCC
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Email: dg.anmcc@gmail.com/ dg@anmcc.mg
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