

SUMMARY OF DISCUSSIONS ON A FRAMEWORK FOR NEGOTIATIONS ON A TRADE IN SERVICES AGREEMENT

Building on the discussions to date on a possible plurilateral trade in services agreement, the following outlines the objectives and proposed framework for an agreement for negotiation beginning in early 2013. The participants have undertaken to consult on the following elements in the course of any necessary consultations or procedures prior to commencing negotiations.

Objectives

- a high-ambition agreement, compatible with the WTO General Agreement on Trade in Services (GATS), that would attract broad participation and which could be multilateralised in the future;
- comprehensive scope, with no *a priori* exclusions of any sector or mode of supply;
- through negotiation, commitments that correspond as closely as possible to actual practice and provide opportunities for improved market access;
- new and enhanced disciplines to be developed on the basis of proposals brought forward by participants during the negotiations; and
- an agreement that is open to new participants who share our objectives and the parties will consider how to take into account the development objectives of least developed countries.

Structure

The agreement to be negotiated would comprise three elements:

- text provisions;
- schedules of commitments and exemptions applicable to individual parties; and
- new and enhanced disciplines.

A summary of the status of discussions on each of these elements is presented below.

Text

The text of the main body of the agreement would be based on the GATS. GATS articles proposed for incorporation include Article I (Scope and Definition), Article XIV and Article XIV bis (General and Security Exceptions), Article XVI (Market Access), Article XVII (National Treatment), and Article XXVIII (Definitions), among others.

Additional provisions would be developed to govern how commitments are made, including to address scheduling of commitments; the incorporation of the outcomes of negotiations on new and enhanced disciplines; and institutional mechanisms for implementation, enforcement, accession to and multilateralisation of the agreement.

Schedules of commitments and exemptions

Each party would prepare schedules of commitments and exemptions, which would include specific commitments, limitations, and exemptions. These schedules would become the basis of “offers,” which would be exchanged and subsequently negotiated.

On the basis of preliminary discussions,

- commitments on market access (GATS Article XVI) would be listed as they are under the GATS, whereby the obligation would apply only to sectors that are positively listed, as qualified by any limitations specified in the schedules;
- with regard to national treatment (GATS Article XVII), the obligation would be applied on a horizontal basis to all sectors and modes of supply, unless an exemption is listed in a schedule. Future elimination of discriminatory measures would be captured through a ratchet provision, with appropriate flexibilities;
- other approaches on market access, national treatment and most favoured nation treatment (horizontal or sectoral) could be developed to achieve high quality and balanced commitments across all parties; and
- common scheduling guidelines would be developed.

New and enhanced disciplines

New or enhanced disciplines (relative to the GATS) would be negotiated on the basis of proposals by parties for inclusion in the agreement. In preliminary discussions, participants have signalled an interest in negotiations in a number of areas. Proposals could be made in these or other areas at any time during the negotiations.

Timetable

The participants would aim to secure domestic authority to commence negotiations on all elements of the agreement (text, schedules, and new and enhanced disciplines) as early as possible in 2013. An overall schedule for negotiations with appropriate milestones would be developed. The negotiations would begin with the development of a text, the establishment of a date for tabling initial offers, and the presentation of proposals for new and enhanced disciplines.