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978-0-521-89688-7 - GATS and the Regulation of International Trade in Services
Edited by Marion Panizzon, Nicole Pohl and Pierre Sauve

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GATS AND THE REGULATION OF INTERNATIONAL TRADE IN SERVICES

This collection of essays takes stock of the key challenges that have arisen since the entry into force of the General Agreement on Trade in Services in the mid-1990s and situates them in the context of the WTO's Doha Development Agenda and the proliferation of preferential agreements addressing services today. The multidisciplinary approach provides an opportunity for many of the world's leading experts and a number of new analytical voices to exchange ideas on the future of services trade and regulation. Cosmopolitan approaches to the treatment of labour mobility, the shape of services trade disciplines in the digital age and pro-competitive regulation in air transport are explored with a view to helping readers gain a better understanding of the forces shaping the changes. An essential read for all those concerned with the evolution of the rules-based trading system and its impact on the service economy.

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ABBREVIATIONS

ACP	African, Caribbean and Pacific Group
AIMS	American Institute of Merchant Shipping
AFAS	ASEAN Framework on Services
AIA	ASEAN Investment Area
AIMS	American Institute of Merchant Shipping
ANZCERTA	Australia New Zealand Closer Economic Relations Trade Agreement
AoA	Agreement on Agriculture
ASCM	Agreement on Subsidies and Countervailing Measures
APEC	Asia-Pacific Economic Cooperation
APT	Asia Pacific Telecommunity
ASEAN	Association of Southeast Asian Nations
BIT	bilateral investment treaty
BOP	balance of payments
CAFTA	Central American Free Trade Agreement
CENSA	Council of European and Japanese National Shipowners' Associations
CEPA	Closer Economic Partnership Arrangement
CEPII	Centre d'études prospectives et d'informations internationales
CISG	Convention on Contracts for the International Sale of Goods
CPC	Central Product Classification
CRNM	Caribbean Regional Negotiating Machinery
CTG	Council for Trade in Goods
CTS	Council for Trade in Services
DDA	Doha Development Agenda
DSB	Dispute Settlement Body
DWP	Doha Work Programme
DSM	(WTO) dispute settlement mechanism

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ABBREVIATIONS

DSU	Understanding on Rules and Proceedings Governing the Settlement of Disputes
ECAA	European Common Aviation Area
ECLAC	Economic Commission for Latin America and the Caribbean
EFTA	European Free Trade Association
EIA	economic integration agreement
ESM	emergency safeguard mechanism
FATS	Foreign Affiliates Trade in Services
FDI	foreign direct investment
FTA	free trade agreement
FTAP	fair and transparent arbitration process
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GPA	Agreement on Government Procurement
GTAP	Global Trade Analysis Project
HS	harmonised system
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICSE	International Classification of Status in Employment
ICSID Convention	Washington Convention on the Settlement of Investment Disputes between States and Nationals of Other States
ICT	information communication technologies
ICTSD	International Centre for Trade and Sustainable Development
IBD	Inter-American Development Bank
IIA	international investment agreement
ILC	International Law Commission
ILO	International Labour Organization
ISCO	International Standard Classification of Occupations
ITU	International Telecommunications Union
LDC	least-developed country
LRP	licensing requirements and procedures
M&A	mergers and acquisitions
MAI	Multilateral Agreement on Investment
MALIAT	Multilateral Agreement on the Liberalisation of International Air Transportation (Kona open skies agreement)

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MAT	marine, aviation and transport
MENA	Middle East and North Africa
MFN	most-favoured nation
MRA	mutual recognition agreement
NAFTA	North American Free Trade Agreement
NAMA	non-agricultural market access
NGBT	Negotiating Group on Basic Telecommunications
NGMTS	Decision establishing the Negotiating Group on Maritime Transport Services
NTB	non-tariff barriers
OECD	Organisation for Economic Co-operation and Development
PTA	preferential trade agreement
QRP	qualification requirements and procedures
RIA	regional integration agreement
RTA	regional trade agreement
SPS	(Agreement on) Sanitary and Phytosanitary Measures
SSCL	Services Sectoral Classification List
TBT	(Agreement on) Technical Barriers to Trade
TDB	Trade and Development Board
TRI	trade restrictiveness index
TRIPS	trade-related aspects of intellectual property rights
TS	technical standards
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	UN Conference on Trade and Development
VCLT	Vienna Convention on the Law of Treaties
WIPO	World Intellectual Property Organization
WPDR	Working Party on Domestic Regulation
WPGR	Working Party on GATS Rules
WPPS	Working Party on Professional Services
WTO	World Trade Organization

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PREFACE

The World Trade Forum series was established to help spread the conviction that a multidisciplinary approach to international trade is warranted. The 10th World Trade Forum was held from 20–22 September 2006 at the World Trade Institute of the University of Berne on the theme of the General Agreement on Trade in Services (GATS). The participants were in broad agreement that, in its present shape and form, GATS insufficiently promotes further liberalisation of services. But, during the conference, it became apparent that scholars, practitioners and government officials were committed to improving the way services trade is conducted. Valuable proposals for progress were tabled and researched and have led to this collection of essays viewing trade in services from a variety of perspectives, domestic and international, economic and legal, past and future. Thus, the 10th World Trade Forum could not have successfully taken place without the active involvement of the participants, many of whom contributed to the articles collected in this volume now entitled ‘GATS and the Regulation of International Trade in Services’.

Thus, we wish to thank the authors of the chapters in this collection who have worked beyond the call of duty to accommodate the guidelines and suggestions of the editors. We are also grateful for the support of the Ecoscientia Foundation, which helped to make the conference a truly engaging event for everyone involved and facilitated the in-house editing process at the World Trade Institute. Organising the conference required true teamwork from all those involved and their efforts were much appreciated. Thanks are also due to the in-house scientific editor, Susan Kaplan and her assistant, Jane Müller, for preparing the manuscript. Moreover, we wish to express our gratitude to the administrative staff of the World Trade Institute, especially Margrit Vetter and Stephan Deutsch for their capable organisation of the event. This book would not have been possible without the funding of the Swiss National Science Foundation in support of the National Centre for Competence in

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PREFACE

Research (NCCR) Trade Regulation. The editors are indebted to NCCR Trade Regulation's Director, Professor Thomas Cottier, for establishing the contact with Cambridge University Press and selecting GATS as the topic of the 10th World Trade Forum. Thanks also go to the scientific coordinator of NCCR Trade Regulation, Susan Brown, whose foresight enabled this 10th World Trade Forum conference, and this volume, to mark the beginning of a tradition of joint effort between the World Trade Institute and the NCCR Trade Regulation. Such a high-level exchange of expertise on services trade would not have been possible without the guidance of Pierre Sauvé, the leader of the NCCR Trade Regulation's project on services. The co-editors of this volume, Marion Panizzon, the alternate leader of NCCR's project on services and Nicole Pohl, the World Trade Institute's Director of Studies, are indebted to Pierre Sauvé for his significant role in encouraging high-level participation in the 10th World Trade Forum conference and making the event an interesting one for all those who attended.

Last, but not least, we wish to thank Finola O'Sullivan from Cambridge University Press for her commitment to the book project. Conceptualised as a reference volume, we hope that this book will complement and update other publications on international trade in services and find an interested, yet critical readership, ready to shape the future of a cosmopolitan regime for services trade.