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1 ARTICLE XIX OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

1.1 Text of Article XIX

Article XIX

Negotiations on Specific Commitments

1. In pursuance of the objectives of this Agreement, Members shall enter into successive rounds of negotiations, beginning not later than five years from the date of entry into force of the WTO Agreement and periodically thereafter, with a view to achieving a progressively higher level of liberalization. Such negotiations shall be directed to the reduction or elimination of the adverse effects on trade in services of measures as a means of providing effective market access. This process shall take place with a view to promoting the interests of all participants on a mutually advantageous basis and to securing an overall balance of rights and obligations.

2. The process of liberalization shall take place with due respect for national policy

1.2 Article XIX:1 "successive rounds of negotiations"

1. On 9-13 December 1996 in Singapore, the Ministerial Conference endorsed the recommendation that the Council for Trade in Services would develop an information exchange programme¹, as part of the requisite work to facilitate the negotiations of progressive liberalization of trade in services as mandated by Paragraph 1 of Article XIX.² On 11 May 1998, the Council on Trade in Services agreed, on an *ad referendum* basis, on certain aspects concerning the structure and content of the exchange of information exercise.³

2. At its meeting on 7-8 February 2000, the General Council took note of a statement by the Chairman recalling that the mandated negotiations had begun on 1 January 2000. The Council agreed that the negotiations be conducted in Special Sessions of the Council for Trade in Services.⁴

1.4 Post-Uruguay Round sectoral negotiations

1.4.1 Movement of natural persons

8. The GATS Decision on Negotiations on Movement of Natural Persons adopted by Ministers at Marrakesh provides for the negotiations on further liberalization of movement of natural persons for the purpose of supplying services to be extended for six months following the entry into force of the WTO. These negotiations, carried out in a Negotiating Group on Movement of Natural Persons, were finally concluded on 28 July 1995.¹¹ They resulted in six revised Schedules, which were incorporated into the original Uruguay Round Schedules of the Members concerned through the Third Protocol to the GATS¹², adopted by the Council for Trade in Services on 21 July 1995.¹³

9. The Third Protocol remained open for acceptance by the Members concerned originally until 30 June 1996, with entry into force foreseen "on the 30th day after 1 January 1996" for those Members which had accepted it by that date, and for those accepting it after that date, "on the 30th day following the date of each acceptance".¹⁴

10. The Council for Trade in Services subsequently decided to leave the Protocol open for acceptance for a longer period, until 30 November 1996.¹⁵ Belgium failed to accept the Protocol by that date, however. On 23 July 1998, the Council for Trade in Services decided to reopen the Third Protocol for acceptance by Belgium.¹⁶

1.4.2 Financial services

11. The Second Annex on Financial Services provided that during a period of 60 days beginning "four months after the entry into force of the WTO Agreement", Members were free to improve, modify, or withdraw all or part of the specific commitments on financial services inscribed in their Schedules and list measures related to financial services inconsistent with the Most-Favoured-Nation (MFN) principle. At the same time, the Decision on Financial Services adopted by Ministers at Marrakesh provided for extended negotiations in the sector during the six months following the entry into force of the WTO. These negotiations were finally concluded on 28 July 1995.¹⁷ Upon conclusion of the negotiations in 1995, the results consisting of 29 Schedules were incorporated into the original Uruguay Round Schedules through the Second Protocol to the GATS, whose text had been adopted by the Committee on Trade in Financial Services on 21 July 1995.¹⁸

12. The Second Protocol remained originally open for acceptance by the Members concerned until 30 June 1996, with entry into force originally foreseen "on the 30th day following the date of its acceptance by all Members concerned". At the same time, the Protocol provided that if by 1 July 1996 it had not been accepted by all Members concerned, "those Members which have accepted it before that date may, within a period of 30 days thereafter, decide on its entry into force." The Members that accepted the Protocol before 1 July 1996 finally decided to: (i) let the protocol enter into force on 1 September 1996, and, (ii) in order to allow for acceptance of the Protocol by Members which had not yet accepted it, leave the Protocol open for acceptance until 30 November 1996.¹⁹ The latter

23 July

the negotiations on maritime transport services, 35 Members had commitments on maritime transport services.³⁰

1.4.4 Basic telecommunications

17. At its meeting at the Ministerial level in Marrakesh (12-15 April 1994), the Trade Negotiations Committee adopted the Decision on Negotiations on Basic Telecommunications and included this Decision as well as the Annex on Negotiations on Basic Telecommunications (part of

they have been undertaken by means of inclusion in Protocols of Accession or GATS Certification procedures for submitting improvements to Schedules.

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