

**PREPARATORY COMMITTEE
FOR THE
WORLD TRADE ORGANIZATION**

RESTRICTED
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Sub-Committee on Services

GUIDELINES FOR NOTIFICATIONS

Note by the Secretariat

At the meeting of the Sub-Committee on Services held on 19 May 1994, the Secretariat was asked to prepare a document containing guidelines for notifications under the General Agreement on Trade in Services.

The following Guidelines were agreed at the meeting of the Sub-Committee on 29 November 1994, and are submitted to the Council on Trade in Services for approval.

GUIDELINES FOR NOTIFICATIONS UNDER THE
GENERAL AGREEMENT ON TRADE IN SERVICES

1. This note identifies the provisions of the General Agreement on Trade in Services (GATS) that contain notification requirements and the elements to be included in such notifications, and proposes a common format to be used by Members in making notifications.
2. The relevant parts of the GATS containing specific notification requirements are the following:
 - **Article III: (paragraph 3) - Transparency;** *"Each Member shall promptly and at least annually inform the Council for Trade in Services of the introduction of any new, or any changes to existing, laws, regulations or administrative guidelines which significantly affect trade in services covered by its specific commitments under this Agreement".*
 - **Article V (paragraph 7) - Economic Integration;** *"Members which are parties to any agreement referred to in paragraph 1 shall promptly notify any such agreement and any enlargement or any significant modification of that agreement to the Council for Trade in Services. They shall also make available to the Council such relevant information as may be requested by it. The Council may establish a working party to examine such an agreement or enlargement or modification of that agreement and to report to the Council on its consistency with this Article".*
 - **Article V bis (paragraph (b)) - Labour Markets Integration Agreements;** *"(b) is notified to the Council for Trade in Services".*
 - **Article VII (paragraph 4) - Recognition;** *"Each Member shall:*
 - (a) *within 12 months from the date on which the WTO Agreement takes effect for it, inform the Council for Trade in Services of its existing recognition measures and state whether such measures are based on agreements or arrangements of the type referred to in paragraph 1;*
 - (b) *Promptly inform the Council for Trade in Services as far in advance as possible of the opening of negotiations on an agreement or arrangement of the type referred to in paragraph 1 in order to provide adequate opportunity to any other Member to indicate their interest in participating in the negotiations before they enter a substantive phase;*
 - (c) *promptly inform the Council for Trade in Services when it adopts new recognition measures or significantly modifies existing ones and state whether the measures are based on an agreement or arrangement of the type referred to in paragraph 1".*
 - **Article VIII (paragraph 4) - Monopolies and Executive Service Suppliers;** *"If, after the date of entry into force of the WTO Agreement, a Member grants monopoly rights regarding the supply of a service covered by its specific commitments, that Member shall notify the Council for Trade in Services no later than three months before the intended implementation of the grant of monopoly rights and the provisions of paragraphs 2, 3 and 4 of Article XXI shall apply.*

(Paragraph 5) The provisions of this Article shall also apply to cases of exclusive service suppliers, where a Member, formally or in effect, (a) authorizes or establishes a small number of service suppliers and (b) substantially prevents competition among those suppliers in its territory".

- **Article X (paragraph 2) - Emergency Safeguard Measures;** *"In the period before the entry into effect of the results of the negotiations referred to in paragraph 1, any Member may, notwithstanding the provisions of paragraph 1 of Article XXI, notify the Council on Trade in Services of its intention to modify or withdraw a specific commitment after a period of one year from the date on which the commitment enters into force; provided that the Member shows cause to the Council that the modification or withdrawal cannot await the lapse of the three-year period provided for in paragraph 1 of Article XXI".*
- **Article XII (paragraph 4) - Restrictions to Safeguard the Balance of Payments;** *"Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the General Council".*
- **Article XIV bis (paragraph 2) - Security Exceptions;** *"The Council for Trade in Services shall be informed to the fullest extent possible of measures taken under paragraphs 1(b) and (c) and of their termination".*
- **Article XXI (paragraph 1(b)) - Modification of Schedules;** *"A modifying Member shall notify its intent to modify or withdraw a commitment pursuant to this Article to the Council for Trade in Services no later than three months before the intended date of implementation of the modification or withdrawal".*
- **Annex on Article II Exemptions (paragraph 7)** *"A Member shall notify the Council for Trade in Services at the termination of the exemption period that the inconsistent measure has been brought into conformity with paragraph 1 of Article II of the Agreement".*

3. It should be noted that Article V:7 establishes the obligation to notify the full texts of the agreements concerned, or any significant modification of them, for the purpose of their analysis in a working party. Article V bis also requires the full text of labour markets integration agreements to be notified to the Council. A copy of the full text of the agreements should therefore be provided for retention by the Secretariat and consultation by interested members; a synthesis of the main elements of the agreements should be included in the standard format for notification purposes.

4. In relation to Article VII (Recognition) the notification should contain a synthesis of the main elements of the measure or the international agreement in question and advice on where additional information is available (e.g., enquiry point established under Article III:4 or the WTO Secretariat).

5. The notification requirement in Article XII:4 differs from those contained in other Articles of the Agreement in the sense that the notification has to be made to The General Council instead of The Council on Trade in Services. Since any discussion on balance of payments restrictions will take place in The Balance of Payments Committee and the notification of measures taken under this Article should presumably be made in conjunction with that of measures adopted under GATT disciplines, modalities for notifications made under Article XII:4 will be determined by the Balance of Payments Committee and the General Council.

6. In order to avoid unnecessary reproduction and distribution of all international agreements notified under the GATS, the WTO Secretariat will be the depository of the agreements notified by Members. Copies of such agreements will be available to Members upon request. For the purpose of any working parties that maybe established under Article V - Integration Agreements, Members that are parties to such agreements will provide copies for distribution.
7. Notifications made under the provisions of the GATS will follow the standard format attached to this Note and be submitted in one of the WTO's three official languages.
8. In order to avoid duplication of notifications, Members should not need to notify a measure or an international agreement more than once. It would be enough in making the first notification to indicate any other provisions of the GATS under which the same subject-matter is being notified.

WORLD TRADE

ORGANIZATION

General Agreement in Trade in Services

NOTIFICATION

1.	Members(s) notifying. If applicable the Sub central government or authority or non governmental bodies involved should be specified.
2.	Notification under Article(s):
3.	Date of entry into force/duration:
4.	Agency responsible for enforcement of the measure:
5.	Complete description of the measure* indicating the modes of supply covered, the effect on trade in services (e.g., restrictions/liberalization measures) and the impact of the measure on commitments in the Member's schedule and Article II (MFN) exemption list, if relevant:
6.	Members specifically affected, if any:
7.	Text available from: <ul style="list-style-type: none">- Enquiry point- WTO Secretariat- Other sources (address, fax and telephone of other body)

*Including international agreements, recognition measures or other types.