

Committee on Specific Commitments

ANNUAL REPORT OF THE COMMITTEE ON SPECIFIC COMMITMENTS TO THE COUNCIL FOR TRADE IN SERVICES (2004)

1. Since its the annual report of 2003 to the Council for Trade in Services, the Committee on Specific Commitments held four formal meetings: on 4 December 2003, 22 March 2004, 23 June 2004, and 28 September 2004.¹ In the reporting period, the Committee addressed three items: consideration of issues relating to Article XX:2 of the GATS; classification issues; and scheduling issues.

I. CONSIDERATION OF ISSUES RELATING TO ARTICLE XX:2 OF THE GATS

2. As mandated by the Council for Trade in Services (Regular Session), the Committee addressed issues relating to paragraph 2 of Article XX of the GATS at its meetings of 4 December 2003, and 22 March 2004. Inputs to substantive discussions were provided by a Chairman's note (JOB(03)/213) and a communication from Switzerland (JOB(03)/214). A large number of delegations participated in the discussions which revealed continuing differences on the legal interpretation of the overlap between Articles XVI and XVII of the GATS. While some delegations believed that a clear and consistent interpretation of the overlap was possible, others had doubts. Several delegations expressed an interest in further exploring a practical solution in the context of the ongoing services negotiations. It was also noted by some delegations that any solution should not affect existing commitments and that the relationship between existing and new commitments needed to be examined. Following the meeting of 22 March 2004, the Chairman submitted a factual report on the discussions to the Council for Trade in Services (S/C/W/237).

II. CLASSIFICATION ISSUES

3. The Committee addressed a proposal by Indonesia on the classification of energy services (S/CSC/W/42) at all meetings during the reporting period.

4. The Committee also continued discussing issues related to Legal Services. At the request of Members, documents by the International Bar Association (IBA) ("Resolution in Support of a System of Terminology for Legal Services for the Purposes of International Trade Negotiations" - JOB(04)/17) and the Organization for Economic Co-Operation and Development (OECD) ("Managing Request-Offer Negotiations under the GATS: the Case of Legal Services" - JOB(04)/77) were circulated. At the meeting of 28 September, a representative of the OECD presented the latter document to the Committee.

¹ Reports of these meetings are contained in documents S/CSC/M/31, S/CSC/M/32, S/CSC/M/33, and S/CSC/M/34. They should be read in conjunction with this report.

III. SCHEDULING ISSUES

5. During the reporting period, the Committee addressed two communications from Brazil, containing preliminary questions on initial offers (JOB(03)/189 and JOB(04)/12).

6. The Committee further addressed communications from Hong Kong, China (JOB(04)/81 and JOB(04)/133), and Chinese Taipei (JOB(04)/82) which discussed a number of scheduling questions. At the request of Members, the Secretariat prepared a list of documents related to the revision of the Scheduling Guidelines in 2001 (JOB(04)/97).
