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Working Party on Domestic Regulation

- DRAFT –

ANNUAL REPORT OF THE WORKING PARTY ON DOMESTIC REGULATION TO THE COUNCIL FOR TRADE IN SERVICES (2016)

Since its Annual Report of 2015 to the Council for Trade in Services[1], the Working Party on Domestic Regulation (WPDR) held four formal meetings, respectively on 15 October 2015, 17 March, 16 June, and 6 October 2016.[2] During the period covered by this report, the Working Party continued with its work on domestic regulation disciplines pursuant to GATS Article VI:4.

DEVELOPMENT OF REGULATORY DISCIPLINES UNDER GATS ARTICLE VI:4

1.1. The focus of the discussion at the meeting on 15 October 2015 was on inclusion of a possible transparency element in an outcome at the Tenth WTO Ministerial Conference in Nairobi. While some delegations suggested that such an outcome was desirable and could be built around transparency elements of previous WPDR Chair draft texts, other delegations were not convinced that transparency in domestic regulation was an issue that should be included in a Nairobi outcome.

1.2. During the meeting of the Working Party on 17 March 2016, delegations were in agreement that further work should take place on the basis of the full mandate of the Working Party under Article VI:4. Delegations expressed general readiness to engage on substance. Several delegations stated that a first step towards engagement could be a discussion on objectives and desired outcomes.

1.3. At the meeting of 16 June 2016, on the basis of a proposal by a group of Members[3], many delegations engaged in a discussion of experiences with domestic regulation barriers, Members' objectives, possible elements to be included in future domestic regulation disciplines, and the way forward in the work of the WPDR. Upon request by Members, the Chairperson prepared an informal summary of possible elements for inclusion in disciplines on domestic regulation that were mentioned by Members at the meeting.[4]

[1] S/WPDR/18, dated 15 October 2015.

[2] The reports of the formal meetings are contained in documents S/WPDR/M/65 - 68 and should be read in conjunction with this report.

[3] JOB/SERV/231/Rev.1, dated 13 June 2016; Communication from Australia; Chile; China; Colombia; Hong Kong, China; the Republic of Korea; Mexico; New Zealand; Norway; the Russian Federation; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; and Turkey - Elements for Discussion.

[4] JOB/SERV/236, dated 28 June 2016; Informal Summary by the Chairperson - Possible Elements of Domestic Regulation Disciplines mentioned at the Meeting of the Working Party on Domestic Regulation on 16 June 2016.

1.4. During the meeting of 6 October 2016, the Working Party addressed two communications by Members: one communication by a group of Members provided text proposals on "Administration of Measures"[5], while the other communication, by India, presented a "Concept Note for an Initiative on Trade Facilitation in Services."[6]

[5] JOB/SERV/239, dated 27 September 2016; Communication from Australia, Chile, Colombia, the European Union, Mexico, Norway, the Republic of Korea, and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu – Domestic Regulation – Administration of Measures. A revision to the Communication to include Japan and Peru among the co-sponsors was issued on 31 October 2016, JOB/SERV/239/Rev.1.

[6] S/WPDR/W/55, dated 27 September 2016; Communication from India - Concept Note for an Initiative on Trade Facilitation in Services.