

1 ARTICLE 11 OF THE AGREEMENT ON SAFEGUARDS1

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1 ARTICLE 11 OF THE AGREEMENT ON SAFEGUARDS

1.1 Text of Article 11

Article 11

Prohibition and Elimination of Certain Measures

1. (a) A Member shall not take or seek any emergency action on imports of particular products as set forth in Article XIX of GATT 1994 unless such action conforms with the provisions of that Article applied in accordance with this Agreement.

(b) Furthermore, a Member shall not seek, take or maintain any voluntary export restraints, orderly marketing arrangements or any other similar measures on the export or the import side.^{3, 4} These include actions taken by a single Member as well as actions under agreements, arrangements and understandings entered into by two or more Members. Any such measure in effect on the date of entry into force of the WTO Agreement shall be brought into conformity with this Agreement or phased out in accordance with paragraph 2.

(footnote original) ³ An import quota applied as a safeguard measure in conformity with the relevant provisions of GATT 1994 and this Agreement may, by mutual agreement, be administered by the exporting Member.

(footnote original) ⁴ Examples of similar measures include export moderation, export-price or import-price monitoring systems, export or import surveillance, compulsory import cartels and discretionary export or import licensing schemes, any of which afford protection.

(c) This Agreement does not apply to measures sought, taken or maintained by a Member pursuant to provisions of GATT 1994 other than Article XIX, and Multilateral Trade Agreements in Annex 1A other than this Agreement, or pursuant to protocols and agreements or arrangements concluded within the framework of GATT 1994.

2. The phasing out of measures referred to in paragraph 1(b) shall be carried out according to timetables to be presented to the Committee on Safeguards by the Members concerned not later than 180 days after the date of entry into force of the WTO Agreement. These timetables shall provide for all measures referred to in paragraph 1 to be phased out or brought into conformity with this Agreement within a period not exceeding four years after the date of entry into force of the WTO Agreement, subject to not more than one specific measure per importing Member⁵, the duration of which shall not extend beyond 31 December 1999. Any such exception must be mutually agreed between the Members directly concerned and notified to the Committee on Safeguards for its review and acceptance within 90 days of the entry into force of the WTO Agreement. The Annex to this Agreement indicates a measure which has been agreed as falling under this exception.

(footnote original) ⁵ The only such exception to which the European Communities is entitled is indicated in the Annex to this Agreement.

3. Members shall not encourage or support the adoption or maintenance by public and private enterprises of non-governmental measures equivalent to those referred to in paragraph 1.

1.2 Articles 11.1(b) and 11.2: Phasing-out of measures referred to in Article 11.1(b)

1. At the meeting of the Committee on Safeguards on 24 February 1995, it was clarified that, in conformity with Article XVI:2 of the Marrakesh Agreement Establishing the World Trade

Organization (WTO Agreement), the deadlines in Articles 11.2 and 12.7 of the Agreement on Safeguards are calculated from the date of entry into force of the WTO Agreement.¹

2. At its meeting on 24 February 1995, the Committee on Safeguards decided that the information required in the notifications of the exception under Article 11.2 of the Agreement on Safeguards should also be provided by signatories that were eligible to become original Members of the WTO within the same time limits as those which apply to WTO Members.² The Committee also adopted a format for notifications of the exception under Article 11.2 of the Agreement on Safeguards³ as well as a format for notifications on timetables for phasing out measures referred to in Article 11.1(b) or for bringing them into conformity with the Agreement on Safeguards.⁴

3. The following seven Members submitted notifications of their timetables for phasing out or bringing into conformity with the Agreement on Safeguards measures referred to in Article 11:1(b) thereof: Cyprus, European Communities, Korea, Mauritius, Slovenia, South Africa, and Thailand.⁵

4. The Annex to the Agreement on Safeguards identified an additional grey-area measure maintained by the European Communities, with an expiration date of 31 December 1999:

ANNEX

EXCEPTION REFERRED TO IN PARAGRAPH 2 OF ARTICLE 11

Members concerned	Product	Termination
EC/Japan	Passenger cars, off road vehicles, light commercial vehicles, light trucks (up to 5 tonnes), and the same vehicles in wholly knocked-down form (CKD sets).	31 December 1999

5. Between November 1995 and October 1999, the Committee discussed these measures, which included both import measures and export restraints.⁶ At the Committee meeting of 9 November 2000, the Chairman noted that all of these Members had confirmed that their pre-existing measures were eliminated by 1 January 2000.⁷

Current as of: June 2024

¹ [G/SG/M/1](#), section E.

² [G/SG/M/1](#), section E. With respect to the clarification made by the Chairman concerning the implication of the decision, see document [G/SG/M/1](#), para. 28.

³ [G/SG/M/1](#), Section H. The text of the adopted format can be found in document [G/SG/N/4](#).

⁴ [G/SG/M/1](#), Section H. The text of the adopted format can be found in document [G/SG/N/5](#).

⁵ For Cyprus, the European Communities, Korea, Mauritius, Slovenia, and South Africa, see the [G/SG/N/5/*](#) document series. For Thailand, see document [G/SG/N/3/THA](#). See also tables in Annex III of documents [G/L/272](#) and [G/L/338](#).

⁶ [G/SG/M/3](#) and [Corr.1](#), section D; [G/SG/M/5](#), section C; [G/SG/M/6](#), section A; [G/SG/M/7](#), sections C and D; [G/SG/M/11](#), section D; [G/SG/M/12](#), section E; and [G/SG/M/14](#), section D.

⁷ [G/SG/M/16](#), para. 103.