

DRAFT
Subject to Legal Review for Accuracy, Clarity and Consistency
February 27, 2004
Guatemala
Annex 3.14
Special Agricultural Safeguard

General Notes

For the goods listed in this Annex for which the agricultural safeguard trigger volume is based on a percentage of the applicable tariff-rate quota (TRQ), the trigger volume in any year shall be based on the TRQ volume for that year as set forth in Annex 3.3. For the goods listed in this Annex for which the agricultural safeguard trigger volume is based on a fixed initial trigger level with a yearly growth rate, the yearly growth rate shall be calculated, starting in year one, as a simple growth rate calculated as a percentage of the initial trigger level.

Central American Product List

1. For the **dairy products** listed below in **tables 8 and 9**, an agricultural safeguard measure in the form of an additional duty under Article 3.14 of the Agreement shall be set according to the following schedule:
 - (a) for years one through 14, a Party may impose an additional duty of less than or equal to 100 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
 - (b) for years 15 through 17, a Party may impose an additional duty of less than or equal to 75 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
 - (c) for years 18 and 19, a Party may impose an additional duty of less than or equal to 50 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good;.

2. For the **poultry and rice (rough and milled)** listed below, an agricultural safeguard measure in the form of an additional duty under Article 3.14 of the Agreement shall be set according to the following schedule:
 - (a) for years 1 through 13, a Party may impose an additional duty of less than or equal to 100 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
 - (b) for years 14 and 15, a Party may impose an additional duty of less than or equal to 75 percent of the difference between the appropriate MFN rate as

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determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and

- (c) for years 16 and 17, a Party may impose an additional duty of less than or equal to 50 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good;

3. For the **pork, fresh potatoes, and vegetable oil** subject to duty elimination of category **D** listed below, an agricultural safeguard measure in the form of an additional duty under Article 3.14 of the Agreement shall be set according to the following schedule:

- (a) for years one through 5, a Party may impose an additional duty of less than or equal to 100 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
- (b) for years 6 and 10, a Party may impose an additional duty of less than or equal to 75 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
- (a) for years 11 and 14, a Party may impose an additional duty of less than or equal to 50 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good.

4. For the **whole beans** listed below, an agricultural safeguard measure in the form of an additional duty under Article 3.14 of the Agreement shall be set according to the following schedule:

- (a) for years one through 9, a Party may impose an additional duty of less than or equal to 100 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
- (b) for years 10 through 12, a Party may impose an additional duty of less than or equal to 75 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
- (a)b for years 13 and 14, a Party may impose an additional duty of less than or equal to 50 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good.

5. For the **pimientos, onions, tomatoes, vegetable oil and other dairy products**

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subject to duty elimination of category **C** listed below, an agricultural safeguard measure in the form of an additional duty under Article 3.14 of the Agreement shall be set according to the following schedule:

- (a) for years one through 4, a Party may impose an additional duty of less than or equal to 100 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
- (b) for years 5 through 7, a Party may impose an additional duty of less than or equal to 75 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good; and
- (a)c for years 8 and 9, a Party may impose an additional duty of less than or equal to 50 percent of the difference between the appropriate MFN rate as determined under Article 3.14.1 and the applicable tariff rate in the Party's Schedule to Annex 3.3 on the agricultural good.

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6. Annual Trigger Levels Charts

GUATEMALA

Poultry	02071399,	130% of
Dairy	04061000,	130% of
Pork	02031100,	130% of
Rough Rice	10061090	110% of
Milled Rice	10062000,	110% of
Beans	07133310 (whole	50,600 MT
		25MT
		150MT
		340MT

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7. Poultry

SAC 02071399, 02071499, 16023200

Only “leg quarters” (“cuartiles”) count toward the trigger quantity.

Year	Trigger Quantity (MT)	Safeguard Tariff
1	28,353	164.4
2	28,353	164.4
3	26,642	164.4
4	24,933	164.4
5	23,222	164.4
6	21,512	164.4
7	19,802	164.4
8	18,092	164.4
9	16,381	164.4
10	14,671	164.4
11	12,961	164.4
12	11,250	164.4
13	TBD	164.4
14	TBD	150.7
15	TBD	143.9
16	TBD	109.6
17	TBD	95.9
18	N/A	N/A

8. Dairy Trigger Quantity (MT) of headings

Year	Milk Powder 04021000, 040221, 04022900, 040390	Butter 04051000, 0405200, 040590, 04013000	Cheese 04061000, 04062090, 04063000, 04069010, 04069020, 04069090	Ice Cream 21050000
1	520	130	585	208

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2	546	137	614	218
3	573	143	645	229
4	602	150	677	241
5	632	158	711	253
6	664	166	747	265
7	697	174	784	279
8	732	183	823	293
9	768	192	864	307
10	807	202	908	323
11	847	212	953	339
12	889	222	1,001	356
13	934	233	1,051	374
14	981	245	1,103	392
15	1,030	257	1,158	412
16	1,081	270	1,216	432
17	1,135	284	1,277	454
18	1,192	298	1,341	477
19	1,251	313	1,408	501
20	N/A	N/A	N/A	N/A

9. Dairy Safeguard Tariff

	Milk Powder	Butter	Cheese	Ice Cream
	04021000, 040221, 04022900, 040390	04051000, 04052000, 04059090, 04013000	04061000, 04062090, 04063000, 04069010, 04069020, 04069090	21050000
Tariff:	15	15	15	15
Year 1	15	15	15	15

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2	15	15	15	15
3	15	15	15	15
4	15	15	15	15
5	15	15	15	15
6	15	15	15	15
7	15	15	15	15
8	15	15	15	15
9	15	15	15	15
10	15	15	15	15
11	15	15	15	15
12	15	15	15	15
13	15	15	15	15
14	15	15	15	15
15	13.1	13.1	13.1	13.1
16	12.8	12.8	12.8	12.8
17	12.4	12.4	12.4	12.4
18	9.0	9.0	9.0	9.0
19	8.3	8.3	8.3	8.3
20	N/A	N/A	N/A	N/A

10. Pork

SAC 02031100, 02031200, 02031900, 02032100, 02032200, 02032900

Year	Trigger Quantity (MT)	Safeguard Tariff
1	5,392	15.0
2	5,649	15.0
3	5,905	15.0
4	6,162	15.0
5	6,419	15.0

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6	6,676	13.5
7	6,932	13.3
8	7,189	13.0
9	7,446	12.8
10	7,703	12.5
11	7,959	9.5
12	8,216	9.0
13	8,473	8.5
14	8,730	8.0
15	N/A	N/A

11. Rough Rice

SAC 10061090

Year	Trigger Quantity (MT)	Safeguard Tariff
1	60,060	29.2
2	62,920	29.2
3	65,780	29.2
4	68,640	29.2
5	71,500	29.2
6	74,360	29.2
7	77,220	29.2
8	80,080	29.2
9	82,940	29.2
10	85,800	29.2
11	88,660	29.2
12	91,520	29.2
13	94,380	29.2
14	97,240	26.8
15	100,100	25.6
16	102,960	19.5
17	105,820	17.0
18	N/A	N/A

12. Milled Rice

SAC 10062000, 10063010, 10063090, 10064000

Year	Trigger Quantity (MT)	Safeguard Tariff
1	11,550	29.2
2	12,100	29.2
3	12,650	29.2
4	13,200	29.2
5	13,750	29.2

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6	14,300	29.2
7	14,850	29.2
8	15,400	29.2
9	15,950	29.2
10	16,500	29.2
11	17,050	29.2
12	17,600	29.2
13	18,150	29.2
14	18,700	26.8
15	19,250	25.6
16	19,800	19.5
17	20,350	17.0
18	N/A	N/A

13. Beans

SAC 07133310 (whole beans only)

Year	Trigger Quantity (MT)	Safeguard Tariff
1	58	20.0
2	60	20.0
3	63	20.0
4	65	20.0
5	68	20.0
6	70	20.0
7	73	20.0
8	75	20.0
9	78	20.0
10	80	18.4
11	83	18.0
12	85	17.3
13	88	13.0
14	90	11.5
15	N/A	N/A

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14. Fresh Potatoes

SAC 07019000

Year	Trigger Quantity (MT)	Safeguard Tariff
1	385	15.0
2	420	15.0
3	455	15.0
4	490	15.0
5	525	15.0
6	560	13.5
7	595	13.3
8	630	13.0
9	665	12.8
10	700	12.5
11	735	9.5
12	770	9.0
13	805	8.5
14	840	8.0
15	N/A	N/A

15. Vegetable Oils

SAC 15162090, 15162010, 15152900, 15122900, 15121900, 15079000

Year	Trigger Quantity (MT)	Safeguard Tariff 15162010	Safeguard Tariff 15162090	Safeguard Tariff 15079000, 15121900, 15122900, 15152900,
1	2,730	15.0	10.0	15.0
2	2,860	15.0	10.0	15.0
3	2,990	15.0	10.0	15.0
4	3,120	15.0	10.0	15.0
5	3,250	13.1	8.8	15.0
6	3,380	12.8	8.5	13.5

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7	3,510	12.4	8.3	13.3
8	3,640	9.0	6.0	13.0
9	3,770	8.3	5.5	12.8
10	3,900	N/A	N/A	12.5
11	4,030	N/A	N/A	9.5
12	4,160	N/A	N/A	9.0
13	4,290	N/A	N/A	8.5
14	4,420	N/A	N/A	8.0
15	N/A	N/A		N/A

16. Pimientos

SAC 07096010

Year	Trigger Quantity (MT)	Safeguard Tariff
1	28	15.0
2	30	15.0
3	33	15.0
4	35	15.0
5	38	13.1
6	40	12.8
7	43	12.4
8	45	9.0
9	48	8.3

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10	N/A	N/A
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17. Onions

SAC 07031012

Year	Trigger Quantity (MT)	Safeguard Tariff
1	70	15.0
2	77	15.0
3	83	15.0
4	90	15.0
5	96	13.1
6	102	12.8
7	109	12.4
8	115	9.0
9	122	8.3
10	N/A	N/A

18. Tomatoes

SAC 07020000

Year	Trigger Quantity (MT)	Safeguard Tariff
1	165	15.0
2	180	15.0
3	195	15.0
4	210	15.0
5	225	13.1
6	240	12.8
7	255	12.4
8	270	9.0
9	285	8.3
10	N/A	N/A

19. Other Dairy Products

SAC 22029090

Year	Trigger Quantity (MT)	Safeguard Tariff
1	182	15.0
2	191	15.0

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3	201	15.0
4	211	15.0
5	221	13.1
6	232	12.8
7	244	12.4
8	256	9.0
9	269	8.3
10	N/A	N/A