1 ARTICLE 13

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 on 22 May 1996, the Council for Trade in Goods approved the Rules of Procedure for meetings of the Committee on Safeguards\(^1\), consisting of the General Council’s Rules of Procedure\(^2\) applied mutatis mutandis with agreed modifications.

1.2.2 Observers

2. At its meeting on 24 February 1995, the Committee decided that observer governments should provide the Committee with any information the Observer government considers relevant to matters within the purview of the Agreement, including the text of laws and regulations regarding safeguard measures, and information regarding any safeguard measures taken by the observer government.\(^3\)

1.2.3 Reporting

3. The Committee reports annually to the Council for Trade in Goods.\(^4\)

4. At its meeting on 24 February 1995, the Committee agreed that, in order to perform the task under Article 13.1(d), 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 and measures subject to prohibition and elimination under Article 11.1 of the Agreement.\(^5\) 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.\(^6\)

5. At its meeting on 6 November 1996, the Committee decided that, in order to comply with the provisions of Articles 13.1 (b), (c) and (e), under which the Committee has to provide assistance to Members upon request, the Committee would address these matters on an ad hoc basis, if and when a request in these matters is received, rather than attempt to establish a procedure in advance of any requests for assistance.\(^7\)

6. Until now, there have been two requests made under Article 13.1(b). One was the request submitted by India in 2011 concerning Turkey’s safeguard measures on cotton yarn, and the other was submitted by Colombia in the same year with regard to certain safeguard actions taken by Ecuador on windshields.\(^8\) There was no consensus reached by the Committee on the findings requested under Article 13.1(b) by India and by Colombia. 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.\(^9\) In 2018 Thailand submitted a request\(^10\) under Article 13.1 (e) asking the Committee to review whether the suspension of concessions or other obligations applied by Turkey is “substantially equivalent” as provided for in Article 8.2. There was no consensus reached by the Committee 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.\(^11\)

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\(^1\) G/C/M/10, section 1(iii). The text of the Rules of Procedure can be found in G/SG/4.
\(^2\) WT/L/161.
\(^3\) G/SG/M/1, section F.
\(^4\) 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; and G/L/1275 for 2018.
\(^5\) G/SG/M/1, section J.
\(^6\) G/SG/M/16, para. 103.
\(^7\) G/SG/M/3, section E.
\(^8\) G/L/961 - G/SG/95 (request by India); and G/L/957 – G/SG/93 (request by Colombia).
\(^9\) G/SG/100.
\(^10\) G/L/1213/Rev.1 – G/SG/158/Rev.1.
\(^11\) G/L/1276 – G/SG/191.