

EUROPEAN COMMISSION

Directorate-General for Trade

Directorate B - Services and Investment, Intellectual Property and Public Procurement
Services

Brussels, 27 June 2016
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Limited¹

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| Council of the European Union General Secretariat | |
| Trade Policy Committee (Services and Investment) | |
| m.d.: | 45/16 |
| source: | Commission |
| for: | Information/ Comments |
| date: | 27 - 06 - 2016 |

NOTE FOR THE ATTENTION OF THE TRADE POLICY COMMITTEE (SERVICES AND INVESTMENT)

SUBJECT: TiSA negotiations

ORIGIN: Commission DG Trade B1

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OBJECTIVE: For information and comments

REMARKS:

Please find attached the following documents:

1. Agenda for July round
2. Annotated Agenda for July round
3. Core text incl. New Zealand's proposal to address their "Treaty of Waitangi"
4. Telecoms - Chile submission
5. Telecoms – post-round text
6. Mode 4 – updated text

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TiSA July Round

Tuesday 28 June – 10.00-18.00 (Australian Mission) Geneva-based meeting on homework, update on MA work and preparations for July round

| | Fri 8 | Sat 9 | Sun 10 | Mon 11 | Tues 12 | Wed 13 | Thurs 14 | Fri 15 | Sat 16 | Sun 17 | Mon 18 |
|----------------------|--|--|---|---|--|---|---|---|---|---|--|
| 10.00 – 13.00 | Bilateral / Small Group time Bilateral / Small Group time | Transport Room D ECommerce Room E | Other Topics* Room D Localisation Room E | Horizontal MA Room D Telecoms Room E | Institutional Provisions S2 Telecoms Room E | Ecommerce Room B Bilateral/ Small Group time | Transport / Other topics* S2 FS Room E | Stocktake S3 FS plenary/small group time | FS Room E Bilateral / Small Group time | Bilateral/Small Group time Institutional Provisions Room D | Ambassadors Meeting AU Mission (10.00-12.00) |
| | | | <i>Leads Lunch Room D</i> | | | <i>GSC Digital Trade lunch</i> | | | <i>Leads Lunch Room D</i> | | |
| 14.30 – 18.00 | Bilateral / Small Group time Transport Room D | Bilateral/ Small Group time Telecoms Room E | Horizontal MA Room D Telecoms Room E | DR Room D Localisation Room E | DR/Transparency S2 Localisation Room E | Telecoms S2 Bilateral/ Small Group time | Bilateral/ Small Group time FS Room E | Stocktake S3 Bilateral/ Small Group time | FS Room E Bilateral / Small group time | Bilateral / Small Group time Institutional Provisions Room D | |

*Other topics will be scheduled upon request, where parties can demonstrate sufficient progress.

Evening sessions will be extended and/or additional night sessions on the annexes due to be stabilised in July will be scheduled, where necessary for progress.

Negotiators of annexes due to be stabilised should be available until the conclusion of the stocktake.

Annotated Agenda for TiSA Round 8-18 July 2016

Air Transport (Repository: CL – xxxxx@xxxxx)

I. Stabilise Definitions

- Art. 6 (d) Ground handling services
- (e) Airport operation services
- (f) Specialty air services

II. Progress discussions on

- Structure of the agreement (Articles 1-3)
- Open Skies (Article 4)

III. Market Access update

Maritime Transport (Repository: NO - xxxxx@xxxxx)

I. Articles for Stabilisation

- Art. 1 Definitions
 - (a) international maritime transport services
 - (c) multi-modal transport
 - (d) multimodal transport operator
- Art. 13 Port Fees and Charges
- Art. 7 Access and Use

II. Parties to consider whether there is a need for

- Art. 12 Domestic Regulation
- Art. 14 Seafarers

II. Progress discussions on

- Art 1. Definitions
 - (g) IMTS supplier
 - (e) feeder services
 - (f) maritime offshore services
- Art. 16 Domestic Maritime Transport (cabotage exception)

Art. 2 and 6

Art.3, 4, 5

Road Transport (Repository: TR – xxxxx@xxxxx)

I. Articles for Stabilisation

Art.2 Scope

Art. 3 Definitions

II. Progress discussions on

Art. 5 Domestic Regulation

Art. 6 Access and Use

Art. 7 Transparency

Art. 4 and 8 Professional Drivers

E-Commerce (Repository: US – xxxxx@xxxxx)

I. Review the homework list from the May/June round

II. Stabilise the following articles and their related definitions

Art. 1 General Provisions

Art. 4 Personal Information Protection

Art. 5 Unsolicited Commercial Electronic Messages

Art. 7 Open Networks

Art. 10 Customs Duties on Electronic Transmissions

Art. 12 International Cooperation

III. Further discussion and work towards agreement where possible of the following articles and their related definitions

Art. 2 Transfer of Information

Art. 6 Transfer or Access to Source Code

Art. 8 Location of Computing Facilities

Art. 11 Electronically Transmitted Content

Telecommunications (Repository: EU - xxxxxx@xxxxxx)

I. Review the homework list from the May/June round

II. Stabilise the following articles and related definitions

| | |
|---------|---|
| Art. 1 | Scope |
| Art. 3 | Telecommunications Regulatory Body |
| Art. 6 | Licenses |
| Art. 7 | Transparency |
| Art. 8 | Disputes |
| Art. 9 | Access and Use |
| Art. 11 | Interconnection |
| Art. 14 | Treatment of Major Suppliers |
| Art. 15 | Competitive Safeguards |
| Art. 16 | Interconnection Obligations Relating to Major Suppliers |
| Art. 19 | Scarce Resources |
| Art. 22 | International Cooperation |

III. Work towards agreement of the following articles and related definitions

| | |
|---------|--|
| Art. 2 | Openness of Telecommunication Services Markets |
| Art. 4 | Technological Choice |
| Art. 5 | Regulatory Flexibility |
| Art. 10 | Leased Circuit Services |
| Art. 12 | Resale |
| Art. 13 | Access to Essential Facilities |
| Art. 17 | Undersea Cables and Landing Facilities |
| Art. 20 | International Mobile Roaming |

Note: final attributions for articles 1, 3, 6, 7, 8, 9, 11, 14, 15, 16 and 19 as well as definitions of 'cost-oriented', 'end-user', 'license', 'non-discriminatory', 'number portability', 'reference interconnection order', 'telecommunications regulatory body' and 'telecommunications' to be made intersessionally.

Other topics (Agenda coordination: AU – xxxxx@xxxxx)

Professional Services (Repository: AU- xxxxx@xxxxx)

Progress discussions on

- Art. 9 Business Names
- Art. 10 Lawyers Fly-in, Fly-out
- Art. 5 Foreign Capital Limitations
- Art. 7 Joint Venture Requirements
- Art. 8 Economic Needs Tests

Note: Should Parties wish to propose other annexes for discussion, they are encouraged to contact the Chair asap.

Horizontal market access (Agenda coordination: AU – xxxxx@xxxxx)

I. Revisions to market access offers

- Presentation of, and questions on, any revised offers
- Updates from TiSA Parties on work on revised offers
- Sectoral MA analysis (new and/or updated)
 - Private Education (*New Zealand*)
 - Legal Services (*Canada/Australia*)
 - New services (*Japan*)
 - Other (*upon request*)

II. Approaches to horizontal issues affecting market access offers

- Taxation (*Colombia*)
- Subsidies (*Australia*)
- Exclusion of services supplied in the exercise of governmental authority from schedules (*tbc*)
- Sub-federal level measures (*EU*)

III. Other scheduling issues

- Inclusion of legal citations (*tbc*)

Note: Parties are encouraged to volunteer to present on additional topics.

Localisation (Repository: US - xxxxx@xxxxx)

I. Articles to be stabilised

- Art 3 Local content and other performance requirements
- Art 1 Local presence
- Art 2 Local/Senior management and boards of directors
- Art 5(2) and 5(3) Exceptions
- Art 4 Scheduling

Domestic Regulation (Repository: Hong Kong – xxxxx@xxxxx)

I. Articles to be stabilised

- Para 4-5 Development and Administration of Measures
- Para 6 Technical Standards
- Core Text [Article [...] Domestic Regulation]

II. Progress discussions on

- Para 3 Necessity test
- Para 2 Paragraphs to be applied horizontally to all measures affecting trade in services

Transparency (Repository: US – xxxxx@xxxxx)

I. Articles to be stabilised

- Para 2
- Para 5

II. Parties to consider the need for

- Para 7
- Para 8

III. Other Transparency text provisions

- Financial Services para 2 (CH proposal to move to Transparency Annex)
- Core Text (CH proposal to include GATS Article III language)

Institutional provisions (Agenda coordination: AU - xxxxx@xxxxx)

Institutions
Modification of Schedules
Accession
Withdrawal
Final Provisions
Multilateralisation
Dispute settlement

Financial Services (Repository: US – xxxxx@xxxxx)

I. Articles to be stabilised (or elements that are not attracting support withdrawn or revised*)

** where proponents envisage revisions, these should be circulated as far in advance of the round as possible to enable Parties to engage on them in detail.*

X.15 – Transparency
X.10 – Transfer of Information
X.13 – Senior Management and Boards of Directors
X.16 – Prudential Measures
X.3 – Market Access
X.7 – National Treatment Limitations concerning Localisation
X.21 – Supply of Insurance by Postal Entities
X.22 – Supply of Insurance by Cooperatives
X.8 – Temporary Entry of Personnel
X.6 – Financial Services Purchased by Public Entities
X.19 – Dispute Settlement

II. Other issues for further discussion

Market access offers and use of scheduling standard

Parties should be prepared to discuss any other text in the annex that is not yet stabilised, in the context of the July stocktake.