



**Council for Trade in Services
Special Session**

NEGOTIATIONS ON TRADE IN SERVICES

**REPORT BY THE CHAIRMAN, H.E. AMBASSADOR GABRIEL DUQUE
TO THE TRADE NEGOTIATIONS COMMITTEE**

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Since July of this year, the Special Session of the CTS held two informal meetings that have predominantly focused on the possibility of an MC10 deliverable on transparency in domestic regulation in services. At the meeting of 9 October Members shared their views. For the meeting of 20 November, Members discussed a submission that was made by the EU. An additional informal meeting will be held on 8 December to consider a submission on the topic recently put forward by Australia and Canada. A submission by India on services transparency in measures relating to the temporary entry of natural persons will also be considered at that meeting.

As of today, however, although many delegations are favourable to the idea of a ministerial text on transparency, a significant number of Members, including country groupings, are not prepared to enter into a drafting exercise and some have explicitly rejected the possibility of an outcome in that respect at MC10. Some of these Members characterised the suggestion as, for example, a "selective harvest" of a portion of the WPDR work.

The informal meeting of 9 October allowed Members the opportunity to provide updates on their ideas and preparations for the Nairobi Ministerial and to exchange views on the way ahead. Delegations overall expressed their disappointment at the lack of progress thus far, and many emphasized their desire for an outcome in services at Nairobi. Some delegations suggested that a text on transparency in services could offer a pragmatic deliverable for Nairobi, and could draw upon paragraphs 13-15 of the WPDR Chair's text of 2009 on Domestic Regulation as a basis for discussion. Other delegations cautioned that a result in services could only be agreed under certain conditions, including overall balance of a Nairobi outcome, linkage to a post-Nairobi outcome and internal balance on development priorities. Most delegations said that a result on transparency, if any, must not be interpreted to exhaust the GATS negotiating mandate in Article VI: 4.

The session on 20 November was dedicated to consultations on a discussion paper on transparency in domestic regulation submitted by the EU (RD/SERV/130) on a possible deliverable for MC10. Many delegations expressed willingness to work on a draft on this basis and offered specific drafting suggestions to that end. However, many other delegations reiterated the reservations previously expressed in the 9 October meeting. I concluded from this meeting that there remained considerable differences among Members on the desirability and viability of such an output for MC10.

Another informal meeting has been scheduled for 8 December to consider a submission by Australia and Canada (JOB/SERV/221) on transparency in domestic regulation and a submission by India (JOB/SERV/222) on services transparency in measures relating to temporary entry of natural persons, both of which propose possible text for a decision to be considered for inclusion in the MC10 package.
