

**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT ON SAFEGUARDS
ON INITIATION OF AN INVESTIGATION
AND THE REASONS FOR IT**

MADAGASCAR

Unfermented fruit juices and nectars, and non-alcoholic fruit-flavoured beverages

The following communication, dated and received on 17 April 2026, is being circulated at the request of the delegation of Madagascar.

In accordance with Article 12.1(a) of the Agreement on Safeguards, Madagascar hereby notifies the Committee on Safeguards of the initiation of a safeguard investigation concerning imports of unfermented fruit juices and nectars, and non-alcoholic fruit-flavoured beverages.

1. Specify the date when the investigation was initiated

15 April 2026.

2. Provide the precise description of the product involved

Unfermented fruit juices and nectars, and non-alcoholic fruit-flavoured beverages

HS code(s): 2009, 21069030, 21069040, 21069092, 22021020 and 22029900.

3. Provide the reasons for the initiation of investigation, for example:

(i) Was the investigation initiated pursuant to a petition from the domestic industry?

(ii) Evidence on the basis of which the investigation was initiated.

(iii) Evidence, if any, of critical circumstances where delay would cause damage which it would be difficult to repair.

The evidence before the ANMCC, concerning the existence of increased imports, serious injury to the domestic industry that produces like or directly competitive products, and a causal link, justifies the initiation of the investigation.

1.1 INCREASE IN IMPORTS

(i) Unforeseen developments

The increase in imports of the product concerned stems from unforeseen developments, within the meaning of the Agreement on Safeguards, related most notably to the implementation of government support policies in certain exporting countries, particularly within the framework of the European Union's Common Agricultural Policy, and to the existence of significant structural advantages in terms of costs and productive capacities. These factors, combined with foreign producers' rapid adjustment to changes in consumer preferences, led to a substantial increase in imports under heightened conditions of competition, which the domestic industry was not in a position to foresee or counter. Under these conditions, this development constitutes an unforeseen circumstance that contributed to the serious injury found, thereby justifying the initiation of a safeguard investigation in accordance with the relevant provisions of the Agreement on Safeguards.

(ii) Absolute change in imports

Imports of the product concerned increased significantly during the period under review. They increased gradually in relation to the base year 2022, rising by 9 index points in 2023 and 15 index points in 2024. Although a slight decrease of 4 points was recorded between 2024 and 2025, the level remained above the base year.

(iii) Relative change in imports

In relative terms, compared to domestic production, imports of unfermented fruit juices and nectars, and non-alcoholic fruit-flavoured beverages increased considerably throughout the period under review. In relation to 2022, this increase was in the order of 13 points in 2023, 40 points in 2024, and 56 index points in 2025.

1.2 SERIOUS INJURY

(i) Production

Domestic production declined steadily throughout the period under review in the face of the effects of increased imports. In relation to the base year, domestic production fell by 3 index points in 2023, 18 index points in 2024, and 29 index points in 2025.

(ii) Sales and market share

(a) Sales volume

Like the volume of production, the domestic industry's sales continued to decline throughout the period under review. In relation to the base year, they fell by approximately 4 index points in 2023, 20 index points in 2024, and 31 index points in 2025.

(b) Market share taken by imports

The market share of imports increased during the period under review. In relation to 2022, this share grew by 6 index points in 2023, 16 index points in 2024, and 20 index points in 2025. The share held by domestic producers, however, steadily decreased, falling by 7 index points in 2023, 20 index points in 2024, and 25 index points in 2025.

(iii) Employment and productivity

Employment in the domestic industry generally remained stable during the investigation period. However, owing to the drop in production volume, productivity steadily declined, falling by 2 index points in 2023, 18 index points in 2024, and 27 index points in 2025, in relation to 2022.

(iv) Production capacity utilization

Despite fairly stable production capacity, the utilization rate remained low and continued to fall during the period under review. The rate thus saw a steady decline of 3 index points in 2023, 12 index points in 2024, and 24 index points in 2025, in relation to the base year.

(v) Performance

The domestic industry's performance worsened considerably during the period under review. In relation to the base year, a decrease of 15 index points was recorded in 2023, while decreases of 44 index points and 45 index points were recorded in 2024 and 2025, respectively.

1.3 CAUSAL LINK

(i) Effects of increased imports

Increased imports resulted in a direct crowding-out effect, capturing 20 points in terms of market share to the detriment of domestic producers who saw their share fall by 25 points between 2022 and 2025. This commercial pressure led to a steady decline in domestic production and sales, thereby worsening productivity and capacity utilization. As a result,

the domestic industry suffered major financial injury, with its performance plunging by 45 index points over the period under review.

(ii) Other serious injury factors

(a) Domestic competition

The injury suffered by the domestic industry does not stem from local competition, the supply and customer base of which remain distinct, but finds its direct source in the rise in imports.

(b) Contraction in demand

The analysis discounts any impact of a drop in consumption, since the stability of demand stands in contrast with the sharp fall in the sales of local producers. The injury suffered does not therefore derive from a global economic crisis, but from a forced substitution.

(c) Technology used and quality of the product concerned

The analysis confirms that the imported and local products are fully interchangeable, emphasizing that the injury suffered is not caused by a deficit in technical competitiveness. The lack of any technological or qualitative distinction between the imported and local beverages shows that the products are perfectly substitutable. For this reason, neither the technology used nor the quality of the products concerned can be considered a source of injury.

4. Provide a point of contact for the investigation and identify the preferred means for corresponding.

The point of contact would be available to respond to enquiries relating to the procedures applicable to the investigation.

Monsieur Le Directeur Général de l'ANMCC

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5. Provide the deadlines and procedures for importers, exporters and other interested parties to present evidence and their views, including

- (i) deadlines and procedures for Members and exporters to identify themselves as interested parties, if so required, to participate in the investigation and**
- (ii) the date of an intended public hearing as provided for in Article 3.1. Note: At the time of the initiation, if the authority has not decided whether or not to hold such a hearing, or if the date of the hearing is undetermined, Members should indicate under this item how such information would be publicized. Members are not obliged to submit another notification simply due to the fact that the proposed date has subsequently been changed.**

Interested parties must make themselves known to the ANMCC, the investigating authority, within a period of 30 days following the initiation of the investigation, i.e. by 15 May 2026.

Any information or comments that interested parties may wish to submit, and requests for questionnaires, must be sent to the ANMCC by 15 May 2026.

The ANMCC may organize public hearings, either at the request of interested parties or *ex officio*, so as to enable interested parties to present evidence and, in particular, to have the opportunity to respond to the presentations of other parties and to make their views known, and to defend their interests.

Replies to the questionnaire and any other relevant information that the parties wish to submit must be sent to the ANMCC by 29 May 2026.

If the replies to the questionnaire and any additional information requested from the interested parties within the framework of this investigation are not provided within the specified time frame, decisions will be made on the basis of the best information available. This will also be the case if information is erroneous or incomplete.
