

# TRAINING COURSE ON TRADE IN SERVICES NEGOTIATIONS

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Session 4: Conducting services negotiations-  
modalities and implications of different scheduling  
approaches \*

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\* Based on materials developed by WTO, ESCAP and Sherry Stephenson  
(see list of references for details)

# Back to basics of GATS' schedules

## STRUCTURE AND TERMINOLOGY

### A. Each schedule has 4 columns

1. Description of committed sector or sub-sector
2. Market Access (MA) limitations
3. National Treatment (NT) limitations
4. Additional commitments

### B. For each sector/sub-sector, MA and NT commitments per mode of supply

### C. Levels of commitments

- **NONE**: no limitations (full commitment to liberalization)
- **UNBOUND**: no commitment, reserves right to use any measures inconsistent with MA or NT
- **LIMITATION**: specific measure(s) departing from full MA and NT that may be maintained or adopted

# Illustration

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Pres. of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
	(...)	(...)	
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
	(1)	(1)	
	(2)	(2)	
	(3)	(3)	
	(4)	(4)	

# Outline

What determines a quality and effectiveness of services agreement? A combination of:

- **Negotiating modality** (technique) used to schedule market access commitments (liberalization)
- **Modal and sectoral coverage**

[and of course DISCIPLINES included (substance) but that will not be covered in this session]

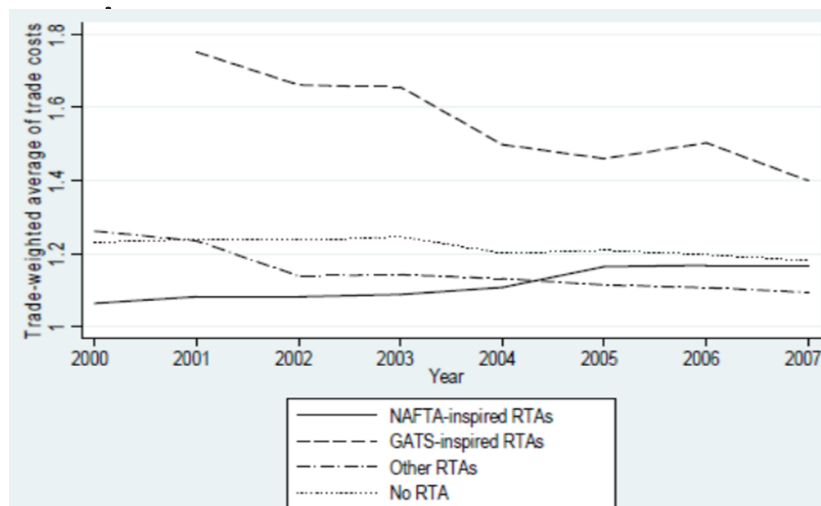
No two services agreements are the same!

# Negotiating modality

Review of scheduling techniques/ approaches

# Available types

- **Positive list or bottom up**- it is based on WTO GATS; mostly adopted in South-South agreements and deemed to be more realistic and easier, but not necessarily bringing more benefits
- **Negative list or top down**- it is based on NAFTA (and similar agreements) and has been increasingly used in N-N and North-South; deemed less realistic but more desirable due to lower



On average, trade costs are lower in negative list agreements

Source: Stephenson (2015)

- **Hybrid approach**- combination of the above two approaches; used also in TiSA

# Positive list or bottom up approach (1)

- Voluntary coverage: Commitments do not apply unless the sector/sub-sector is inscribed (listed) in the schedule
- Commitments are entered for both Market Access (MA) – mostly quantitative restrictions - and National Treatment (NT) – mostly discriminatory measures- in such a [negative] way to express what is inconsistent with the trade agreement [except for mode 4]

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Positive Element: selection of sectors in which Market Access and National Treatment is granted	(1)	(1)	Negotiated commitments not subject to scheduling under MA or NT
	(2) Negative Element:	(2)	
	(3) inscription	(3)	
	(4) of any	(4)	
	(1) limitations on	(1)	
	(2) Market Access	(2)	
	(3) and	(3)	
	(4) National Treatment	(4)	

# Positive list or bottom up approach (2)

- All limitations to MA and NT MUST be listed except in two extreme cases:
  1. Full free trade – full commitment to maintain no restrictions/limitation to foreign service (GATS language is NONE)
  2. No opening at all – no commitment to liberalization / complete regulatory freedom (GATS language is UNBOUND)
- Market access limitations (GATS Art. XVI:1)
  - Six limitations must be listed if partial commitments are made (GATS Art. XVI:2)

预览已结束，完整报告链接和二维码如下：

[https://www.yunbaogao.cn/report/index/report?reportId=5\\_3378](https://www.yunbaogao.cn/report/index/report?reportId=5_3378)

