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Council for Trade in Services

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**NOTIFICATION PURSUANT TO ARTICLE III:3
OF THE GENERAL AGREEMENT
ON TRADE IN SERVICES**

The following notification, dated 12 February 2014, from the delegation of the European Union, is being circulated to the Members of the Council for Trade in Services.

The following notification is made pursuant to GATS Article III:3 and relates to measures adopted by the European Union in 2012. Given that there is no common understanding among WTO Members on when a measure "significantly affects trade in services" within the meaning of GATS Article III:3 and that the European Union cannot make a positive determination on this issue, it is therefore notifying measures that may be relevant to trade in services without prejudice to the interpretation of the phrase "significantly affect trade in services" in Article III:3.

1 MEMBER NOTIFYING

EU

2 NOTIFICATION UNDER ARTICLE

Article III, paragraph 3 of the General Agreement on Trade in Services.

3 DATE OF ENTRY INTO FORCE

15 May 2013

4 AGENCY RESPONSIBLE FOR ENFORCEMENT OF THE MEASURE

Member States of the EU.

5 DESCRIPTION OF THE MEASURE

a. Full title of the EU act:

REGULATION (EU) No 347/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 364/2006/EC.

b. Brief summary of the content with a focus on potential effect on services trade:

In order to get rid of "bottlenecks" in the EU energy grids, to stop the isolation of certain regions and in order to promote the integration of sustainable energy, there is a need for more energy transport infrastructure in the EU. An increase of cross-border connections and energy-infrastructure requires huge investments.

Apart from the financing, another hurdle for investment is the permit-granting process, which can be improved. Therefore the new regulation will bring about a faster and easier permit-granting process for Projects of Common Interest (PCI) and more possibilities for financing. The regulation stipulates

that the permit granting process cannot take longer than three and a half year and that a one-stop shop should be established.

Furthermore, the Regulation states that a cost-benefit analysis should be developed for PCI. The national regulating body is obliged to determine a split in costs for new cross border infrastructure projects. If no agreement is reached between the authorities involved, the Agency for the Cooperation of Energy Regulators (ACER) can take a decision. This new framework aims to stimulate cross border infrastructure projects. Within the Connecting Europe Facility, it is also possible to provide financing.

The implementation of this regulation will accelerate the connection of all energy grids in the EU, which will lead to an effective and functioning internal energy market, with the necessary infrastructure and reverse flows in place. Once e.g. gas enters the EU, it can be transported anywhere in Europe. With the full realization of the internal gas market and the construction of necessary interconnections, gas will be able to reach Member States with only one or few suppliers.

6 MEMBERS SPECIFICALLY AFFECTED, IF ANY

None

7 TEXT AVAILABLE FROM

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32013R0347:EN:NOT>
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:EN:PDF>

OJ L 115, 25.4.2013, p. 39–75.
