

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.GNS/W/51

11 May 1989

Special Distribution

Group of Negotiations on Services

QUESTIONS THAT MIGHT BE ADDRESSED IN THE EXAMINATION
OF THE IMPLICATIONS AND APPLICABILITY OF
CONCEPTS, PRINCIPLES AND RULES FOR
PARTICULAR SECTORS AND SPECIFIC TRANSACTIONS

In accordance with the request made by the Group of Negotiations on Services at the meeting in April 1989, the Secretariat has prepared the attached questions in support of the above mentioned examination process. The list of questions presented in this document is largely based on the concepts, principles and rules mentioned as relevant in the text adopted by the Trade on Negotiations Committee at its mid-term review held in Montreal in December 1988 and in Geneva in April 1989 (Part II of MTN.TNC/11). It is not intended to be exhaustive, nor is it suggested that each of the questions listed necessarily needs to be considered.

**LIST OF QUESTIONS RELATING TO THE EXAMINATION OF
CONCEPTS, PRINCIPLES AND RULES**

1. (a) What are the most commonly found types of regulations in this sector?
- (b) What are in general the motivations for governments to introduce and maintain regulations in this sector?
- (c) Given the nature of activities in this sector could circumstances arise which might justify the introduction of new regulatory measures?
2. (a) How could provisions for availability of information with respect to all laws, regulations and administrative guidelines as well as international agreements be implemented in this sector?
 - through a notification procedure?
 - through the provision of information on request only?
 - through a combination of both, whereby certain laws and regulations would have to be notified, on others information would be provided on request by participants?
 - through obligatory publication in a national official journal?
- (b) Are there any particular difficulties in ensuring the availability of adequate information in this sector which need to be taken into account and for which special provisions have to be made?
3. (a) What does progressive liberalization signify in this sector?
- (b) Which steps of a legal, regulatory or administrative nature need to be envisaged to achieve progressive liberalization in this sector?
- (c) What are the national policy objectives that have to be taken into account in engaging in the process of progressive liberalization in this sector?
4. (a) What does availability of market access mean in the context of this sector?

- (b) What are the most commonly perceived barriers to market access in this sector? Which provisions could be envisaged to reduce the adverse effects of all laws, regulations and administrative guidelines in order to provide effective market access and what procedures may be followed?
 - (c) Can market access be achieved progressively in this sector? Which steps would this imply?
 - (d) What would determine the preference for a particular mode of delivery as concerns activities and transactions in this sector?
5. (a) What would the achievement of national treatment mean in a practical way in this sector in terms of treatment of foreign suppliers as compared to domestic suppliers?
- (b) Which steps would have to be undertaken to achieve national treatment in this sector?
- (c) What specific considerations relating to national policy objectives would be relevant to the provision of national treatment in this sector?
- (d) Can national treatment be achieved progressively in this sector?
- (e) Can a distinction be made in this sector between provision of market access and provision of national treatment?
- (f) To what extent could national treatment in this sector be considered sufficient to ensure effective benefits from the process of liberalization?
6. What is the role of national monopolies in this sector and how does the existence of these monopolies relate to the questions raised under points 3, 4, 5, 9(b)?
7. (a) How could the necessary flexibility in liberalizing fewer types of transactions or in progressively extending market access in line with their development situation be extended to individual developing countries in this sector?
- (b) What is the significance of trade in services in this sector for developing countries?

- (c) How can the export capacity of developing countries in this sector be improved? What measures could be envisaged to strengthen their domestic services capacity and its efficiency and competitiveness?
 - (d) What are the main obstacles in this sector to market access for developing countries services exports in markets of developed countries? How can market access be enlarged in an effective and efficient manner?
 - (e) Taking into account the particular situation of least developed countries, can specific provisions be envisaged to enhance their capacity to participate in trade in this sector?
8. (a) What provisions on m.f.n. and non-discrimination would be appropriate in this sector?
- (b) How could non-discriminatory treatment in this sector be achieved among participants in the multilateral framework?
9. (a) What are the types of safeguard actions that need to be provided for in this sector?
- (b) Which national policy objectives concerning this sector could justify exceptions under the multilateral framework? Could a time limit be envisaged for such exceptions?