










Procedure file

Basic information		
NLE - Non-legislative enactments	2022/0174(NLE)	Awaiting final decision
Conclusion of an agreement under GATS on the modification of schedules of specific commitments		
Subject 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 International Trade		14/07/2022
		 LANGE Bernd	
		Shadow rapporteur	
		 SEEKATZ Ralf	
		 RAFAELA Samira	
		 MATTHIEU Sara	
		 HAIDER Roman	
		 BOURGEOIS Geert	
		 SCHOLZ Helmut	
Council of the European Union European Commission	Commission DG Trade	Commissioner DOMBROVSKIS Valdis	

Key events			
07/06/2022	Preparatory document	COM(2022)0257	
12/07/2022	Legislative proposal published	09982/2022	Summary
12/09/2022	Committee referral announced in Parliament		
25/10/2022	Vote in committee		
26/10/2022	Committee report tabled for plenary, 1st	A9-0257/2022	

	reading/single reading		
10/11/2022	Results of vote in Parliament		
10/11/2022	Decision by Parliament	T9-0378/2022	Summary

Technical information

Procedure reference	2022/0174(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the EU TFEU 091; Treaty on the Functioning of the EU TFEU 100-p2; Treaty on the Functioning of the EU TFEU 207; Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Awaiting final decision
Committee dossier	INTA/9/09252

Documentation gateway

Preparatory document		COM(2022)0257	07/06/2022	EC	
Legislative proposal		09982/2022	12/07/2022	CSL	Summary
Committee draft report		PE736.465	15/09/2022	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0257/2022	26/10/2022	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0378/2022	10/11/2022	EP	Summary

Conclusion of an agreement under GATS on the modification of schedules of specific commitments

PURPOSE: to approve, on behalf of the European Union, the modification of the Union's schedule of specific commitments under the General Agreement on Trade in Services (GATS) in order to incorporate Annex 1 of the Declaration on the conclusion of the negotiations on domestic regulation in the field of services.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Article VI of the General Agreement on Trade in Services (GATS) contains a built-in mandate to develop necessary disciplines with a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services.

The Members of the World Trade Organization (WTO) have been negotiating such domestic regulation disciplines for many years and as of 1999, those negotiations took place in the Working Party on Domestic Regulation.

At the 11th WTO Ministerial Conference, a group of 59 WTO Members, including the Union, issued a Joint Ministerial Statement on Services Domestic Regulation whereby they launched a plurilateral initiative to negotiate disciplines on services domestic regulation.

The Commission conducted negotiations in consultation with the Committee established under Article 207(3) of the Treaty. The number of participants in this plurilateral Joint Statement Initiative increased to 67 WTO Members over time.

On 2 December 2021, the participants in these negotiations issued a Declaration on the Conclusion of Negotiations on Services Domestic Regulation, which announced the successful conclusion of the negotiations.

In a Declaration on the Conclusion of Negotiations on Services Domestic Regulation issued on 2 December 2021, 67 WTO Members noted the conclusion of the negotiations on the Reference Paper which forms Annex 1 of the Declaration. They also welcomed the Schedules of Specific Commitments which were submitted as their contributions to finalise the negotiations. Those 67 WTO members account for more than 90% of the global trade in services.

In accordance with the Reference Paper, the participants to the Declaration confirmed their intention to incorporate the disciplines in the Reference Paper (contained in Annex 1 of the Declaration) as additional commitments into their GATS Schedules.

Subject to the completion of any required domestic procedures, the participants aim to submit their Schedules of Specific Commitments for

certification, in accordance with the Procedures for the Certification of Rectifications or Improvements to Schedules of Specific Commitments, within twelve months of the date of the Declaration. Through the certification, the participants will give legal effect to the disciplines of Annex 1 of the Declaration by incorporating them as additional commitments into their schedule of specific commitments under the GATS.

In accordance with the Declaration, the Union should submit to the WTO the necessary modifications to its GATS Schedule of Specific Commitments, as set out in the Unions Pre-Finalisation Schedule of Specific Commitments.

The incorporation of the disciplines specified in Annex 1 to the Declaration on the Conclusion of Negotiations on Services Domestic Regulation into the Unions GATS Schedule of Specific Commitments should be approved on behalf of the European Union.

CONTENT: the purpose of the draft Council Decision is to approve, on behalf of the Union, the incorporation of the disciplines contained in Annex 1 to the Declaration on the conclusion of the negotiations on domestic regulation in services into the Union's GATS Schedule of Specific Commitments.

The objective of the draft decision is to make additional commitments on behalf of the European Union under the GATS on domestic regulation. The agreement will allow for the incorporation of the disciplines listed in Annex 1 of the declaration into the GATS schedule applicable in the territory of the European Union.

Members should inscribe the disciplines in Section II in their Schedules as additional commitments under Article XVIII of the Agreement. These disciplines apply to measures by Members relating to licensing requirements and procedures, qualification requirements and procedures and technical standards which affect trade in services.

Members may choose to inscribe the alternative disciplines in Section III for their commitments in financial services. These disciplines apply to measures by Members relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards affecting trade in services.

Conclusion of an agreement under GATS on the modification of schedules of specific commitments

The European Parliament adopted by 503 votes to 93, with 12 abstentions, a legislative resolution on the draft Council decision on the conclusion on behalf of the European Union, of an agreement on the modification of schedules of specific commitments under the General Agreement on Trade in Services to incorporate Annex 1 of the Declaration on the Conclusion of Negotiations on Services Domestic Regulation of 2 December 2021.

Parliament gave its consent to the conclusion of the agreement.

Article VI of the General Agreement on Trade in Services (GATS) contains built-in mandate to develop necessary disciplines with a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services. The Members of the World Trade Organization (WTO) have been negotiating such domestic regulation disciplines for many years.

At the 11th Ministerial Conference and later on, a group of 59 WTO Members, including the European Union, issued a Joint Ministerial Statement on Services Domestic Regulation reaffirming their commitment to advancing negotiations on services domestic regulation, with a view to incorporating the outcome of the work into their respective schedules of specific commitments by the 12th Ministerial Conference.

The negotiations of this Joint Statement Initiative were successfully concluded on 2 December 2021. In a declaration on the conclusion of negotiations on services domestic Regulation issued on 2 December 2021, 67 WTO Members (accounting for more than 90% of the global trade in services) noted the conclusion of the negotiations on the Reference Paper which forms Annex 1 of the Declaration. They also welcomed the Schedules of Specific Commitments which were submitted as their contributions to finalise the negotiations. Those 67 WTO members account for more than 90% of the global trade in services.

The participants to the Declaration confirmed their intention to incorporate the disciplines agreed on as additional commitments into their GATS Schedules. Subject to the completion of any required domestic procedures, the participants aim to submit their Schedules of Specific Commitments for certification, within twelve months of the date of the Declaration. Through the certification, the participants will give legal effect to the disciplines of Annex 1 of the Declaration.

The agreement will thus allow the disciplines listed in Annex 1 of the declaration to be incorporated into the GATS schedule applicable in the territory of the European Union.