The current GPA market access (coverage) negotiations: overview and state of play

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Legal basis and objectives of the negotiations

- **Legal basis: Article XXIV:7(b) and (c) (required review of the Agreement not later than three years after coming into force)**
- **Three objectives set out in the Agreement:**
  - **To "improve the agreement" (includes non-market access elements – i.e. procedural provisions)**
  - **To "achieve the greatest possible extension of coverage among all Parties" (market access goal)**
  - **To "eliminate remaining discriminatory measures and practices that distort open competition" (market access goal)**

Plurilateral and bilateral aspects of the negotiations

- **Plurilateral aspects (carried on mainly by delegations meeting collectively): "horizontal" market access issues**
  - **Example: harmonization of thresholds**
- **Bilateral aspects: specific commitments in individual Parties' schedules**
- **NB: there is an obvious interaction between the bilateral and plurilateral aspects. For this reason, the Modalities Decision stipulates that the bilateral negotiations shall be kept under review by the Parties in plurilateral format.**

Main horizontal coverage issues under discussion (1): issues listed in the modalities decision

- Thresholds: scope for harmonization?
- Uniform level of entity coverage?
- Annex 1: positive or negative list approach?
- Annex 2-3: description of entities (individual or laws)?
- Annexes 4-5: scope for further commonality?
- Simplification of Parties' General Notes

Main horizontal coverage issues under discussion (2): additional issues raised by Parties

- The treatment of small and medium-sized enterprises
- The coverage of software
- Proposal for a goods annex

The bilateral coverage negotiations (Request/offer process)

- Only for "participants" (Parties and observers declaring their intention to participate)
- Mainly a bilateral process but Parties kept informed collectively
- Initial Requests to be followed by Offers, subsequently by Revised Offers reflecting negotiations
- Starting point: current GPA schedules
- Overall deadline end of 2007

The coverage negotiations: where matters stand

- **Market access negotiations proceeding less quickly than negotiations on the GPA text**
  - **All participants have submitted requests. *Initial offers* circulated by all delegations except Hong Kong, China; Iceland; Liechtenstein and the Netherlands with respect to Aruba.**
  - **Subsequently, *revised offers* circulated by Japan, Jordan, Korea and the United States**
  - **EC "bitterly disappointed" with other key Parties' level of ambition; is considering its response**
- **Overall deadline for the negotiations recently extended to end of 2007**