

1 ARTICLE XIII..... **1**
 1.1 Text of Article XIII 1
 1.2 Invocations of Article XIII..... 1

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1.1 Text of Article XIII

Article XIII

*Non-Application of Multilateral
Trade Agreements between Particular Members*

1. This Agreement and the Multilateral Trade Agreements in Annexes 1 and 2 shall not apply as between any Member and any other Member if either of the Members, at the time either becomes a Member, does not consent to such application.
2. Paragraph 1 may be invoked between original Members of the WTO which were contracting parties to GATT 1947 only where Article XXXV of that Agreement had been invoked earlier and was effective as between those contracting parties at the time of entry into force for them of this Agreement.
3. Paragraph 1 shall apply between a Member and another Member which has acceded under Article XII only if the Member not consenting to the application has so notified the Ministerial Conference before the approval of the agreement on the terms of accession by the Ministerial Conference.
4. The Ministerial Conference may review the operation of this Article in particular cases at the request of any Member and make appropriate recommendations.
5. Non-application of a Plurilateral Trade Agreement between parties to that Agreement shall be governed by the provisions of that Agreement.

1.2 Invocations of Article XIII

1. Concerning GATT practice in respect of non-application of the GATT 1947, see the document on Article XXXV of the GATT 1947 (GATT Analytical Index, pages 1031-1038).
2. As of January 2017, Article XIII of the WTO Agreement has been invoked on 12 instances. Ten invocations were subsequently withdrawn, and two remain in force:

Invoked by	In respect of	Date of General Council decision on accession	Date of invocation	Date of Withdrawal
United States	Romania	N/A	WTO document dated 27 January 1995 indicates that the United States informed the Director-General on 30 December 1994 WT/L/11	Communication dated 20 February 1997 WT/L/203
United States	Mongolia	18 July 1996 WT/ACC/MNG/10	Communication dated 11 July 1996 WT/L/159	Communication dated 7 July 1999 WT/L/306

WTO ANALYTICAL INDEX
WTO Agreement – Article XIII (Practice)

United States	Kyrgyz Republic	14 October 1998 WT/ACC/KCZ/28	Communication dated 9 October 1998 WT/L/275	Communication dated 18 September 2000 WT/L/363
United States	Georgia	6 October 1999 WT/ACC/GEO/32/	Communication dated 30 September 1999 WT/L/318	Communication dated 8 January 2001 WT/L/385
United States	Moldova	8 May 2001 WT/ACC/MOL/39	Communication dated 2 May 2001 WT/L/395	Communication dated 21 December 2012 WT/L/879
El Salvador	China	10 November 2001 WT/ACC/CHN/49 and Corr.1	Communication dated 5 November 2001 WT/L/429	2 July 2014 WT/L/926
Turkey	Armenia	10 December 2002 WT/L/506	Communication dated 29 November 2002 WT/L/501	Still in force
United States	Armenia	10 December 2002 WT/L/506	Communication dated 3 December 2002 WT/L/505	Communicated dated 2 February 2005 WT/L/601 and Corr.1
United States	Viet Nam	7 November 2006 WT/L/662	Communication dated 3 November 2006 WT/L/661	Communication dated 7 January 2007 WT/L/679
United States	Russian Federation	WT/MIN(11)/24 WT/L/839 16 December 2011	Communication dated 15 December 2011 WT/L/837	Communication dated 21 December 2012 WT/L/877
Russian Federation	United States	16 December 2011 WT/MIN(11)/24 WT/L/839	Communication dated 15 December 2011 WT/L/838	Communication dated 21 December 2012 WT/L/878
United States	Tajikistan	10 December 2012 WT/L/872	Communication dated 7 December 2012 WT/L/871	Still in force

Current as of: January 2018