








Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2008/0113(NLE)	Preparatory phase in Parliament
EU/US negotiations: specific commitments on gambling and betting services		
Subject 3.40.18 Services sector 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO) 6.20.03 Bilateral economic and trade agreements and relations		
Geographical area United States		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 International Trade	 LANGE Bernd	23/09/2019
		Shadow rapporteur	
		 HÜBNER Danuta Maria	
		 SCHREINEMACHER Liesje	
Council of the European Union	Former committee responsible	 BÜTIKOFER Reinhard	
	 International Trade		
	 International Trade		
European Commission	Commission DG Trade	Commissioner DE GUCHT Karel	

Key events			
11/06/2008	Preparatory document	SEC(2008)2023	Summary
02/12/2009	Additional information		Summary

Technical information	
Procedure reference	2008/0113(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 207
Stage reached in procedure	Preparatory phase in Parliament

Documentation gateway					
Preparatory document		SEC(2008)2023	11/06/2008	EC	Summary

EU/US negotiations: specific commitments on gambling and betting services

PURPOSE : to conclude negotiations with the USA on the necessary compensatory adjustments resulting from the US intended withdrawal of specific commitments on gambling and betting services pursuant to Article XXI of the General Agreement on Trade in Services.

PROPOSED ACT : Council Decision

IMPACT ANALYSIS : none

LEGAL BASE : Article 133 (1) and (5), in conjunction with Article 300(2) of the Treaty establishing the European Community.

CONTENT : the terms and conditions under which Members of the World Trade Organization ("WTO") commit access to their market to the services and service suppliers of other Members are listed in a Member's Schedule of specific commitments ("Schedule") under the General Agreement on Trade in Services ("GATS").

The GATS provides in its Article XXI for a procedure that Members can use to modify or withdraw any commitments in their Schedule. A Member that chooses to modify or withdraw a commitment should notify other Members of the WTO of its intention. Any Member of the WTO which considers that its benefits under the GATS are affected by the proposed modification should communicate its claim of interest to the 'modifying Member'. Subsequently, the modifying Member and the affected Member enter into negotiations with a view to reaching agreement on any necessary adjustment to be made by the modifying Member in compensation. The adjustment should endeavour to maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in the Schedule prior to the negotiations.

On 8 May 2007, the USA notified the WTO of its intention to withdraw from its schedule commitments on gambling and betting services in accordance with Article XXI of the GATS.

On 19 June 2007, the European Communities identified itself as an affected Member pursuant to Article XXI of the GATS. In accordance with that Article, the EC entered into negotiations with the US to determine appropriate compensatory adjustments to be made by the United States. Such compensatory adjustments take the form of specific commitments on services.

On 10 September 2007 the Council authorised the Commission to conduct negotiations with the United States with a view to reaching agreement on necessary compensatory adjustment for the withdrawal of commitments on gambling and betting services.

On 17 December 2007 the EC and the US determined the compensatory adjustments to be made by the US to maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in the Schedule of the United States prior to the negotiations. Specifically, the United States agreed to incorporate into its Schedule commitments in the area of storage and warehouse services, technical testing and analysis services, research and development services and postal and courier services.

The present Commission proposal aims at formally endorsing the compensatory adjustments determined through the negotiations between the EC and the US.

It should be noted that this document was initially classified as 'restricted EU' and was declassified by the Commission on 19 December 2008. The European Parliament will be formally consulted on the proposal.

FINANCIAL IMPLICATIONS : none.

EU/US negotiations: specific commitments on gambling and betting services

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many proposals presented by the Commission, on the basis of the "old" treaties, before that date. For more information, see [COM \(2009\)0665](#). In some cases, a new legal framework was conferred on certain proposals that had not previously been subject to the interinstitutional decision-making process. The European Parliament would now be involved in any decision on those proposals.

The proposal in this procedure file is one such case. It was previously based on Articles 133 and 300 of the EC Treaty, (covering the common commercial policy and the conclusion of agreements between the European Community and one or more States or international organisations). It now falls under Articles 207 and 218(6)(a) of the TFEU, under which the European Parliament's consent must be obtained, under the new interinstitutional non-legislative procedure, before the Council adopts any decision concluding an international agreement relating to the common commercial policy.