Trade in Services –

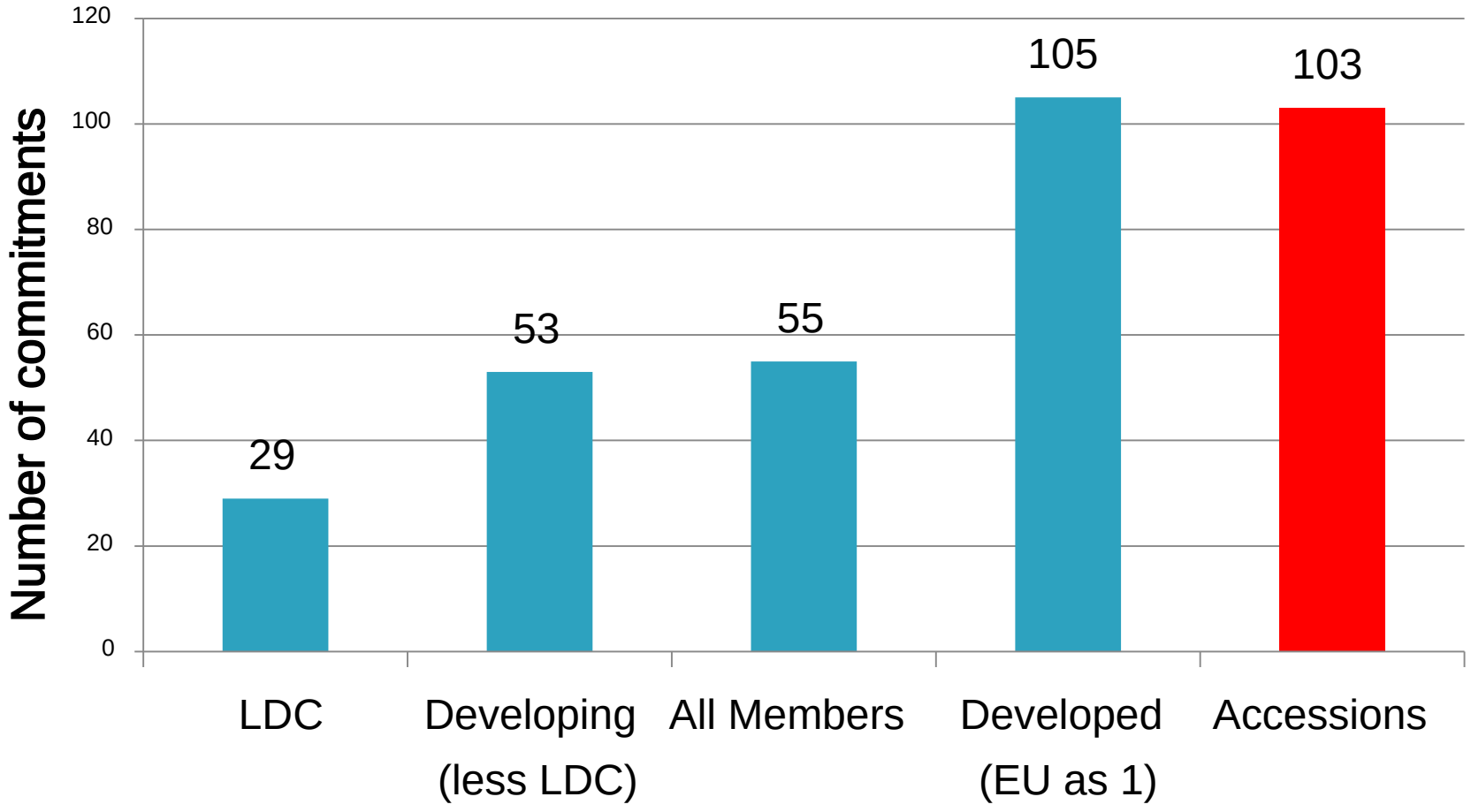
GATS logic of obligations and commitments

General Obligations
(Part II: Art II- XV)

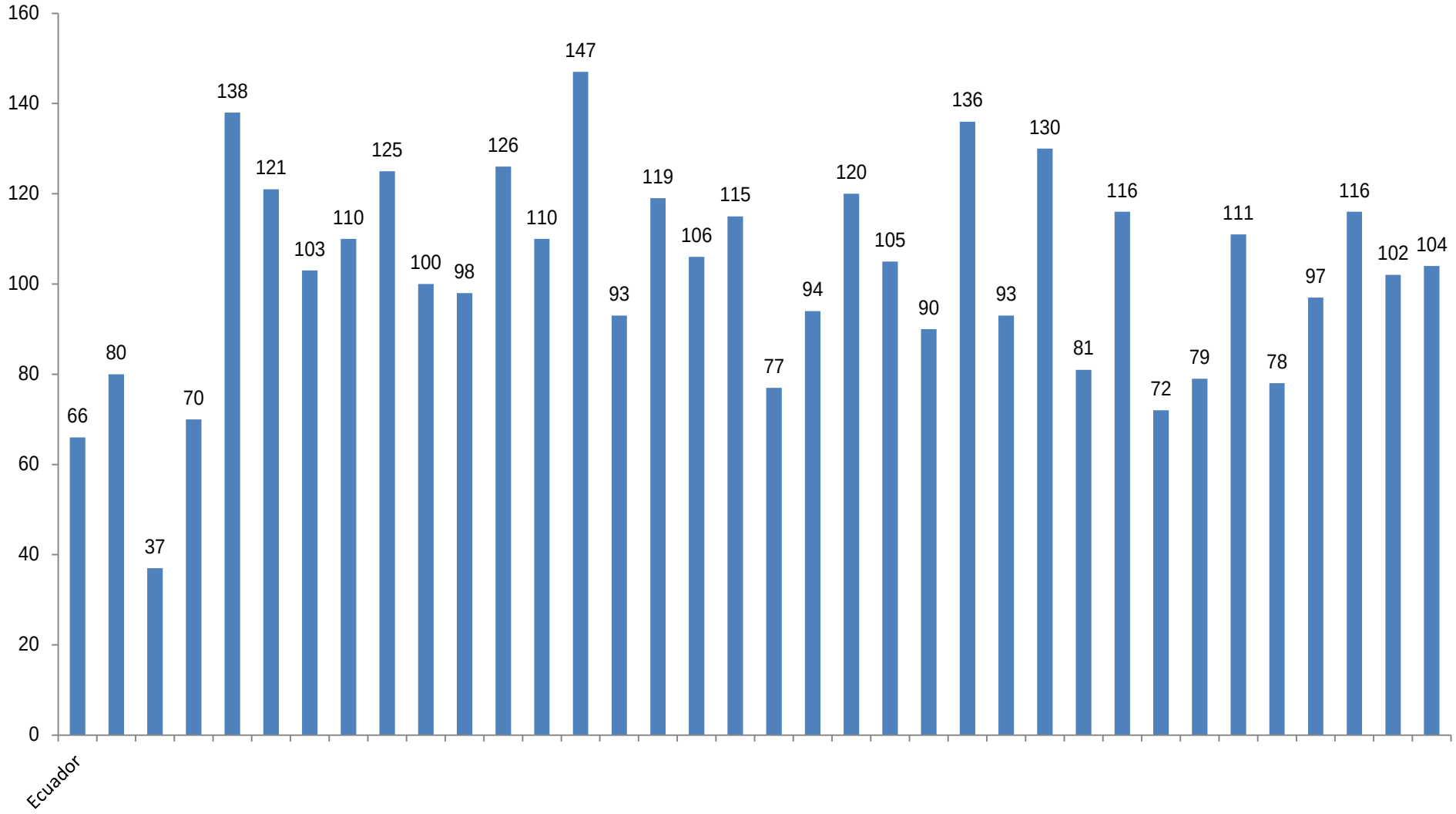
Obligations applying to measures affecting all sectors:

- MFN (Art II)
- Legal remedies (Art VI:2)
- Transparency (publication – Art

Sector commitments across various Member groups (average number)



Number of Sub-sectors Committed by Article XII Members



The MFN principle in the GATS

- Any advantage granted to services and service providers of a country must be extended to all WTO Members

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GATS & Transparency: Articles III and IV:2

"unconditional" obligations applicable to all sectors:

- Publish "all relevant measures of general application which pertain to or affect to operation of this agreement" (Art III:1)
- Response to request for information & establishment of Enquiry Points (for governments)(Art III:4)
- Developed countries: establishment of Contact Points (for suppliers) (Article IV:2)

"Conditional" obligations in scheduled sectors:

- Notification: annual information requirement of new measures which significantly affect trade in services covered by specific commitments

Payments and Transfers (Article XI)

- No restrictions on transfers and payments for current transactions relating to commitments (except under BoP difficulties)

- No restrictions on capital transactions inconsistently with commitments (except under BoP difficulties or at the request of the IMF)

Transparency – Publication of measures

1. The representative of [X] confirmed that [X] would publish all laws, regulations and other measures of general application pertaining to or

Transparency – Publication of Draft Regulation

"The representative of [X] also confirmed that [X] would:

(i)

Licensing Procedures – commitments for sectors with commitments

General obligations

- licensing procedures and conditions would not act as barriers to market access and would not be more trade restrictive than necessary. (mandate Art VI:4 China , para 308)
- The representative of [X] confirmed that [X] would ensure that its licensing procedures and conditions would not act as independent barriers to market access." (Montenegro, para 264)
- It would ensure that its licensing procedures were not in themselves a restriction on the supply of the service, and that its licensing requirements directly related to eligibility to supply a service were not in themselves an unjustified barrier to the supply of the service. (mandate Art VI:4 - Russian Federation, para 1405)

Independence of regulators

The representative of [X] further confirmed that in those sectors, where [X] had undertaken specific commitments, relevant regulatory authorities would not be accountable to any service suppliers they regulated. [WTO Telecom Reference paper +; Draft DR disciplines requiring independence of decision making and impartiality]

Afghanistan, para 283; Kazakhstan, para 1133; Tajikistan, para 338; Russian Federation, para 1406; Viet Nam, para 508; China, para 309

Regulatory GATS + obligations undertaken by several acceded Members -overview

Regulatory Commitments in Working Party Reports	Acceded Members with commitments
Necessitytest – licensing procedures and requirements not more trade	Arm[2C(en [(2ht-(5Td [([(r)-3.4 (e)-9.3 (2.6 T(e)(8)-[(4)-5 (3)((5)]4.1 (0)8