

WORLD TRADE ORGANIZATION

RESTRICTED

S/NGMTS/8

5 January 1996

(96-0013)

Negotiating Group on Maritime Transport Services

NOTE ON THE MEETING OF 5 AND 8 DECEMBER 1995

1. The Negotiating Group on Maritime Transport Services held its eighth meeting on 5 and 8 December 1995. The agenda of the meeting was contained in Airgram WTO/AIR/230 of 24 November 1995.
2. Under item A of the agenda, requests for observer status, the Chairman said that in the absence of any requests since the last meeting the membership of the Group remained at forty-two full participants, fifteen observer governments and three observer organizations.
3. Under item B of the agenda, responses to the questionnaire on maritime transport services, the Chairman said that since the last meeting of the Group there had not been any further submissions of questionnaire replies, the number of sets of replies submitted remaining at thirty-four from full participants and two from observer governments. There were therefore eight full participants and thirteen observers that had not yet submitted replies. On the reply to Questions 2 and 3 of Part I of the questionnaire, the representative of Cuba said that the share of Cuba's trade carried by air was very small and that was why it had not been specifically indicated in the reply.
4. The third item of the agenda was the consideration of the draft schedule on maritime transport services. The Chairman recalled that the mandate of the Group was to secure commitments in all three areas agreed by Ministers in Marrakesh - namely, international shipping, auxiliary services and access to and use of port services. He reminded the Group that his consultations on the draft schedule had so far been very constructive and that he was confident that the Group was coming to an understanding of how commitments in the three areas of the negotiations could encompass commitments in relation to multimodal transport operations. His intention was to come back to the issue of multimodal transport services at the next meeting of the Group.
5. The Chairman then opened the floor for comments on the current round of bilateral negotiations. Several delegations spoke on the need for the negotiations to intensify and for offers to be put on the table by all participating countries and, in particular, by one major trading partner. Several delegations expressed optimism regarding the prospects for new and/or improved offers from participants and the ability of the NGMTS negotiations to capture the trend toward liberalization in the sector which seemed to be emerging. A reference was also made to the need for requests lists to start being elaborated and circulated before the next meeting of the Group. Some delegations referred to the fact that it had become evident in bilateral contacts that serious thought was being given to the draft schedule and, in particular, to the issue of multimodal transport.
6. The Chairman thanked participants for their reports and, more specifically, those that had given positive indications regarding the submission of offers in the near future - namely, Brazil, Republic of Korea, Mexico, Côte d'Ivoire, Chile, Colombia and Nigeria. He said that notwithstanding positive signs there was a clear need for the pace of the negotiations to quicken and intensify if the Group was to achieve the desired outcome of the negotiations within the mandated time. He placed great emphasis on the need for participants to intensify the process of bilateral negotiations on the basis not only of

./.

further conditional offers but also of formal written requests. He proposed a further process primarily devoted to bilateral negotiations but involving also multilateral stock-takings and his own consultations on adjustments to the draft schedule for mid-February 1996. He suggested that depending on the Group's collective assessment of the progress made in the negotiations by the end of the next meeting, he would be reflecting on the best ways forward, including high-level consultations with delegations, possibly in March or April, on the precise form of the final stages of the NGMTS negotiations.

7. Under item E of the agenda, other business, the issue of the export of Alaskan North Slope Oil was addressed. The representative of the EC asked that the issue be placed in the agenda of the next meeting of the Group. The representative of Norway asked the Group to consider the usefulness of requesting a legal opinion from the Secretariat on how the newly-enacted U.S. law related to paragraph 7 of the *Decision on Negotiations on Maritime Transport Services*. The representative of Japan said that the newly-introduced law was not only inconsistent with paragraph 7 of the *Decision* and bilateral treaties but that it was also a clear violation of the principle of free trade; it should therefore continue to be examined by the Secretariat and members of the Group. The representative of the United States said that countries were free to make representations to his government regarding energy or shipping policy aspects of the law; he objected, however, to the NGMTS going into any aspect of the law which went beyond the political commitment contained in the *Decision*. He emphasized, as he had done in the last meeting of the Group, that the measure did not improve the U.S. negotiating position and that it would most likely increase opportunities for foreign shippers. The Chairman said that the issue would be placed on the agenda of the next meeting of the Group.

8. Regarding dates of future meetings, the Group agreed on having its next formal meeting and process of bilateral negotiations during the week of 12 February 1996.