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## **1 ARTICLE 13 OF THE AGREEMENT ON SAFEGUARDS**

### **1.1 Text of Article 13**

#### ***Article 13***

##### *Surveillance*

1. A Committee on Safeguards is hereby established, under the authority of the Council for Trade in Goods, which shall be open to the participation of any Member indicating its wish to serve on it. The Committee will have the following functions:

- (a) to monitor, and report annually to the Council for Trade in Goods on, the general implementation of this Agreement and make recommendations towards its improvement;
- (b) to find, upon request of an affected Member, whether or not the procedural requirements of this Agreement have been complied with in connection with a safeguard measure, and report its findings to the Council for Trade in Goods;
- (c) to assist Members, if they so request, in their consultations under the provisions of this Agreement;
- (d) to examine measures covered by Article 10 and paragraph 1 of Article 11, monitor the phase-out of such measures and report as appropriate to the Council for Trade in Goods;
- (e) to review, at the request of the Member taking a safeguard measure, whether proposals to suspend concessions or other obligations are "substantially equivalent", and report as appropriate to the Council for Trade in Goods;
- (f) to receive and review all notifications provided for in this Agreement and report as appropriate to the Council for Trade in Goods; and
- (g) to perform any other function connected with this Agreement that the Council for Trade in Goods may determine.

2. To assist the Committee in carrying out its surveillance function, the Secretariat shall prepare annually a factual report on the operation of this Agreement based on notifications and other reliable information available to it.

## 1.2 Committee on Safeguards

### 1.2.1 Rules of Procedure

1. At its meeting of 22 May 1996, the Council for Trade in Goods approved the Rules of Procedure for meetings of the Committee on Safeguards<sup>1</sup>, consisting of the General Council's Rules of Procedure<sup>2</sup> applied *mutatis mutandis* with agreed modifications.

### 1.2.2 Observers

2. At its meeting of 24 February 1995, the Committee decided that observer governments should provide the Committee with any information that they consider relevant to matters within the purview of the Agreement on Safeguards, including the text of laws and regulations regarding safeguard measures and information regarding any safeguard measures taken by the observer governments.<sup>3</sup>

### 1.2.3 Reporting

3. The Committee reports annually to the Council for Trade in Goods.<sup>4</sup>

4. At its meeting of 24 February 1995, the Committee agreed that, to perform the task under Article 13.1(d) of the Agreement on Safeguards, Members would be asked to report at the end of each year on their progress in phasing out pre-existing Article XIX measures under Article 10 of the Agreement on Safeguards and measures subject to prohibition and elimination under Article 11.1 of the Agreement on Safeguards.<sup>5</sup> At its meeting of 9 November 2000, the Committee agreed that there was no longer any need to report further on this issue, as all pre-existing measures under Articles 10 and 11 had been eliminated by 1 January 2000.<sup>6</sup>

5. At its meeting of 6 November 1996, the Committee decided that, to comply with the provisions of paragraphs (b), (c), and (e) of Article 13.1 of the Agreement on Safeguards, under which the Committee has to provide assistance to Members upon request, the Committee would address these matters on an *ad hoc* basis. Specifically, the Committee would address these matters if and when a request in these matters were received, rather than attempt to establish a procedure in advance of any requests for assistance.<sup>7</sup>

6. Until now, there have been three requests made under Article 13.1(b) of the Agreement on Safeguards. The first request was submitted by India in 2011 concerning Türkiye's<sup>8</sup> safeguard measure on cotton yarn, and the second request was submitted by Colombia in the same year with regard to certain safeguard actions taken by Ecuador on windshields.<sup>9</sup> The Committee could not reach a consensus on how to draft the Committee's finding on these two requests. However, the Chairperson of the Committee submitted a factual report on her own responsibility to the Council of Trade in Goods in the latter case.<sup>10</sup> The third request was submitted by Ecuador in 2021 concerning Ukraine's safeguard investigation and measure on fresh cut roses.<sup>11</sup> Ecuador's request is currently under review by the Committee.

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<sup>1</sup> [G/C/M/10](#), section 1(iii). The text of the Rules of Procedure can be found in [G/SG/4](#).

<sup>2</sup> [WT/L/161](#).

<sup>3</sup> [G/SG/M/1](#), section F.

<sup>4</sup> [G/L/32](#) for 1995, [G/L/129](#) for 1996, [G/L/200](#) for 1997, [G/L/272](#) for 1998, [G/L/338](#) for 1999, [G/L/409](#) for 2000, [G/L/494](#) for 2001, [G/L/583](#) for 2002, [G/L/651](#) for 2003, [G/L/703](#) and [Corr.1](#) for 2004, [G/L/761](#) for 2005, [G/L/795](#) for 2006, [G/L/832](#) for 2007, [G/L/862](#) for 2008, [G/L/901](#) for 2009, [G/L/936](#) for 2010, [G/L/972](#) for 2011, [G/L/1009](#) and [Corr.1](#) for 2012, [G/L/1054](#) for 2013, [G/L/1087](#) for 2014, [G/L/1130](#) and [Corr.1](#) for 2015, [G/L/1155](#) and [Corr.1](#) for 2016, [G/L/1192](#) for 2017, [G/L/1275](#) for 2018, [G/L/1346](#) and [Corr.1](#) for 2019, [G/L/1367](#) for 2020, and [G/L/1417](#) for 2021.

<sup>5</sup> [G/SG/M/1](#), section J.

<sup>6</sup> [G/SG/M/16](#), para. 103.

<sup>7</sup> [G/SG/M/3](#), section E.

<sup>8</sup> Formerly "Turkey".

<sup>9</sup> [G/L/961 – G/SG/95](#) (request by India), and [G/L/957 – G/SG/93](#) (request by Colombia).

<sup>10</sup> [G/SG/100](#).

<sup>11</sup> [G/L/1388 – G/SG/255](#).

7. So far, two requests have been made under Article 13.1(e) of the Agreement on Safeguards. In 2018, Thailand submitted a request<sup>12</sup> asking the Committee to review whether the suspension of concessions or other obligations applied by Türkiye in relation to Thailand's safeguard measures on imports of non-alloy hot-rolled steel flat products was "substantially equivalent" as provided for in Article 8.2. The Committee did not reach a consensus on how to draft the Committee's finding on Thailand's request, and the Chairperson of the Committee submitted a factual report on his own responsibility to the Council of Trade in Goods.<sup>13</sup> In 2020, the European Union requested<sup>14</sup> the Committee on Safeguards to review whether the suspension of concessions or other obligations proposed by Türkiye in regard to the European Union's safeguard measures on certain steel imports is "substantially equivalent" as provided for in Article 8.2. The European Union's request is currently under review by the Committee.

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Current as of: December 2021

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<sup>12</sup> [G/L/1213/Rev.1](#) – [G/SG/158/Rev.1](#).

<sup>13</sup> [G/L/1276](#) – [G/SG/191](#).

<sup>14</sup> [G/L/1360](#) – [G/SG/246](#).