CTS Thematic Seminar
“Mode 4 at Work”

Mode 4 in RTAs – An Overview

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Structure

1. Mode 4 in RTAs
2. Improved access
3. Regulatory disciplines
1. Mode 4 in RTAs

- Since 2000, nearly 150 RTAs covering services trade have been concluded and notified to the WTO.
- Around 50 have been agreed just in the last 5 years.
- All [must] cover mode 4, but some also include a separate Chapter/Annex dealing with the “temporary entry of business persons.”
2. Mode 4 access in RTAs – An assessment (1/2)*

RTAs provide some **advances** over GATS commitments but, especially if compared to DDA offers, these are **not spectacular**

- Most progress achieved for:
  - “**Business visitors**” → “learning effect”?
  - “**Others**” - e.g. “traders and investors”, “trainees”, “installers”, “spouses and dependants” → “**GATS-X**”?

- More limited advances on:
  - “**contractual service suppliers**” and
  - “**independent professionals**”

mainly granted by developing countries, especially in RTAs with each other

*Most RTAs concluded between 2000 and 2017
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However:

- Greater number of sectors bound in RTAs
- Mode 4 categories committed in RTAs often apply economy-wide effect of investment chapter?
- Shallower “water” (i.e. bindings much closer to applied regimes than for other modes)?
3. Mode 4 disciplines in RTAs (1/2)

- Over recent years, RTAs* have increasingly included mode 4 “regulatory” disciplines
- Issues most frequently covered are:
  1. Entry fees
  2. Access to dispute settlement
  3. Visa/work permit applications
  4. Transparency
  5. Establishment of Contact Points
  6. Definitions

* Most RTAs concluded between 2009 and 2017
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3. Mode 4 disciplines in RTAs (2/2)

1. Entry fees
   • reasonable and in accordance with domestic law(!) // not unjustified impediments // cost-based // not unduly impairing or delaying trade

2. Access to dispute settlement
   • only if practice of rejecting applications and after exhaustion of administrative remedies

3. Visa/work permit applications
   • applications to be processed expeditiously // within given time-limit (10 to 45 days) // promptly
   • applicants to be informed of outcome // status of application [+ within time-limit // reasonable time]

4. Transparency
   • relevant material (and any amendments) to be published (and notified) promptly // by entry into force of RTA // within reasonable or given time

5. Establishment of Contact Points
   • for governments and/or for applicants
THANK YOU