

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM THE EUROPEAN COMMUNITIES

TRANSPARENCY

The following communication is circulated at the request of the delegation of the European Communities to the members of the Group of Negotiations on Services.

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PROPOSAL BY THE EUROPEAN COMMUNITIES

TRANSPARENCY

INTRODUCTION

The text agreed in Montreal (MTN, TNC/7(MIN) refers in paragraph 7(a) to transparency as follows :

"Transparency

Provisions should ensure information with respect to all laws, regulations and administrative guidelines as well as international agreements relating to services trade to which the signatories are parties through adequate provisions regarding their availability. Agreement should be reached with respect to any outstanding issues in this regard."

The following text sets out the proposals of the Community in relation to some of the outstanding issues.

ELEMENTS OF RULES ON TRANSPARENCY

A. Publication

1. Signatories will undertake to publish all laws, regulations and administrative guidelines which are of general application and which place obligations on service suppliers in their markets. Publication will be made in such a way as not to discriminate between foreign and domestic suppliers.
2. Such publication should take place not later than the date of entry into force of the measure concerned, and, to the extent possible prior to that date. In the case of existing measures not previously published, this obligation shall enter into force [one year] after the entry into force of the framework.
3. This obligation shall extend to all sectors covered by the framework.

#### B. Enquiry Points, Counter-Notifications and Consultation Procedures

1. Each signatory will transmit to the Secretariat, for circulation to all signatories, a list of the publications in which measures are published (see A.1 above).
2. Signatories will establish enquiry points for the exchange of information between governments on measures covered by the publication obligation in Section A. At the request of any signatory, full information on a measure shall be made available within four weeks of receipt of the request.
3. Signatories may counter-notify measures which they consider to have a significant impact on trade. Such counter-notification may initially be made on a bilateral basis.
4. A signatory would be ready to consult bilaterally on request with another signatory regarding information supplied through its enquiry point under para. B.2 above or regarding a counter-notification made under para. B.3 above.
5. A signatory may, following bilateral consultation, bring the matter before the appropriate multilateral body established under the framework.

#### C. International Agreements

1. Signatories will undertake similar obligations with regard to international agreements relating to services trade to which they are parties.
2. Consultation obligations would have to be defined in the light of the framework's provisions regarding the substance of such agreements. Specific consultation obligations would clearly apply in relation to agreements which are subject to derogations from the framework provisions.

#### D. Information from Enterprises

Signatories may require enterprises operating within their jurisdiction to supply information regarding their operations equivalent to, but not going beyond, that required under national legislation from domestic enterprises operating in that sector.

#### E. Discretionary Power of Authorities

Signatories will undertake to draft and administer measures affecting trade in services in such a way that the necessary discretionary power of authorities is applied in a manner consistent with the objectives, principles and rules of the framework.

#### F. Sub-National Entities

The obligations set out in Sections A, B, D and E above will also apply to measures described under paragraph A.1 which are applied by sub-national entities.