

Trade in Services

DECISION ON MARITIME TRANSPORT SERVICES

Adopted by the Council for Trade in Services on 28 June 1996

The Council for Trade in Services,

Having regard to the Annex on negotiations on Maritime Transport Services,

Having regard to the Decision on Negotiations on Maritime Transport Services, adopted at Marrakesh on 15 April 1994,

Noting the Report of the Negotiating Group on Maritime Transport Services and the commitments scheduled by Members in this sector,

Desiring to further the liberalization of international trade in maritime transport services within the framework of the General Agreement on Trade in Services (GATS),

Decides as follows:

1. To suspend the negotiations on Maritime Transport Services and to resume them with the commencement of comprehensive negotiations on Services, in accordance with Article XIX of the GATS, and to conclude them no later than at the end of this first round of progressive liberalization. At an appropriate time decisions pursuant to paragraph 3 of Article XIX of the GATS will be taken on procedures for the conduct of such negotiations. It is agreed that negotiations will be resumed on the basis of existing or improved offers.
2. Members wishing to exercise their rights under paragraph 3 of the Annex on Negotiations on Maritime Transport Services may do so during a period of 30 days from the date of this Decision.
3. Any commitments resulting from these negotiations will be inscribed in Schedules of Specific Commitments annexed to the GATS.
4. Article II of the GATS and the Annex on Article II Exemptions, including the requirement to list in the Annex any measures inconsistent with most-favoured-nation treatment that a Member will maintain, shall enter into force for international shipping, auxiliary services and access to and use of port facilities at the same time as the conclusion of the negotiations referred to in paragraph 1. During the course of negotiations the effects of the continued suspension of Article II will be kept under review by the Council for Trade in Services.
5. Paragraph 4 of this Decision shall not apply to any specific commitment on maritime transport services which is inscribed in a Member's Schedule.

6. Notwithstanding Article XXI, a Member may improve, modify or withdraw all or part of its specific commitments in this sector, during a period of sixty days the end of which shall coincide with the conclusion of the negotiations referred to in paragraph 1. During the same period, Members shall finalize their positions relating to MFN Exemptions in this sector.

7. Commencing immediately and continuing until the conclusion of the negotiations referred to in paragraph 1, it is understood that Members shall not apply any measures affecting trade in maritime transport services except in response to measures applied by other countries and with a view to maintaining or improving the freedom of provision of maritime transport services, nor in such a manner as would improve their negotiating position and leverage.