

## Working Party on GATS Rules

### REPORT OF THE MEETING OF 10 AND 15 MARCH 2004

1. The Working Party on GATS Rules held, under the chairmanship of Mr. Santiago Urbina from Nicaragua, a special meeting to discuss the deadline for negotiations pursuant to Article X of the GATS. The agenda for the meeting was contained in WTO/AIR/2258. The agenda for the meeting was adopted.

#### **I. NEGOTIATIONS ON EMERGENCY SAFEGUARD MEASURES UNDER ARTICLE X OF THE GATS: DEADLINE FOR NEGOTIATIONS**

##### **A. SESSION OF 10 MARCH 2004**

2. The Chairperson informed delegations that he had been conducting consultations with the main protagonists regarding whether negotiations pursuant to Article X should be extended beyond 15 March 2004, and on what terms. He noted that these consultations had not yet permitted reaching a consensus. The Chairperson then proposed that the meeting be continued in informal mode. The formal meeting was adjourned and the Chairperson indicated it would be reconvened at a later time.

##### **B. SESSION OF 15 MARCH 2004**

3. The Chairperson resumed the meeting of the Working Party. He first drew attention to the terrorist attacks in Madrid on 11 March and condemned such abominable acts. To show solidarity with the families of the victims and with the people of Spain, the Chairperson asked the Working Party to hold a minute of silence. The representative of Spain thanked the Chairperson and the Working Party for sharing condolences and for expressing support.

4. The Chairperson informed delegations that he had conducted extensive consultations since the session of 10 March so as to help reach a solution with regard to an extension of negotiations under Article X of the GATS. He expressed gratitude to those delegations who had expressed flexibility, as this had allowed him, in the consultations, to focus on resolving the major points of difference. Although not all positions could be accommodated in full, the draft decision which he had circulated under his responsibility in JOB(04)/9 represented a balanced outcome. He hoped delegations could accept it, along with some modifications resulting from consultations recently held. These modifications only concerned paragraph 2 of the draft decision, which would now read: "Subject to the outcome of the mandate under paragraph 1, as required, the results of such negotiations shall enter into effect on a date not later than the date of entry into force of the results of the current round of services negotiations". The Chairperson indicated that this draft decision seemed to be gathering consensus. He stressed that in this process all protagonists had to make difficult concessions. He asked if the Working Party could agree on the content of such a decision.

5. The representative of the United States said that her delegation was ready to show further flexibility and proposed to drop the reference in the draft decision to the terms "as required", which her delegation had previously insisted on. The representative of the Philippines asked for a short

recess so as to better assess that proposal. The representative of Pakistan wished to have some time to consult with his authorities and thus lent support. The representative of Colombia wanted to bring to the attention of the Working Party that the Spanish translation of the text of the draft decision did not seem entirely accurate.

6. The Chairperson noted that the draft decision, which only had a few words in brackets, had been circulated the previous week so as to enable delegations to receive proper instructions from their authorities for today's meeting. Regarding the Spanish translation of the decision, he thanked the representative of Colombia for her comments and said he was confident that the Spanish version of any decision adopted would accurately reflect the original text. The Chairperson proposed a short recess, to which the Working Party agreed.

7. In resuming the session, the Chairperson asked if the Working Party was ready to agree on the text of the draft decision mentioned earlier, along with the modification proposed by the United States. The representative of Pakistan informed the Working Party that he was now ready to agree to the proposed draft decision.

8. The representative of the Philippines said that what he was agreeing to at this point was for the draft decision to be transmitted to the Council for Trade in Services for approval. The Chairperson confirmed that the authority to adopt the decision rested with the Council for Trade in Services. He was seeking agreement of the Working Party to send this particular decision for adoption to the Council for Trade in Services.

9. The Working Party agreed to send the draft decision, as modified, to the Council for Trade in Services for approval.

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