

**Working Party on GATS Rules**

**NEGOTIATIONS ON EMERGENCY SAFEGUARD MEASURES**

Report by the Chairperson of the Working Party on GATS Rules

**I. INTRODUCTION**

1. On 22 July 2002, the Working Party on GATS Rules adopted a work programme on emergency safeguard measures<sup>1</sup> with a view to structuring future work. Item (a) of the work programme provides for Members "to identify, elaborate and consolidate elements for ESM and to address the question of feasibility and desirability of ESM". Moreover, Members were encouraged "to put forward submissions on ESM as early as possible before 31 December 2002, without prejudice to Members' right to put forward further suggestions and raise relevant issues". Item (c) of the work programme mandates the Chairperson "to circulate a note by 15 March 2003 to report on the results of work under item (a), identifying areas of convergence and divergence among Members, with a view to providing a basis to facilitate further negotiations". The work programme further stipulates that the Working Party will organize its work "to prepare for the opportunity provided by the Fifth Ministerial Conference to take stock of progress made in the negotiations" and "to finalize the negotiations under Article X by 15 March 2004".

2. In organizing their work on emergency safeguard measures, together with the work on subsidies and government procurement, Members recognized that:

"(a) The work programmes do not prejudice in any way the outcome of the respective negotiations on emergency safeguard measures, subsidies and government procurement. Members will remain free to bring up any relevant issues for discussion, including the questions of feasibility and desirability, as well as the scope of the negotiations, under any of the three subjects of negotiations.

(b) The benchmarks for submissions are indicative, with a view to encouraging Members to put forward submissions on the respective subjects as early as possible, and would be without prejudice to Members' right to put forward further suggestions and raise relevant issues by way of submissions at any time, under any of the three subjects of negotiations.

(c) The undertaking of individual items of work, including the question of feasibility and desirability, should be without prejudice to each other under each subject of negotiations."

Members also recognize that "flexibility should be exercised in conducting the work of the Working Party and the work programmes may be adjusted in the future to take account of latest progress."<sup>2</sup>

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<sup>1</sup> S/WPGR/7, paragraph 3.

<sup>2</sup> S/WPGR/7, paragraph 1.

3. This Report starts by explaining the background of the negotiations on emergency safeguard measures and briefly recalls the main activities of the Working Party in these negotiations (Section II). Section III contains my assessment of the situation and suggestions for the possible way forward. The Report is submitted on my own responsibility, as the Chairperson of the Working Party on GATS Rules.

## II. BACKGROUND OF THE NEGOTIATIONS AND MAIN ACTIVITIES

### A. NEGOTIATING MANDATE

4. GATS Article X:1 mandates that "[T]here 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 no later than three years from the date of entry into force of the WTO Agreement." Thus, the negotiations were originally mandated to be concluded by 1<sup>st</sup> January 1998.

### B. EXTENSIONS OF THE DEADLINE

5. Notwithstanding the timeframe provided for in Article X:1, the negotiating deadline has been extended four times, the latest extension setting it at 15 March 2004.<sup>3</sup> In extending the deadline, Members also decided that the results of the negotiations should "enter into force on a date not later than the date of entry into force of the results of the current round of services negotiations."<sup>4</sup>

6. The fourth extension of the deadline was decided after the adoption of the *Guidelines and Procedures for the Negotiations on Trade in Services* by the Special Session of the Council for Trade in Services on 28 March 2001. The Guidelines stipulated that "[N]egotiations on safeguards under Article X shall be completed by 15 March 2002 according to the Decision adopted by the Council for Trade in Services on 1 December 2000".<sup>5</sup>

### C. OVERVIEW OF ACTIVITIES CARRIED OUT BY THE WORKING PARTY

7. The question of emergency safeguard measures has been on the agenda of the Working Party on GATS Rules since its establishment in March 1995 and has been addressed at each of the 41 formal meetings held since by the Working Party.<sup>6</sup> In addition, many informal meetings were devoted to this issue. Since early 2000, 22 such informal meetings have taken place.<sup>7</sup>

8. Throughout eight years of work, the Working Party has benefited from many written inputs: (i) 20 formal and 24 informal contributions by Members; (ii) over 40 notes by the various Chairpersons, most of them aiming at structuring the debate or proposing issues for Members'

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<sup>3</sup> First extension: 30 June 1999 (*Decision on Negotiations on Emergency Safeguard Measures*, adopted by the Council for Trade in Services on 26 November 1997, S/L/43); second extension: 15 December 2000 (*Second Decision on Negotiations on Emergency Safeguard Measures*, adopted by the Council for Trade in Services on 24 June 1999, S/L/73); third extension: 15 March 2002 (*Third Decision on Negotiations on Emergency Safeguard Measures*, adopted by the Council for Trade in Services on 1 December 2000, S/L/90); fourth extension: 15 March 2004 (*Fourth Decision on Negotiations on Emergency Safeguard Measures*, adopted by the Council for Trade in Services on 15 March 2002, S/L/102).

<sup>4</sup> See S/L/73, S/L/90 and S/L/102.

<sup>5</sup> S/L/93, paragraph 7.

<sup>6</sup> *Activities of the Working Party on GATS Rules – Report to the Council for Trade in Services* (S/WPGR/1) and *Council for Trade in Services – Report on Work since 1 January 1995* (S/C/2). See also the reports of formal meetings of the Working Party in S/WPGR/M/1 to 41.

<sup>7</sup> See Annex, *Summaries of Comments Made During Informal Meetings*.

consideration; and 20 formal and informal background notes by the Secretariat on various issues related to a possible ESM in services. A list of all relevant documents is annexed to this Report.

9. During discussions in the Working Party, differing views have been expressed by Members with regard to whether or not an emergency safeguard mechanism under the GATS could or should be developed. Members decided to carry out the work with the understanding that it would not prejudice the position of any delegation in respect of the desirability, feasibility or form of a possible emergency safeguard mechanism. The following paragraphs briefly recall some of the main steps of the negotiation.

10. In the first instance, Members discussed a number of basic conceptual issues underlying the establishment of a possible emergency safeguard mechanism in services. Four key questions were identified by the Chairperson in an informal note<sup>8</sup>: "(i) On whose behalf would emergency safeguard action be taken? (ii) In what circumstances would emergency safeguard action be taken and what would be the purpose of such action? (iii) What approach should be adopted in respect of injury/adverse effects, and the relevant causal link between injury/adverse effects and commitments under the GATS? (iv) What measures would be taken under the emergency safeguard mechanism? Are some measures deemed more suitable than others?" Initial responses, not necessarily agreed, to these four questions were circulated by the Chairperson in an informal note in September 1998.<sup>9</sup>

11. Several Members provided written input during the initial phase of the debate. Formal contributions on emergency safeguard measures were submitted to the Working Party by the delegations of Australia,<sup>10</sup> Thailand,<sup>11</sup> Switzerland,<sup>12</sup> the United States,<sup>13</sup> Hong Kong, China<sup>14</sup> Singapore<sup>15</sup> and Peru<sup>16</sup>. At the request of the Working Party, the Secretariat prepared several background notes.<sup>17</sup> Moreover, seven Members responded on a voluntary basis to a series of written questions on emergency safeguard measures.<sup>18</sup>

12. At a second stage, discussions focused on more specific and technical questions. The 1999 Report of the Working Party to the Council for Trade in Services indicates that Members

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<sup>8</sup> Note from the Chairperson, Job No. 3102, 3 June 1997.

<sup>9</sup> Note from the Chairperson, Job No. 4935, 16 September 1998.

<sup>10</sup> *Some Conceptual Issues Concerning the Application of Safeguards to Trade in Services* (S/WPGR/W/5).

<sup>11</sup> *A Discussion Paper on GATS Emergency Safeguards* (S/WPGR/W/6).

<sup>12</sup> *Safeguards and Trade in Services* (S/WPGR/W/14).

<sup>13</sup> *Emergency Safeguards* (S/WPGR/W/17).

<sup>14</sup> *Emergency Safeguard Measures in Services: A Way Forward* (S/WPGR/W/18) and *Emergency Safeguard Measures: A Way Forward on the Possible Principles* (S/WPGR/W/26).

<sup>15</sup> *Emergency Safeguard Measures* (S/WPGR/W/19).

<sup>16</sup> *Emergency Safeguards* (S/WPGR/W/23).

<sup>17</sup> *Emergency Safeguard Measures under Article X of GATS* (S/WPGR/W/1); *Safeguard Provisions in Regional Trade Agreements* (S/WPGR/W/2); *Safeguard Procedures in Regional Trade Agreements* (S/WPGR/W/4); *Emergency Safeguard Measures in GATS: The Applicability of Concepts Applied in the WTO Agreement on Safeguards* (S/WPGR/W/8); *Questions Relating to an Emergency Safeguard Mechanism in GATS* (S/WPGR/W/15); and *Examples of Situations in Which Emergency Safeguard Action May Be Taken* (S/WPGR/W/24).

<sup>18</sup> *Questions Relating to an Emergency Safeguard Mechanism in GATS*, Note by the Secretariat, (S/WPGR/W/15). The questions related to the justification and purpose of an ESM, the criteria that might be brought to bear in determining when an emergency safeguard measures might be justified, and the form an ESM could take. Written replies were received from Thailand (S/WPGR/W/15/Add.1), India (S/WPGR/W/15/Add.2), Poland (S/WPGR/W/15/Add.3), the European Communities and Their Member States (S/WPGR/W/15/Add.4), Egypt (S/WPGR/W/15/Add.5), Mexico (S/WPGR/W/15/Add.6), and Cuba (S/WPGR/W/15/Add.7).

discussed in particular three issues: (i) possible indicators to underpin trade-related injury concepts; (ii) basic disciplines which would need to govern any future safeguard action, regardless of the mechanism which may finally be adopted (including MFN treatment, advance notice, temporary and degressive application, clear specification of the measures envisaged, protection of "acquired rights" of established suppliers); and (iii) the range of applicable measures and other relevant issues.<sup>19</sup> Members also discussed possible forms an ESM in services might take. An overview of discussions is provided in a Note by the Secretariat.<sup>20</sup>

13. In 2000, the ASEAN Members presented a "Concept Paper" containing various elements of a possible emergency safeguard mechanism in services.<sup>21</sup> Other delegations tabled formal and informal papers on specific aspects of an ESM<sup>22</sup> and the Secretariat provided various background notes.<sup>23</sup> The Chairperson circulated an Illustrative List of themes relating to negotiations under Article X with a view to structuring the debate.<sup>24</sup> The List contains the following elements: the questions of the definition of "domestic industry" and the issue of "acquired rights"; modal application of a safeguard mechanism; concept of "like service"; indicators and criteria for determining injury and causality; applicable measures; compensation; special and differential treatment; situations justifying a safeguard action; notification, consultation, transparency and surveillance mechanism; and other issues. The List provided a basis for discussions at most formal and informal meetings in 2000 and 2001.

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<sup>19</sup> S/WPGR/4. See also *List of Issues for the Organization of Future Discussions on Emergency Safeguards*, Proposal from Venezuela (Job No. 5412, 14 October 1998) and *Informal Submission by Venezuela* (Job No. 2860, 17 May 1999).

<sup>20</sup> *Issues for Future Discussions on Emergency Safeguards* (S/WPGR/W/27). This Note was updated twice to reflect new elements in the discussions (S/WPGR/W/27/Rev.1 and 2).

<sup>21</sup> *Concept Paper: Elements of a Possible Agreed Draft of Rules on Emergency Safeguard Measures for Trade in Services (GATS Article X)*, Communication from ASEAN (S/WPGR/W/30). Later in the year, ASEAN tabled a Non-paper containing a *Draft Agreement on Emergency Safeguard Measures for Trade in Services* (Job No. 6830, 31 October 2000).

<sup>22</sup> *Emergency Safeguards Mechanism Contained in Article 18 Act of 18 December 1998 on Foreign Exchange Law*, Communication from Poland (S/WPGR/W/34). The delegation of the Republic of Korea submitted an informal contribution on *Definition of the Domestic Industry for the Emergency Safeguard Measure*, Job No. 6034 (2 October 2000).

<sup>23</sup> *Inter-Agency Task Force on Statistics of International Trade in services – Progress Report, May 2000I* (S/WPGR/W/32) and *Patterns of Limitations Scheduled Under Mode 2* (S/WPGR/W/33). The Secretariat also contributed with informal background notes on *Safeguards in Services: Relevant Criteria, Sources and Conditions* (Job No. 5294/Rev.2, 9 June 2000); *The Concept of "Unforeseen Developments" in Article XIX of the GATT* (Job No. 5077, 18 August 2000); and, *Special and Differential Treatment in the Context of Emergency Safeguard Measures* (Job No. 5539, 15 September 2000).

<sup>24</sup> *Negotiations on Safeguards under Article X of the GATS*, Note from the Chairperson, Job No. 1979 (29 March 2000) and Job No. 1979/Rev.1 (6 October 2000).

14. In 2001, a number of delegations presented formal and informal written contributions in relation to the Article X mandate.<sup>25</sup> In July 2001, the Working Party requested the Chairperson to prepare, under his responsibility, a Synopsis which would outline the current state of the discussion under the ten items identified in the Illustrative List. The Synopsis<sup>26</sup> attempted to present in a synthetic way the main options proposed by Members, as well as related comments.

15. In 2002, delegations continued their examination of various issues related to a possible ESM. Consideration was given to a proposal by Australia for a "core mechanism" for temporary suspension or modification of commitments.<sup>27</sup> The issue of modal application of a safeguard measure was given particular attention, on the basis of a Communication from the European Communities and Their Member States.<sup>28</sup> Some Members wished to further discuss the issue of desirability and feasibility of an ESM in services, based on, *inter alia*, a Communication from the United States.<sup>29</sup> In various instances, the Chairperson invited delegations to compare, on the basis of the Synopsis, the various approaches on the table with a view to identifying differences and possible common elements. Several delegations were of the view that the Working Party needed concrete examples of cases in which safeguard measures would be needed, as a prerequisite for further progress in the negotiations. Discussions also addressed the concept of special and differential treatment as well as process-related issues such as transparency, notification, consultation, surveillance and expedited dispute settlement.

16. At the first meeting of 2003,<sup>30</sup> the Working Party addressed, *inter alia*, the interpretation of GATS Article X mandate, modal application of an ESM, safeguard-type provisions contained in economic integration agreements and in WTO instruments, as well as desirability and feasibility of an ESM. A group of delegations presented an example of a situation in which a safeguard measure might be taken. Shortly after the meeting, the European Communities and Their Member States circulated a formal contribution on the *Scope for Emergency Safeguard Measures (ESM) in GATS*.<sup>31</sup>

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<sup>25</sup> *Desirability of a Safeguard Mechanism for Services: Promoting Liberalization of Trade in Services*, Communication from the United States (S/WPGR/W/37); *Modal Application of an Emergency Safeguard Measure*, Communication from the European Communities and Their Member States (S/WPGR/W/38). The following informal contributions were presented: *Indicators and Criteria for the Determination of Serious Injury or Threat Thereof*, Submission by Venezuela (JOB(01)/48); *Emergency Safeguard Measures – Compensation*, Non-paper by Brazil (JOB(01)/50); *Emergency Safeguard Measures*, Non-paper by Mexico (JOB(01)/67); *Possible Comprehensive Approach for an Emergency Safeguards Mechanism (ESM)*, Communication from Chile, Costa Rica and Switzerland (JOB(01)/81); *Emergency Safeguard Mechanism (ESM): A Multilateral Surveillance Procedure*, Communication from Canada (JOB(01)/100); *Negotiations on Emergency Safeguard Measures: Causal Link*, Non-paper from Venezuela (JOB(01)/101 and Add.1); *Emergency Safeguard Measures*, Non-paper by Japan (JOB(01)/105); *Emergency Safeguard Measures*, Communication from Mauritius (JOB(01)/143); *Situations Justifying an Emergency Safeguard Action*, Non-paper by New Zealand (JOB(01)/146); *Elements for Establishing an Emergency Safeguard in Services*, Non-paper by Argentina (JOB(01)/148); and *Contribution by Cuba, The Dominican Republic, Guatemala, Honduras and Nicaragua* (JOB(01)/166).

<sup>26</sup> *Synopsis – Note from the Chairperson*, JOB(01)/122 (7 August 2001) and JOB(01)/122/Add.1 (21 December 2001).

<sup>27</sup> *Elements for a Possible "Core Mechanism" for Temporary Suspension or Modification of Commitments*, Communication from Australia (JOB(02)/8. See also JOB(02)/9 and JOB(02)/85).

<sup>28</sup> *Modal Application of an Emergency Safeguard Measures*, S/WPGR/W/38.

<sup>29</sup> *Desirability of a Safeguard Mechanism for Services: Promoting Liberalization of Trade in Services*, S/WPGR/W/37.

<sup>30</sup> *Report of the Meeting of 25 February 2003*, Note by the Secretariat, S/WPGR/M/41.

<sup>31</sup> S/WPGR/W/41.

### III. ASSESSMENT OF THE SITUATION

#### A. GENERAL

17. Over the years, Members have made a significant amount of contributions on the subject matter of an ESM, in terms of volume, coverage and details, as evident from the brief recap of negotiations above, the list of submissions and documents produced, and the various records and summaries of formal and informal meetings. Among the three subjects the Working Party is mandated to negotiate, ESM has been the item to which the Working Party has devoted most of its time, compared with subsidies and government procurement. However, this is far from indicating that substantial progress has been achieved towards convergence on the various issues at stake. Quite the contrary. Notwithstanding the number of substantive submissions presented and discussions held on an ESM over the past eight years, and despite Members' adoption of a work programme in July 2002 to organize work, my assessment is that the Working Party has not moved very far in respect of its tasks to identify, elaborate and consolidate common elements for an ESM and to address the question of feasibility and desirability of ESM.

18. There is very little, if any, convergence on the fundamental issues, and many basic questions remain open; different views have been expressed as to whether they should be addressed, and, if so, how; and Members remain divergent on issues as fundamental as the forms that an ESM might take. Attempts to address identification, elaboration and consolidation of the elements for an ESM without prejudice to the question of desirability and feasibility have not been very successful in bringing about convergence on the various elements. At the same time, the discussion on the question of desirability and feasibility of an ESM has not progressed very far in the absence of converging views on the possible common elements for an ESM. In fact, discussions in recent years seems to indicate that as the discussion becomes more in-depth and refined, divergences of views in respect of the various issues become more apparent and glaring. I would also observe that, even if we were to decide to start drafting an ESM, there would appear to be no common basis among Members on how to proceed with this task.

19. My assessment on the individual items of work, having regard to the past eight years of work, specifically the discussion held under the work programme since its adoption, is set out below. This is by no means an exhaustive listing of all the issues that have been identified by the Working Party, but rather highlights of what are, in my personal view, some of the issues indicating the state of play of the negotiations, as well as areas of convergence and divergence.

#### B. IDENTIFICATION, ELABORATION AND CONSOLIDATION OF COMMON ELEMENTS FOR AN ESM

20. On the basis of the tremendous amount of work and efforts that Members have put in, and the substantive and technical discussions prompted by a number of contributions over the years, it would be fair to say that Members' identification of issues relevant to the consideration and formulation of an ESM has been rather comprehensive. These issues have been identified in Members' submissions and summarized in a structured way in the Checklist and Synopsis prepared by my predecessors (Job No. 1979 and Job No. 1979/Rev.1 dated 29 March 2000 and 6 October 2000 respectively, and JOB(01)/122 & Add.1 dated 7 August and 21 December 2001 respectively) and tabulated as core

elements in the recently circulated matrix (JOB(02)/200/Rev.1 dated 7 February 2003)<sup>32</sup>. Elements which have arisen in recent discussions of the Working Party, including those in the past year, appear to fall one way or the other under the various issues summarized in the aforementioned documents. This, in my view, is an indication of the comprehensiveness of the scope of issues that Members have identified in deliberating an ESM.

21. There appears to be no fundamental disagreement within the Working Party that all those issues would be relevant to the deliberation of an ESM, though some elements have been highlighted more often than others (for instance, situations justifying an ESM, scope of an ESM, applicable measures and administrative provisions) and their relative level of importance might differ depending on the different forms that an ESM might take, as identified in Members' submissions.<sup>33</sup> In this regard, it has been suggested that, in one or more of the suggested forms (for instance the "core" safeguard mechanism), it might not be necessary to address all those issues in any prescriptive manner, thus leaving possibly some of them to be decided in individual cases.

22. However, notwithstanding the comprehensive identification and detailed deliberations of those issues, the debate did not appear to have brought about any convergence of views of delegations on individual issues. Without trying to go into details on all the different positions of individual Members on the various issues, I would only observe that there remains significant divergence on all of the fundamental issues crucial to the formulation of an ESM – the gaps as identified in the Synopsis have by and large remained there despite various attempts to bridge them. For instance, on situations justifying an ESM, there remains no consensus as to what could constitute an emergency that would warrant the use of an ESM, as also reflected by the discussion at the recent meeting of the Working Party on 25 February 2003. As the Chairperson, I fail to perceive eagerness coming from all of the Members to resolve such fundamental differences.

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<sup>32</sup> To recap, these "core elements" as tabulated in JOB(02)/200/Rev.1 are:

- Situations justifying an emergency safeguard action
- Modal application of safeguard measures
- Concept of "like service"
- Definition of "domestic industry"
- Issue of "acquired rights"
- Indicators and criteria
- Applicable measures
- Compensation
- Special and differential (S&D) treatment
- Administrative provisions such as notification, consultation, transparency and surveillance mechanism
- Desirability and feasibility of an ESM
- Other issues, including the form of an ESM

<sup>33</sup> These forms as put forward in a number of proposals submitted by Members are –

- (a) A "horizontal" safeguard mechanism (including the so-called "goods model") whereby a safeguard measure would be available across-the-board in all schedule sectors.
- (b) A "scheduled" safeguard mechanism (including safeguards linked to commitments), whereby safeguard measures would be available to the extent that they have been scheduled in respect of the relevant sector(s) or commitment(s).
- (c) A "consensus-based" safeguard mechanism, whereby a Member would be able to apply a safeguard measure with the approval of the other Members (through the Council for Trade in Services, for instance).
- (d) A "core" safeguard mechanism, whereby the invoking Member would be able to temporarily suspend or modify its commitments based on a less prescriptive set of guidelines and procedures in exchange for more accountability to Members and stronger CTS surveillance.
- (e) No express or explicit emergency safeguard mechanism, which might or might not entail a provision allowing for an earlier recourse to Article XXI (i.e. "making Article X:2 permanent").

C. DESIRABILITY AND FEASIBILITY OF AN ESM

23. Another task that Members have agreed to undertake is to address the question of desirability and feasibility of an ESM. It is perhaps worthwhile to note that contemplating the desirability of an ESM in services as well as its feasibility, including actual applicability, apart from considering the purpose, the form and the elements of an ESM, was, when it was first raised, unique to ESM among all the negotiations on rules. There are several submissions by Members addressing the question of desirability and/or feasibility. But again, the work of the Working Party on this issue has not progressed very far, and the discussion so far has not brought about any convergence of views on both questions.

24. The question of feasibility is being addressed in the discussion of the technical aspects of the various elements of an ESM, and modal application of a possible ESM has been highlighted.

25. On the question of desirability, there are vastly different views among delegations. Some have considered that the need for an ESM is self-evident and an ESM would be desirable in safeguarding Members against potential injury and/or building their confidence to undertaken liberalization in services. Some have indicated a linkage between the desirability of an ESM and its demonstrated ability to induce a higher level of liberalization commitments. Others have noted that the question of desirability would inevitably be linked to the form of an ESM or the elements therein.

26. In this connection, some Members have referred to safeguard-type provisions in existing bilateral trade agreements or in other Members' existing schedule of commitments, as examples of safeguards being desirable and feasible in services. Others have pointed to the fact that such safeguard-type provisions are either applicable to both goods and services, or have not been invoked so far, or have raised the linkage between such safeguard provisions to the level of liberalization envisaged under those agreements. Some have referred to the need to focus on more concrete examples of actual or hypothetical situations justifying safeguards and how they could be applied to further address the question of desirability and feasibility.

27. It is perhaps understandable that the political dimension of the desirability and feasibility question may not be readily resolvable within the Working Party. However, it certainly does not mean that the technical part of the question could not be addressed, for instance the potential trade and economic impact of safeguard measures and their practicability in terms of actual application. But again, it does not appear to me that there is sufficient input on the part of all Members to address these issues substantively.

D. WAY FORWARD

28. It is my view that the negotiations have reached a stalemate. Despite the continuation of discussions on the elements for an ESM and on the questions of desirability and feasibility, and despite various attempts by Members to bridge the gaps, it is clear that there remain fundamental differences.

29. Many of the elements for an ESM and, to some extent, the issue of desirability relate to the basic questions concerning the *raison d'être* of an ESM – in very broad terms: for what a safeguard is needed; when a safeguard would be needed; who should be protected; protected against what; protected by what means; and the safeguard should apply to whom. The discussion so far has been undertaken largely on a theoretical or conceptual basis. Despite attempts and contributions by Members to address them, it remains a fact that there is so far no consensus answer. It should be noted that some Members have expressed doubts on the need to answer these questions, while others considered them crucial. Looking ahead, a discussion among Members on these basic questions, not

just conceptually but also with reference to practical situations, would be useful in my view. In this regard, the recent focus of the discussion on concrete examples should be helpful. That said, I should point out that this is but one aspect of the discussion.

30. **It is unclear to me how the current mode and pace of discussion would enable the negotiations to be finalized by the deadline of 15 March 2004.** Given that only one year remains before the deadline for negotiations on ESM, there is a need for Members to grapple with the situation with a view to finding ways to resolve the current impasse. In particular, Members would need to consider what they intend to do during the remaining 12 months with a view to finalizing the negotiations. In this regard, Members should start considering how they intend to prepare for the opportunity provided by the Fifth Ministerial Conference to take stock of progress made in the negotiations, as agreed in the work programme. Members may also wish to start considering how to proceed should there be no consensus on the various issues identified as relevant to an ESM by the deadline of negotiations.

31. **Ultimately, the key to enable discussions to move forward and to finalize the negotiations by the deadline of 15 March 2004 is political will from all Members.** There must be commitment on the part of all Members to engage substantively with a view to concluding the negotiations process within the remaining time available. Political will would be crucial to enable the negotiations to reach an outcome, irrespective of what that outcome might be. In the absence of political will to strive for an outcome one way or the other, it would be doubtful in my view how the Working Party would be able to finalize its negotiations under Article X of the GATS.

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ANNEX

List of documents related to the negotiations under GATS Article X

**I. REPORTS OF MEETINGS**

A. ANNUAL REPORTS

Symbol	Title	Date
S/WPGR/1	Activities of the WPGR – Report to the CTS	23 October 1996
S/WPGR/2	Activities of the WPGR – Report to the CTS	26 November 1997
S/WPGR/3	Report of the WPGR to the CTS	3 December 1998
S/WPGR/4	Report of the WPGR to the CTS	26 October 1999
S/WPGR/5	Report of the WPGR to the CTS	24 November 2000
S/WPGR/6	Report of the WPGR to the CTS	4 October 2001
S/WPGR/7	Work Programmes - Adopted by the WPGR on 22 July 2002	25 July 2002
S/WPGR/8	Report of the WPGR to the CTS (2002)	5 December 2002

B. REPORTS OF FORMAL MEETINGS

Symbol	Title	Submitted by	Date
S/WPGR/M/1	Report of the Meeting held on 17 July 1995	Note by the Secretariat	29 August 1995
S/WPGR/M/2	Report of the Meeting held on 18 October 1995	Note by the Secretariat	14 November 1995
S/WPGR/M/3	Report of the Meeting of 8 December 1995	Note by the Secretariat	21 December 1995
S/WPGR/M/4	Report of the Meeting of 23 February 1996	Note by the Secretariat	19 March 1996
S/WPGR/M/5	Report of the Meeting of 28 March 1996	Note by the Secretariat	13 May 1996
S/WPGR/M/6	Report of the Meeting of 3 June 1996	Note by the Secretariat	22 July 1996
S/WPGR/M/7	Report of the Meeting of 29 July 1996	Note by the Secretariat	19 September 1996
S/WPGR/M/8	Report of the Meeting of 8 & 14 October 1996	Note by the Secretariat	13 December 1996
S/WPGR/M/9	Report of the Meeting of 23 January 1997	Note by the Secretariat	7 March 1997
S/WPGR/M/10	Report of the Meeting of 13 March 1997	Note by the Secretariat	1 May 1997
S/WPGR/M/11	Report of the Meeting of 22 May 1997	Note by the Secretariat	30 June 1997
S/WPGR/M/12	Report of the Meeting of 23 July 1997	Note by the Secretariat	3 September 1997
S/WPGR/M/13	Report of the Meeting of 1 October 1997	Note by the Secretariat	19 November 1997
S/WPGR/M/14	Report of the Meeting of 26 November 1997	Note by the Secretariat	2 December 1997
S/WPGR/M/15	Report of the Meeting of 13 February 1998	Note by the Secretariat	27 February 1998

<b>Symbol</b>	<b>Title</b>	<b>Submitted by</b>	<b>Date</b>
S/WPGR/M/16	Report of the Meeting of 27 April 1998	Note by the Secretariat	10 June 1998
S/WPGR/M/17	Report of the Meeting of 23 June 1998	Note by the Secretariat	31 July 1998
S/WPGR/M/18	Report of the Meeting of 6 October 1998	Note by the Secretariat	13 November 1998
S/WPGR/M/19	Report of the Meeting of 1 December 1998	Note by the Secretariat	21 January 1999
S/WPGR/M/20	Report of the Meeting of 19 February 1999	Note by the Secretariat	17 March 1999
S/WPGR/M/21	Report of the Meeting of 16 April 1999	Note by the Secretariat	7 May 1999
S/WPGR/M/22	Report of the Meeting of 19 May 1999	Note by the Secretariat	15 June 1999
S/WPGR/M/23	Report of the Meeting of 21 June 1999	Note by the Secretariat	6 July 1999
S/WPGR/M/24	Report of the Meeting of 27 July 1999	Note by the Secretariat	8 September 1999
S/WPGR/M/25	Report of the Meeting of 8 October 1999	Note by the Secretariat	2 November 1999
S/WPGR/M/26	Report of the Meeting of 24 March 2000	Note by the Secretariat	20 April 2000
S/WPGR/M/27	Report of the Meeting of 4-5 May 2000	Note by the Secretariat	6 June 2000
S/WPGR/M/28	Report of the Meeting of 7 July 2000	Note by the Secretariat	4 August 2000
S/WPGR/M/29	Report of the Meeting of 27 September 2000	Note by the Secretariat	9 October 2000
S/WPGR/M/30	Report of the Meeting of 30 November 2000	Note by the Secretariat	22 December 2000
S/WPGR/M/31	Report of the Meeting of 21 March 2000	Note by the Secretariat	6 April 2001
S/WPGR/M/32	Report of the Meeting of 10 May 2001	Note by the Secretariat	17 May 2001
S/WPGR/M/33	Report of the Meeting of 2 July 2001	Note by the Secretariat	10 July 2001
S/WPGR/M/34	Report of the Meeting of 3 October 2001	Note by the Secretariat	10 October 2001
S/WPGR/M/35	Report of the Meeting of 28 November 2001	Note by the Secretariat	7 December 2001
S/WPGR/M/36	Report of the Meeting of 13 and 15 March 2002	Note by the Secretariat	3 April 2002
S/WPGR/M/37	Report of the Meeting of 3 June 2002	Note by the Secretariat	26 June 2002
S/WPGR/M/38	Report of the Meeting of 15 July 2002	Note by the Secretariat	26 July 2002
S/WPGR/M/39	Report of the Meeting of 23 October 2002	Note by the Secretariat	12 November 2002
S/WPGR/M/40	Report of the Meeting of 3 December 2002	Note by the Secretariat	23 December 2002
S/WPGR/M/41	Report of the Meeting of 25 February 2003	Note by the Secretariat	12 March 2003

C. SUMMARY OF COMMENTS MADE DURING INFORMAL MEETINGS

<b>Job Number</b>	<b>Title</b>	<b>Submitted by</b>	<b>Date</b>
Job 3449	Points raised during informal meetings	Note by the Secretariat	7 June 2000
3449/Add.1 (4069)	Points raised during informal meetings	Note by the Secretariat	27 June 2000
3449/Add.2 (6180)	Points raised during the informal meeting of 27 September 2000	Note by the Secretariat	6 October 2000
6943	Summary of Comments Made During the Informal Meeting on 1 to 3 November 2000	Note by the Secretariat	3 November 2000
Job(01)/26	Summary of Comments Made During the Informal Meeting on 1 and 2 February 2001	Note by the Secretariat	27 February 2001
Job(01)/45	Summary of Comments Made During the Informal Meeting on 21 March 2001	Note by the Secretariat	5 April 2001
Job(01)/54	Summary of Comments Made During the Informal Meeting on 23 and 24 April 2001	Note by the Secretariat	26 April 2001
Job(01)/74	Summary of Comments Made During the Informal Meeting on 10 May 2001	Note by the Secretariat	17 May 2001
Job(01)/108	Summary of Comments Made During the Informal Meeting of 26 and 27 June 2001	Note by the Secretariat	5 July 2001
Job(01)/109	Summary of Comments Made During The Informal Meeting of 2 July 2001	Note by the Secretariat	9 July 2001
Job(01)/149	Summary of Comments Made During the Informal Meeting of 25 September 2001	Note by the Secretariat	1 October 2001
Job(01)/150	Summary of Comments Made During the Informal Meeting of 3 October 2001	Note by the Secretariat	10 October 2001
Jog(01)/164	Summary of Comments Made During the Informal Meeting of 23 November 2001	Note by the Secretariat	29 November 2001
JOB(01)/168	Summary of Comments Made During the Informal Meeting of 28 November 2001	Note by the Secretariat	7 December 2001
JOB(02)/2	Summary of Comments Made During the Informal Meeting of 17 and 18 January 2002	Note by the Secretariat	21 January 2002
JOB(02)/14	Summary of Comments Made During the Informal Meeting of 12 February 2002	Note by the Secretariat	1 March 2002
JOB(02)/72	Summary of Comments Made During the Informal Meeting of 3 June 2002	Note by the Secretariat	26 June 2002
JOB(02)/96	Summary of Comments Made During the Informal Meeting of 15 July 2002	Note by the Secretariat	29 July 2002

<b>Job Number</b>	<b>Title</b>	<b>Submitted by</b>	<b>Date</b>
JOB(02)/159	Summary of Comments Made During the Informal Meeting of 23 October 2002	Note by the Secretariat	12 November 2002
JOB(02)/211	Summary of Comments Made During the Informal Meeting of 22 November 2002	Note by the Secretariat	13 December 2002
JOB(02)/216	Summary of Comments Made During the Informal Meeting of 3 December 2002	Note by the Secretariat	16 December 2002
JOB(03)/21	Summary of Comments Made During the Informal Meeting of 29 January 2003	Note by the Secretariat	7 February 2003

## II. DOCUMENTS PRESENTED BY DELEGATIONS

### A. FORMAL DOCUMENTS

<b>Symbol</b>	<b>Submitted by</b>	<b>Title</b>	<b>Date</b>
S/WPGR/W/5	Communication from Australia	Some Conceptual Issues Concerning the Application of Safeguards to Trade in Services	6 December 1995
S/WPGR/W/6	Communication from Thailand	A Discussion Paper on GATS Emergency Safeguards	18 December 1995
S/WPGR/W/14	Communication from Switzerland	Safeguards and Trade in Services Characteristics of the GATS and identification of circumstances	10 October 1996
S/WPGR/W/15/Add.1	Communication from Thailand	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	11 March 1997
S/WPGR/W/15/Add.2	Communication from India	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	29 April 1997
S/WPGR/W/15/Add.3	Communication from Poland	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	2 May 1997
S/WPGR/W/15/Add.4	Communication from the EC and their Member States	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	20 May 1997
S/WPGR/W/15/Add.5	Communication from Egypt	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	20 May 1997
S/WPGR/W/15/Add.6	Communication from Mexico	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	22 May 1997
S/WPGR/W/15/Add.7	Communication from Cuba	Response to the Questions Relating to an Emergency Safeguard Mechanism in GATS	25 August 1997
S/WPGR/W/17	Communication from the US	Emergency Safeguards	13 March 1997
S/WPGR/W/18	Communication from Hong Kong, China	Emergency Safeguard Measures in Services: A Way Forward	16 May 1997
S/WPGR/W/19	Communication from Singapore	Emergency Safeguard Measures	25 June 1997
S/WPGR/W/22	Communication from ASEAN	Emergency Safeguards	23 July 1997

<b>Symbol</b>	<b>Submitted by</b>	<b>Title</b>	<b>Date</b>
S/WPGR/W/23	Communication from Peru	Emergency Safeguards	21 August 1997
S/WPGR/W/26	Communication from Hong Kong, China	Emergency Safeguard Measures: A way forward on the Possible Principles	10 February 1998
S/WPGR/W/30	Communication From ASEAN	Concept Paper: Elements of a Possible Agreed Draft of Rules on Emergency Safeguard Measures for Trade in Services (GATS Article X)	14 March 2000
S/WPGR/W/34	Communication from Poland	Emergency Safeguards Mechanism contained in Article 18 Act of 18 December 1998 on Foreign Exchange Law	3 July 2000
S/WPGR/W/37	Communication from the US	Desirability of a Safeguard Mechanism for Services: Promoting Liberalization of Trade in Services	2 October 2001
S/WPGR/W/38	Communication from the EC and their Member States	Modal application of an emergency safeguard measure	21 January 2002
S/WPGR/W/38/ Corr.1	Communication from the EC and their Member States	Modal application of an emergency safeguard measure – Corrigendum	3 April 2002
S/WPGR/W/41	Communication from the EC and their Member States	Scope for Emergency Safeguard Measures (ESM) in the GATS	3 March 2003

B. INFORMAL DOCUMENTS

<b>Job Number</b>	<b>Submitted by</b>	<b>Title</b>	<b>Date</b>
	From Egypt, India, Malaysia, Pakistan, Peru, Thailand & Venezuela	Emergency Safeguards Measures in GATS - Points for discussion	29 July 1996
	Questions from Australia	Informal Note on Emergency Safeguards	8 October 1996
	Communication from Thailand	Emergency Safeguards	6 October 1997
<b>Job 5412</b>	Proposal from Venezuela	List of issues for the organization of future discussions on emergency safeguards	14 October 1998
	Communication from Canada	Discussions on Emergency Safeguards	15 October 1998
<b>Job 2860</b>	Informal submission by Venezuela	Safeguards	17 May 1999
<b>Job 6034</b>	Communication from KOREA	Definition of the domestic industry for the emergency safeguard measure	3 October 2000
<b>6830</b>	Non-Paper from ASEAN	Draft Agreement on Emergency Safeguard Measures for Trade in Services	31 October 2000
<b>Job(01)/48</b>	Submission by Venezuela	Indicators and Criteria for the Determination of Serious Injury or Threat Thereof	18 April 2001
<b>Job(01)/50</b>	Non-paper by Brazil	Emergency Safeguard Measures - Compensation	19 April 2001

<b>Job Number</b>	<b>Submitted by</b>	<b>Title</b>	<b>Date</b>
<b>Job(01)/67</b>	Non-paper by Mexico	Emergency Safeguard Measures	9 May 2001
<b>Room document</b>	Speaking notes of the EC and their Member States	Speaking notes on Negotiations on Emergency Safeguard Measures (GATS Article X): "Situation justifying an emergency safeguard measure"	10 May 2001
<b>Job(01)/81</b>	Communication from Chile, Costa Rica & Switzerland	Possible comprehensive approach for an emergency safeguards mechanism	8 June 2001
<b>Job(01)/100</b>	Communication from Canada	Emergency Safeguard Mechanism (ESM): A Multilateral Surveillance Procedure	29 June 2001
<b>Job(01)/101</b>	Non-Paper from Venezuela	Negotiations on Emergency Safeguard Measures: Causal Link	29 June 2001
<b>101/Add.1</b>	Non-paper from Venezuela	Negotiations on Emergency Safeguard Measures: Causal Link - Addendum	25 September 2001
<b>Job(01)/105</b>	Non-Paper by Japan	Emergency Safeguard Measures	2 July 2001
<b>Job(01)/143</b>	Communication from Mauritius	Emergency Safeguard Measures	24 September 2001
<b>Job(01)/146</b>	Non paper by New Zealand	Situations Justifying an Emergency Safeguard Action	27 September 2001
<b>Job(01)/148</b>	Non-paper by Argentina	Elements for Establishing an Emergency Safeguard in Services	28 September 2001
<b>JOB(01)/166</b>	Contribution by Cuba, the Dominican Rep, Guatemala, Honduras and Nicaragua.	Negotiations on Emergency Safeguard Measures	4 December 2001
<b>JOB(02)/8</b>	Communication from Australia	Elements for a Possible 'Core Mechanism' for Temporary Suspension or Modification of Commitments	13 February 2002
<b>JOB(02)/9</b>	Communication from Australia	Questions raised at the informal meeting of the Working Party on GATS Rules held on 12 February 2002	13 February 2002
<b>JOB(02)/85</b>	Communication from Australia	Australian Intervention: Temporary Suspension of Commitments - GATS Rules Working Party, 3 June 2002	15 July 2002

### III. NOTES BY THE CHAIRPERSON

<b>Job Number</b>	<b>Title</b>	<b>Date</b>
	Meeting of the Working Party on GATS Rules dated 28 March 1996	2 April 1996
<b>Job 2534</b>	Non-paper by the Chairperson on Emergency Safeguard Measures Relating to Trade in Services	1 May 1997
	Revision – Non-paper by the Chairperson on Emergency Safeguard Measures Relating to Trade in Services	20 May 1997
<b>Job 3102</b>	Four questions concerning a possible emergency safeguard mechanism	3 June 1997
<b>Job 3294</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	15 June 1998
<b>Job 4935</b>	Note from the Chairperson (responses to the 4 questions on ESM)	16 September 1998

<b>Job Number</b>	<b>Title</b>	<b>Date</b>
<b>Job 5169</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	22 September 1998
<b>Job 772</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	10 February 1999
<b>Job 1998</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	8 April 1999
<b>Job 2803</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	11 May 1999
<b>Job 3237</b>	Note from the Chairperson – Draft Second Decision on Emergency Safeguards Measures	7 June 1999
<b>Job 3432</b>	Note from the Chairman (safeguards, subsidies, government procurement)	15 June 1999
<b>3237/Rev.1 (3479)</b>	Note from the Chairperson (Revision - Draft – Second Decision Negotiations on Emergency Safeguard Measures)	16 June 1999
<b>Job 4141</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	12 July 1999
<b>Job 5332</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	16 September 1999
<b>Job 782</b>	Note from the Chairperson (safeguards, subsidies, government procurement)	14 February 2000
<b>Job 1979</b>	Note from Chairperson - Negotiations on Safeguards under Article X of the GATS	29 March 2000
<b>Job 2598</b>	Note from Chairperson – Meeting of 4 and 5 May 2000 (safeguards, subsidies, government procurement)	28 April 2000
<b>Job 4058</b>	Note from the Chairperson – Meeting on 7 July 2000 (safeguards, subsidies, government procurement)	27 June 2000
<b>Job 5538</b>	Note from the Chairperson – Meeting of 27 September (safeguards, subsidies, government procurement)	15 September 2000
<b>1979/Rev.1 (6178)</b>	Note from the Chairperson – Negotiations on Safeguards under Article X of the GATS (includes suggestions made by delegations at the meeting of 27 September 2000)	6 October 2000
<b>6944</b>	Consultations on safeguards deadline – Chairman's summary – 3 November 2000	3 November 2000
<b>6947</b>	Statement by the Chair – Proposal regarding deadline on ESM	3 November 2000
<b>6943/Add1 (7003)</b>	Chairman's summary of the 1-3 November meeting – Oral remarks by the Chairperson on 3 November reg. ESM (to be read in conjunction with Job 6943)	3 November 2000
<b>7352</b>	Annotated Agenda from the Chairperson – Meeting of 30 November 2000 (safeguards, subsidies, government procurement)	17 November 2000
<b>8397</b>	Annotated Agenda from the Chairperson – Informal Meeting on 1 and 2 February 2001 on ESM	21 December 2000
<b>Job(01)/35</b>	Annotated Agenda from the Chairperson - Meeting on 21 March 2001 (safeguards, subsidies, government procurement)	14 March 2001
<b>Job(01)/47</b>	Annotated Agenda from the Chairperson - Informal meeting on 23 and 24 April 2001 (ESM)	10 April 2001
<b>Job(01)/58</b>	Annotated agenda from the Chairperson – Meeting on 10 May 2001 (safeguards, subsidies, government procurement)	1 May 2001
<b>Job(01)/80</b>	Annotated Agenda from the Chairperson – Informal meeting on 26 and 27 June 2001 (ESM)	6 June 2001
<b>Job(01)/95</b>	Annotated agenda from the Chairperson – Meeting on 2 July 2001 (safeguards, subsidies, government procurement)	21 June 2001
<b>Job(01)/122</b>	Note from the Chairperson – Synopsis (ESM)	7 August 2001

<b>Job Number</b>	<b>Title</b>	<b>Date</b>
<b>JOB(01)/122/ Add.1</b>	Note from the Chairperson – Synopsis – Addendum (ESM)	21 December 2001
<b>JOB(02)/43</b>	Annotated agenda from the Chairperson Designate – Meeting of 3 June 2002 (safeguards, subsidies, government procurement)	24 May 2002
<b>JOB(02)/82</b>	Note from the Chairperson – Draft Work Programme (safeguards, subsidies, government procurement)	12 July 2002
<b>JOB(02)/83</b>	Annotated Agenda from the Chairperson – Meeting of 15 July 2002 (safeguards, subsidies, government procurement)	12 July 2002
<b>JOB(02)/82/ Rev.1</b>	Note from the Chairperson – Draft Work Programme - Revision	15 July 2002
<b>JOB(02)/82/ Rev.2</b>	Note from the Chairperson – Draft Work Programme - Revision	16 July 2002
<b>JOB(02)/144</b>	Meeting of 23 October 2002 - Annotated Agenda from the Chairperson (safeguards, subsidies, government procurement)	16 October 2002
<b>JOB(02)/202</b>	Annotated Agenda from the Chairperson, Meeting of 3 December 2002 (Annual report, safeguards, subsidies, government procurement)	3 December 2002
<b>JOB(03)/30</b>	Annotated Agenda from the Chairperson, Meeting of 25 February 2003 (safeguards, government procurement and subsidies)	14 February 2003

#### **IV. BACKGROUND DOCUMENTS BY THE SECRETARIAT**

##### **A. FORMAL NOTES**

<b>Symbol</b>	<b>Title</b>	<b>Date</b>
S/WPGR/W/1	Emergency Safeguard Measures under Art. X of GATS	6 July 1995
S/WPGR/W/2	Safeguard Provisions in Regional Trade Agreements	5 October 1995
S/WPGR/W/4	Safeguards Procedures in Regional Trade Agreement	24 November 1995
S/WPGR/W/4/ Add.1	Safeguards Procedures in Regional Trade Agreement Addendum	20 February 2003
S/WPGR/W/8	Emergency safeguards measures in GATS: The applicability of concepts applied in the WTO Agreement on Safeguards	6 March 1996
S/WPGR/W/15	Questions relating to an Emergency Safeguard mechanism in GATS	12 December 1996
S/WPGR/W/24	Examples of situations in which Emergency Safeguard action may be taken	3 September 1997
S/WPGR/W/27	Issues for Future Discussions on Emergency Safeguards	20 November 1998
S/WPGR/W/27/ Rev.1	" – Revision	7 May 1999
S/WPGR/W/27/ Rev.2	" – Second Revision	16 September 1999
S/WPGR/W/28	Draft Report to the Council for Trade in Services (safeguard, government procurement, subsidies)	20 November 1998
S/WPGR/W/32	Inter-Agency Task Force On Statistics Of International Trade In Services – Progress report, May 2000	12 May 2000
S/WPGR/W/33	Patterns of limitations scheduled under Mode 2	30 May 2000
S/WPGR/W/35	Draft Report of the WPGR to the CTS (safeguard, government procurement, subsidies)	3 November 2000
S/WPGR/W/36	Draft Report of the WPGR to the CTS (safeguard, government procurement, subsidies)	20 September 2001
S/WPGR/W/40	Draft Report of the WPGR to the CTS (2002) (safeguard, government procurement, subsidies)	20 November 2002

B. INFORMAL NOTES

<b>Job Number</b>	<b>Title</b>	<b>Date</b>
	Draft – Examples of situations in which emergency safeguards action may be taken	2 September 1997
	Extending the negotiations on safeguards	1 October 1997
<b>Job 6569</b>	Informal non-attributable reflections on elements in the discussion of the GATS Article X mandate	27 November 1998
<b>Job 5294</b>	Safeguards in Services: Criteria & indicators to establish injury	13 September 1999
<b>5294/R.1 (6576)</b>	Safeguards in Services: relevant criteria, sources and conditions	2 November 1999
<b>5294/Rev.2 (3567)</b>	Safeguards in Services: relevant criteria, sources and conditions	9 June 2000
<b>Job 5077</b>	The concept of "unforeseen developments" in Article XIX of the GATT	18 August 2000
<b>Job 5539</b>	Special and Differential Treatment in the context of Emergency Safeguard Measures	15 September 2000
<b>Job(01)/61</b>	WTO Members' practice relating to Article 8 of the Agreement on Safeguards	3 May 2001
<b>JOB(02)/200</b>	Core elements contained in Members' proposals – Overview of the synopsis	13 December 2002
<b>JOB(02)/200/Rev.1</b>	Core elements contained in Members' proposals – overview of the Synopsis – Revision	7 February 2003
<b>JOB(03)/20</b>	Compilation of references made by delegations to safeguard-type provisions	7 February 2003

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