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

### **1.1 Text of Article VIII**

#### ***Article VIII***

##### *Monopolies and Exclusive Services Suppliers*

1. Each Member shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Member's obligations under Article II and specific commitments.
2. Where a Member's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Member's specific commitments, the Member shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.
3. The Council for Trade in Services may, at the request of a Member which has a reason to believe that a monopoly supplier of a service of any other Member is acting in a manner inconsistent with paragraph 1 or 2, request the Member establishing, maintaining or authorizing such supplier to provide specific information concerning the relevant operations.
4. If, after the date of entry into force of the WTO Agreement, a Member grants monopoly rights regarding the supply of a service covered by its specific commitments, that Member shall notify the Council for Trade in Services no later than three months before the intended implementation of the grant of monopoly rights and the provisions of paragraphs 2, 3 and 4 of Article XXI shall apply.
5. The provisions of this Article shall also apply to cases of exclusive service suppliers, where a Member, formally or in effect, (a) authorizes or establishes a small number of service suppliers and (b) substantially prevents competition among those suppliers in its territory.

### **1.2 General**

#### **1.2.1 Electronic commerce**

1. With respect to the application of Article VIII to electronic commerce, see the Progress Report adopted by the Council for Trade in Services in the context of the Work Programme on Electronic Commerce on 19 July 1999.<sup>1</sup>

#### **1.2.2 Telecommunications**

2. Paragraph 5 of the Annex on Telecommunications relates to the access to and use of public telecommunications transport networks and services.

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<sup>1</sup> [S/L/74](#), paras. 12-13.

**1.3 Article VIII:4 Format for notifications**

3. With respect to the format for notifications under paragraph 4, see the Guidelines for Notifications under the General Agreement on Trade in Services.<sup>2</sup>

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<sup>2</sup> [S/L/5](#).