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## **1 ARTICLE X OF THE GENERAL AGREEMENT ON TRADE IN SERVICES**

### **1.1 Text of Article X**

#### **Article X**

##### *Emergency Safeguard Measures*

1. There shall be multilateral negotiations on the question of emergency safeguard measures based on the principle of non-discrimination. The results of such negotiations shall enter into effect on a date not later than three years from the date of entry into force of the WTO Agreement.
2. In the period before the entry into effect of the results of the negotiations referred to in paragraph 1, any Member may, notwithstanding the provisions of paragraph 1 of Article XXI, notify the Council on Trade in Services of its intention to modify or withdraw a specific commitment after a period of one year from the date on which the commitment enters into force; provided that the Member shows cause to the Council that the modification or withdrawal cannot await the lapse of the three-year period provided for in paragraph 1 of Article XXI.
3. The provisions of paragraph 2 shall cease to apply three years after the date of entry into force of the WTO Agreement.

### **1.2 Working Party on GATS Rules**

1. Negotiations on the question of emergency safeguard measures have been carried out in the Working Party on GATS Rules, established on 30 March 1995 by the Council for Trade in Services.<sup>1</sup> Members have extended the deadline referred to in Article X:1 on five occasions. The latest extension, contained in the Fifth Decision on Negotiations on Emergency Safeguard Measures adopted by the Council for Trade in Services on 15 March 2004, set no specific end-date:

- "1. The first sentence of paragraph 1 of Article X shall continue to apply.
2. Subject to the outcome of the mandate in paragraph 1, the results of such negotiations shall enter into effect on a date not later than the date of entry into force of the results of the current round of services negotiations.
3. Notwithstanding paragraph 3 of Article X, until the entry into effect of the results of the negotiations mandated under paragraph 1 of Article X, the provisions of paragraph 2 of that Article shall continue to apply."<sup>2</sup>

2. The Ministerial Declaration adopted at the sixth WTO Ministerial Conference held in Hong-Kong on 13-18 December 2005 stated that "Members must intensify their efforts to conclude the negotiations on rule-making under GATS Articles X, XIII, and XV in accordance with their respective mandates and timelines".<sup>3</sup>

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<sup>1</sup> At its second meeting, on 30 March 1995, the Council for Trade in Services decided to establish a Working Party to conduct the negotiations on safeguards, government procurement and subsidies stipulated in Articles X, XIII and XV of the GATS respectively. ([S/C/M/2](#), paras. 22-25).

<sup>2</sup> [S/L/159](#). The earlier extensions of the deadline referred to in Article X:1 of the GATS are found in documents [S/L/43](#), [S/L/73](#), [S/L/90](#) and [S/L/102](#).

<sup>3</sup> [WT/MIN\(05\)/DEC](#), Annex C "Services", para. 4.