

Committee on Specific Commitments

REPORT OF THE MEETING HELD ON 12 MAY 2003

Note by the Secretariat¹

1. The Committee on Specific Commitments held a meeting on 30 June 2003. The agenda for the meeting is contained in WTO/AIR/2125. No points were raised under Other Business.

A. ADOPTION OF THE UPDATE TO THE ANNUAL REPORT OF 2002 OF THE COMMITTEE ON SPECIFIC COMMITMENTS TO THE COUNCIL FOR TRADE IN SERVICES (2003)

2. The Chairperson recalled that the General Council had agreed, at its meeting of 10 February 2003, that all WTO bodies update their annual reports for 2002 to reflect work they had carried out since the end of 2002. An update was deemed necessary to close a nine-month gap between the 2002 annual reports and the Fifth Ministerial Conference in September 2003. The draft update of the annual report, contained in document S/CSC/W/40, followed the format of previous annual reports and summarized the main areas of activity of the CSC between last December and May this year.

3. Further to a question by the representative of Brazil, a representative of the Secretariat stated that the report, like other reports of subsidiary bodies of the Council for Trade in Services, would not be amended to reflect developments of the current cluster of meetings.

4. The Committee adopted the update to the annual report of 2002 of the Committee on Specific Commitments to the Council for Trade in Services.²

B. CLASSIFICATION ISSUES

5. Turning to the item of "classification issues," the Chairperson suggested to first continue the substantive discussion on the classification of legal service before reverting to the exchange of views on possible future work in the area of classification. He recalled that at the last meeting in May, the representative of the European Communities had presented a paper on the classification of legal services, contained in document S/CSC/W/39. He noted that the paper would be incorporated in a future update of the compendium on classification issues.

6. The representative of the European Communities stated that he wished to clarify the intentions of his delegation's paper. The paper was not proposing any new classification of the legal services sector, as the EC believed that the existing classification provided enough comfort to all Members.

¹ This document has been prepared under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

² The update of the report was circulated as document S/CSC/8.

7. The classification proposed by some Members, segmenting legal services into home country law, host country law, third country law, and public international law was artificial and did not provide sufficient clarity. Nowadays, lawyers qualified in different places and law firms employed lawyers qualified in different jurisdictions, and it therefore made little sense to artificially distinguish between types of law. Further, the above mentioned terminology did not necessarily address services supplied through mode 3 because it referred to individual lawyers who were qualified in one jurisdiction or the other. Law firms, however, did not qualify in different fields of law.

8. Further, a similar terminology was not used for other services sectors that were of the same nature as legal services, such as taxation services or auditing services. Members did not distinguish between home country taxes, host country taxes or third country taxes, or home country audits, host country audits and third country audits.

9. The classification as provided for in CPC 861 at 3 digit level, when taking into account also the revisions of the CPC of 1997 to add Arbitration and Conciliation Services, fully reflected legal practice. It was in line with the GATS structure, where the sector column defined the activity and the underlying qualifications were an issue addressed by Article VI. The existing classification was sufficient as seen from the perspective of lawyers or law firms, who needed to know if they were able to provide those legal services for which they were qualified in a different country. He noted that it would be strange if an American lawyer qualified in Australia could not practice Australian law in Australia because Australia had not undertaken commitments for host country law.

10. In response to Australia's comment at the last meeting that it was difficult to see how Members could make meaningful specific commitments if the various categories were not available, he replied that the three relevant offers on the table did not use the reference to home country, host country, third country or international law.

11. With regard to Mexico's question whether the definition of international law remained in the hands of a Member assuming a commitment, he stated that every country defined what its own law was. There might be areas, namely in the area of private international law, where two countries might argue that the same law was their own national law. This was something easily solved within the GATS because every country decided this question within its own jurisdiction.

12. With regard to Japan's point as to the clarity and transparency of commitments if CPC 861 was followed, he stated that taking commitments on the basis of various categories created the same difficulties, as the underlying qualifications for the practice of host country law or for the access to the market for host country law for foreign law firms were not inscribed in the schedule. The EC proposal increased the level of transparency through the suggested footnote which clearly indicated the licencing requirements that were imposed for the practice of the different areas of law, whether foreign or international law.

13. Turning to Chile's question about licencing requirements and mutual recognition agreements, he stated that one of the reasons why the classification of legal services at three digit level could be used without any problem was that the different areas of law were implicitly included. A lawyer could only practice the law he was qualified for. There was no scope for a lawyer qualified in the US to obtain mutual recognition with a qualification provided for in Chile. The issue of recognition of licencing requirements for foreign legal consultants was avoided altogether, as a foreign lawyer who was qualified in a foreign jurisdiction would in principle be allowed to provide legal services in that foreign jurisdiction without any problem, except perhaps for domestic regulation such as registration with the local bar, which was not the same as full admission to the bar, or compliance with the local codes of ethics.

14. The representative of Japan stated that his comments at the last meeting, concerning the level of transparency or the level of detail of information contained in a schedule, had mainly referred to the legal services provided on home country law or the law where a foreign lawyer was qualified. Based on the assumption that the main interest of market access and national treatment would probably lie in the provision of home country law, as this was the law where most foreign lawyers were qualified, it could be observed in many existing schedules, including that of Japan, the United States and some other developed countries', that a certain level of specificity existed as to the requirements to provide such services as a foreign legal consultant. Japan's concern about the EC proposal was that all those requirements would be put into a one-line sentence that said that the provision of the service was subject to licensing requirements and procedures applicable in the relevant EC member State. While reference was made to examples such as the use of home title or simplified admission to the host country bar, the criteria were not specified. While this might indeed be an issue of Article VI, the negotiations had shown until now that there was a certain level of commitment specifically in terms of provision of consultancy on home country law, and it was for everyone's benefit to maintain this level of transparency and specificity.

15. The representative of Australia was in full agreement with the EC on the fundamental aspect that legal practitioners should be able to provide legal services in Member countries in relation to the law of the jurisdiction where that practitioner had a legal right to practice. However, Australia was of the view that for Members to make transparent and meaningful commitments on a progressive basis, a classification system differentiating legal services beyond the single country category was essential. He reiterated the need to differentiate between home country, host country, third country and international law. He also maintained that the CPC classification of legal services was inappropriate for the purposes of providing an infrastructure required to assist in negotiations on liberalizing transnational trade in legal services and for making GATS commitments. Like Japan, Australia held the view that differentiating legal services into sub-categories allowed for a greater degree of transparency in making commitments and provided a structure for Members to undertake legal services' liberalization on a progressive basis. Australia's legal professional body, the Law Council of Australia, in a recent paper on the GATS negotiations submitted to the International Bar Association, had noted that the differentiated categories of home country, third country, host country and international law underpinned important basic principles required of a classification system during multilateral trade negotiations. The basic principles identified by the Australian Law Council were as follows: (i) consistency with the core values of the legal profession; (ii) direct relevance to the subject-matter under negotiation; (iii) a need for a solid foundation for negotiations so that ambiguity and uncertainty were minimized; (iv) capacity to facilitate negotiations without predetermining the negotiated outcome and finally, assist in minimizing disputes over what has actually been agreed through negotiation.

16. The representative of Uruguay said that the Communication by the EC, in paragraph 9, stated that many Members, including the European Communities, considered that international private law and the law arising from international trade transactions formed a fundamental part of national law or a combination of different national laws. Furthermore, this paragraph concluded that international law would be limited to public international law. The function of private international law was to determine what national law was applicable to a given case and what jurisdictions came into play. With regard to international law it also included a number of international treaties or conventions on private international law, for example conventions for Asia, the Montevideo Treaties and others. This being the case, he requested the EC to elaborate on paragraph 9 of the paper and provide more information as to why international private law would not, in their view, be international law.

17. The representative of Brazil reverted to a point he had raised at the last meeting, namely the fact that sometimes the qualification or requirement for a lawyer to supply a service in the legal services sector was related specifically to the field of law. Therefore, if a Member decided that foreign services suppliers were not able to supply, for example, a service in home country law, this

could be understood as a zero quota or some kind of discrimination because one service provider was not permitted to supply a service in a specific area of legal services. A general sentence saying that a legal services supplier always was able to supply a service when his qualification was recognised seemed not to be enough, because it entailed loss of some kind of information regarding the kind of qualification that was recognized in that Member. He was not sure that a footnote such as the one suggested by the EC was the best way of tackling the issue.

18. The representative of the United States stated that her delegation was very interested in seeing more commitments made in the field of legal services. The US shared some of the perspectives of the Australian paper on legal services. Her delegation was urging Members to allow lawyers to practice as foreign legal consultants, and had submitted in the context of the request-offer process a request to prepare a reference paper on legal services. Her delegation would hold an open-ended meeting next week to present its ideas on the reference paper approach. She agreed with Uruguay that in many jurisdictions, including the US, international treaties became the law of the land and they were implemented as part of domestic law. The distinction between international and domestic law may thus be difficult, but to have a better understanding one could refer to what had come out of the International Court of Justice and to how different countries had defined public international law.

19. The representative of Chile stated as a negotiating objective for his delegation that Chilean lawyers should be permitted to practice in other countries and vice versa. He understood that some kind of licence or mutual recognition agreement (MRA) was necessary for this. Chile had MRAs with other countries, and these MRAs had been notified under Article VII. He requested clarification whether the EC was going to submit some kind of proposal or initiative on MRAs for lawyers.

20. The representative of the European Communities stated that he shared Australia's objectives, but not the approach to achieve those objectives. Converting terminology into a reclassification was not providing clarity. More likely, it contributed to a reduction in the level of commitments. On the question of licensing criteria, he wondered whether it was desirable to have transparency across the schedules for every service sector on what licensing conditions applied. Or was this something that was left to Article III or to any eventual disciplines under Article VI:4? He recalled that some countries had decided in 1994 to include areas related to domestic regulation in their schedules. Those who had not done so had the right to describe their domestic regulation, which could evolve within the years into a more open or more closed system, provided that Article VI was respected. Turning to the question of private international law, he stated that many EU civil codes contained provisions on private international law which in so far were clearly national law. Then there were international treaties, which were applied only nationally; case law which might differ from one Member to another, but implied a relevance of national law; and international law which was international by source, by content and by jurisdiction. The EC thought the easiest way to deal with this issue was to consider whatever was not national law to be international law. Under the EC approach whenever a lawyer was qualified in national law, he should be able to provide all legal services for which he was qualified, including private international law.

21. In response to the question raised by Brazil, he stated there was no discrimination between a foreign legal consultant who was practising only foreign law and lawyers who practised national law. It was to a general principle, that discrimination existed only where two different situations received the same treatment or the same situation received different treatment. In the case mentioned by Brazil, two different situations received different treatment. Finally with regard to the question raised by Chile, he stated that it was difficult to consider MRAs for qualifications that were substantially different from jurisdiction to jurisdiction. A foreign lawyer coming to Chile would have to qualify in Chilean law before being allowed to practise.

22. The representative of Thailand stated licensing issues were matters of domestic regulation. At this stage, she did not see the reason for scheduling licensing requirements, as such requirements

changed frequently. However, the conditions on market access should be described very clearly in order to ascertain what rights providers of legal services had in various Members.

23. The representative of Brazil stated that when a Member decided that only legal consultants and not full lawyers could supply foreign legal services, this could be seen as discrimination. He further stated that the interpretation that any service provider was able to supply a service if he had the proper qualification was true for any service sector. The essential point, however, was whether a qualification requirement was discriminatory or concealed some kind of quantitative restriction. If this was the case, the requirement needed to be scheduled and was not merely subject to Article VI.

24. The representative of the European Communities stated that in the EC view a foreign legal consultant could always become a lawyer unless market-access commitments implied the contrary. A foreign lawyer could qualify in host country law, but of course the level of qualification was higher than for foreign legal consultancy. He agreed that this would apply to any other service sector. He recalled paragraph 21 of the EC Communication which said "provision of legal services, ... like the provision of other services, is subject to licencing requirements and procedures". The footnote was just providing transparency. If some countries established, for example, quotas or nationality conditions on host country law, such limitations would, of course, have to be scheduled. The EC paper took this into account in paragraph 20 where it stated "as for other service sectors, market access and national treatment limitations would have to be listed under the relevant Mode". The principle was that whenever a supplier was qualified, he had the right to provide legal services, subject to any market access- and national treatment limitations. Legal services should be treated like any other services within the GATS.

25. The Chairperson suggested to take note of the statements made and revert to the discussion at the next meeting, and opened the floor for any delegation to comment on other classification issues.

26. The representative of Thailand stated that she would welcome a discussion of the various categories contained in the initial offers on mode 4. The purpose of such a discussion was to clarify what Members considered to be covered by the various categories they used in their offers. The idea was not to arrive at a common or harmonized definition at this stage. She wondered whether it would be useful to request the Secretariat to compile a list of categories contained in offers that had already been submitted.

27. The representative of Mexico stated that mode 4 was the most important mode of supply for developing countries in terms of its economic impact. Several offers contained different concepts and categories. He shared Thailand's view that it would probably not be possible or even advisable to have shared definitions of the various terms, but he supported a multilateral discussion and the proposal that the Secretariat draw up a compilation as described by the representative of Thailand.

28. The representatives of Colombia, Chile, Cuba, and Egypt concurred with Thailand's proposal to request the Secretariat to draw up a compilation of the categories in mode 4.

29. The representative of Canada stated that, like others, his delegation believed that mode 4 was an important area in these negotiations. Canada had, in its initial negotiating proposal on mode 4 emphasized the importance of transparency in commitments. Rather than focussing on the offers, a compilation could look at Members' schedules of commitments more generally. Commitments reflected the immigration regimes and as these did not change very quickly, Members were likely to base their offers on a similar structure as contained in their schedules of commitments.

30. The representative of the European Communities thought that it would be very useful to have a multilateral discussion on the issue as put forward in EC's negotiating proposal on mode 4. The

attempt to understand more clearly what was implied in various categories could help to promote convergence among schedules.

31. The representative of India stated that the importance of mode 4 to large number of countries was well known, and he shared the views by Thailand and Mexico that it would be useful to look at the categories. While it might be difficult to arrive at harmonized definitions, a compilation by the Secretariat would provide input for the discussion on categories that were put on the table. He noted that the scheduling of relevant conditions was, of course, a matter of negotiation.

32. The representative of the United States requested clarification as to what Thailand's request would entail. Various categories for mode 4 had been used for some time, and were not newly emanating from the request-offer process. Clarification could be sought at the bilateral level. Any multilateral exercise should not become an encumbrance on the way Members undertook commitments.

33. The representative of Thailand stated that her suggestion was not motivated by any intention to achieve uniformity in the definitions. A compilation of the categories used in schedules and offers could be a basis for multilateral discussion in the CSC.

34. The representative of the United States stated that Members had great flexibility to negotiate either bilaterally, plurilaterally or multilaterally. Her delegation was ready to discuss specific problems either in the CSC or in the bilateral request/offer process. She was happy to help clarify further, in this body or elsewhere, the definitions and categories used in mode 4 and to look into the proposal of Canada. While a clarification of categories might be useful, her delegation was not interested in unravelling existing commitments only because a debate was taking place in the CSC.

35. The representative of Bolivia stated that her delegation studied requests it had received from developed country Members. Some clarification was required especially with regard to the various categories used in mode 4. Hence, the proposal made by Thailand was very useful and could enhance transparency.

36. The representative of Switzerland, supported by the representative of Hungary, expressed doubts whether Members could arrive at common definitions in this area which touched upon domestic systems, regimes and procedures. Switzerland would favour multilateral discussions on mode 4 to help clarify what Members were doing in this area. He associated himself with the idea raised by Canada to use schedules of specific commitments for the suggested compilation.

37. The representative of Uruguay stated that mode 4 was important for all delegations, and a multilateral discussion was very important. Bilateral discussions would yield only limited results especially as mode 4 was a horizontal cross-cutting theme. Thailand's proposal would encompass not only initial offers but also earlier commitments. On the basis of the Secretariat note, Members could look at some potential new categories and could discuss their ideas in this Committee.

38. The representative of the Republic of Korea supported Thailand's proposal. He suggested that, without prejudging the position of any Member, a simple compilation was prepared of various definitions used in existing schedules and offers.

39. The representative of Brazil stated that classification issues were very important for the systemic coherence of negotiations. There were many informal groups pondering these issues, and there was also discussion at bilateral level. Brazil considered the possibility of raising classification issues regarding schedules of specific commitments at the CSC in order to further multilateral discussions.

40. The representative of Chinese Taipei expressed her delegation's interest in improving clarity and transparency in the mode 4 categories. The process should be neutral and not prejudge what was contained in existing schedules and initial offers.

41. The representative of Canada suggested that any analysis carried out should be on the basis of existing commitments rather than offers. The value of the analysis benefited from a larger pool of input. He wondered how initial offers that had not yet been derestricted would be treated in any such analysis.

42. The Chairperson stated that under the normal rules, any restricted document would remain restricted for a period of 6 months.

43. The representative of Singapore stated that any discussion of mode 4 categories should not lead to harmonization of terminology in domestic systems relating to the movement of natural persons.

44. The representative of the United States stated that while she was interested in discussing and clarifying the categories used, she could not go along with an analysis of offers. These were for Members to analyze. Further to a question by the representative of Thailand, she stated that her delegation was happy to explain the definitions it had used in its offer, which were identical with those in the US schedule. However, she was not convinced that a Secretariat note on the categories would be beneficial.

45. The Chairperson reminded Members of the 1998 background paper by the Secretariat on mode 4 (S/C/W/75), which contained a lot of information that remained valid. He suggested that the document could be updated to take into account accessions since 1998, and providing some more depth by adding the definitions used in various interventions by delegations. He suggested that he would consult on the precise parameters of such an update.

46. A representative of the Secretariat stated that the Secretariat background note mentioned by the Chairman had been prepared in the context of a series of papers in preparation for the assessment exercise. The Secretariat had produced a number of such papers, one of which was about mode 4. The usual structure focused on a description of the sector, the key regulatory issues, important trade barriers that had been identified and finally, a summary of existing commitments. In the latter context, the paper addressed classification issues. There were many cases where classification of mode 4 categories lacked accuracy and precision. There were limited types of categories, which were not covering all possible mode 4 service suppliers; and definitions differed among Members. If Members wished, the paper on mode 4 could be updated with particular weight being given to classification issues.

47. The representative of Canada emphasized the need for the Secretariat to avoid interpretation of the quality of Members' commitments in case it produced an update to the background document on mode 4. The update should remain very factual and permit Members to make informed decisions.

48. The representative of Uruguay supported the Chair's proposal according to which the Secretariat would prepare a factual note along the lines of the 1998 paper, adding information emanating from recent accessions. Rather than having a list of problem areas, he preferred to have, as a first step, a simple list of the categories that currently existed. As a second step, a factual assessment of the categories that are contained in the offers could be prepared, with the purpose of helping Members to better understand and clarify the situation. To give comfort to delegations, the paper could contain a disclaimer that its content was meant merely to facilitate understanding and technical discussion of classification issues, and would not in any way prejudge the position of delegations.

49. The Chairperson proposed that the classification section of the Secretariat background document be updated, with the clear understanding that no interpretation was contributed by the Secretariat. Obviously, a Secretariat document would not prejudice the position of any Member. He suggested to consult on the final parameters of the note with the various delegations that had intervened on this matter. By the next cluster he hoped to have worked out all parameters in order to start a discussion on the issue.

50. The representative of Thailand stated that she had proposed a compilation of categories contained in the offers. To compromise with other delegations, she thought the note could also comprise an update of the existing schedules as suggested by Uruguay. It was important to use the subsidiary bodies, such as the CSC, to discuss technical issues related to the negotiations.

51. The representative of the European Communities stated that it could be very useful to have an addendum to document S/C/W/75 which would cover accessions since 1998; however, a different type of document was needed with regard to offers, many of which remained restricted during the course of the negotiations. As a restricted update would eventually become derestricted, he suggested preparing a JOB document.

52. The representative of South Africa supported Thailand's suggestion and stated that her delegation should be included among the delegations with which the Chair would consult.

53. The representative of Argentina stated that his delegation had submitted an offer that included quite substantial improvements in the area of mode 4. A document that would portray, on an anonymous basis, the various classifications used by Members could be a very important source of information to facilitate the discussion and spur some further offers. He saw no problem including offers in the document. In the CSC, Members were talking about classifications and did not negotiate; the document could mention the various categories of mode 4 without stating which Members had been using them.

54. The Chairperson stated that he would consult on the exact parameters of the paper and suggested that Members take note of the statements made and revert to the issue at the next meeting. Concerning future work on classification, he recalled that at the last meeting, Members discussed three possible aspects. The first dealt with the possibility of debriefings by Members participating in so-called 'Friends Groups'. The second aspect related to the possibility of a short analytical note by the Secretariat based on the existing compendium of classification proposals. A third possibility was the discussion of technical classification issues arising from requests and offers. From Members' interventions at the last meeting and in various subsequent conversations, he considered that there was widespread support for the idea to bring more transparency to the classification discussions in general. It was emphasised that debriefings or interventions should be voluntary and would need to take account of the state of discussions in 'Friends Groups'. Many delegations appeared not to be comfortable with a formalized regular arrangement confirming a certain status of such groups. Against this backdrop, he suggested that the CSC keep its standing classification item open for Members to report on ongoing classification work taking place in various fora as they deem relevant. The briefings would be voluntary in sectors of choice and at a time which participants of a given group considered appropriate. The briefings could be also undertaken in informal mode, if that was desired. During his consultations, he noticed that transparency was of paramount importance to all delegations, whether or not they participate in 'Friends Groups'.

55. The Committee so agreed.

56. The Chairperson recalled that the second proposal concerned the possibility of a short, analytical note by the Secretariat based on the existing compendium of classification proposals. While the idea that such a note had been positively welcomed by some Members, some others had

expressed reservations concerning two elements: first, the possibility of an interpretation of Members' classification proposals by the Secretariat and, secondly, the prerogative of Members to analyze classification issues. It was also noted that a number of classification proposals might be dated and that some Members had advanced in their thinking since. He recalled from the previous discussion that one delegation had suggested that it would make better use of the Secretariat's resources to request a more focused analysis of a given sector or issue rather than having a horizontal approach across all sectors. Given the variety of views he had received at the last meeting and, in particular, taking into account the hesitations expressed by some delegations, he did not see a consensus emerging on the question of a Secretariat note at the moment. He therefore suggested that the Committee put aside this issue, but keep the option open to request the Secretariat to carry out clearly defined work on classification in the future.

57. The Committee so agreed.

58. Turning to the third issue, i.e. the wish expressed by some Members to clarify technical points in classification proposals as well as in requests and offers, the Chairperson stated that, at the last meeting, several delegations had welcomed the proposal. These delegations had stressed the need to exchange questions and answers on classification issues, while other delegations had pointed out that any Member could always raise any such issue in the Committee under the well-known terms of reference. On this basis, after consulting with various delegations, he saw agreement that questions on classification issues that delegations wished to discuss could be taken up at future meetings under the standing item "classification issues". In order to facilitate replies, he suggested that delegations who had issues to raise consider circulating them before the meetings.

59. The representative of the United States stated that any Member could always seek clarifications of requests and offers under the terms of reference of the CSC. She thus failed to understand why a different approach was deemed necessary. Likewise, no Member was compelled to respond to questions at this juncture the CSC.

60. The Chairperson stated he had merely sought Members' confirmation of what he considered to be the status quo and the suggested course of action. He wanted to be sure that everybody was comfortable with proceeding without a more formalized procedure of questions and answers. There was no obligation to either ask or answer any questions. He suggested that Members take note of the statements made and that the Committee revert to the item "classification issues" at the next meeting.

C. OTHER TOPICS FOR POSSIBLE FUTURE WORK

61. The Chairperson recalled that the Committee had agreed at the last meeting to remove discussions on additional commitments and consolidation of schedules from the agenda for the time being. However, these issues could be reintroduced upon request by any delegation at any future meeting. The other item for future work that had been discussed related to the scheduling of commitments and the experiences from the scheduling workshop. Together with the outgoing Chairman, he had asked Members to consider whether it might be useful to request the Secretariat to prepare a note illustrating, on an anonymous basis, examples of existing inconsistencies in schedules. He had thought that such a note could help Members in technical preparations for the ongoing negotiations. Alternatively, he and the outgoing Chairman had proposed that Members themselves could flag issues they would like to see addressed by the Committee, with the Secretariat providing specific inputs as needed. Most delegations had supported the idea of a note dealing with questions arising from the Scheduling Workshop. It had also been suggested that materials used in the Workshop might be a good starting-point for Members to develop their understanding of where problems might lie. As all Members appeared to agree that it was useful to preserve the lessons learned from the Workshop, he suggested that the Secretariat circulate the introductory presentation

given at the time as a job document so that it may be available to all Members in the working languages.

62. A representative of the Secretariat stated that the presentation mentioned by the Chairman contained mainly introductory material about the structure of the Agreement and more detailed information with respect to particular provisions which were especially relevant to the scheduling of commitments. He recalled that the event was geared to enhance the understanding of the provisions of the Agreement that were directly relevant to the scheduling of commitments and in the particular context of preparing initial offers. A good part of the Workshop had been devoted to practical exercises. Those material would not be useful to circulate, as it consisted of questions, quizzes, and interactive exercises which were not destined for individual use or circulation. However, the materials could be obtained from the Secretariat at the request of any interested delegation.

63. The representative from Hong Kong, China supported the idea of circulating the materials from the Scheduling Workshop, which he considered extremely useful. He wondered whether there was any practical reason for not keeping the more interactive materials on the web-site. Building on those materials, it might be useful to focus on questions that had been raised during the course of the Workshop or individually thereafter.

64. The representative of the European Communities stated that it would be helpful to have these materials circulated as a job document so that they could be translated and made available in the three languages. This would be especially useful for those delegations that had not been able to be in Geneva for the Workshop. On that basis, one could see whether there were more questions and what kind of follow up could be envisaged.

65. The representative of Canada supported the suggestion from Hong Kong, China that the workshop documents be circulated; he needed to reflect further, however, on whether any questions posed individually by delegations could also be circulated, even in an anonymous form.

66. The Chairperson concluded that there was agreement to circulate the introductory presentation from the Scheduling Workshop as a job document. He suggested to revert to the idea of circulating other materials or individual questions.

67. It was so agreed.

68. The Chairperson stated that at the last meeting, the outgoing Chair and himself had asked Members to consider whether the use of economic needs tests in schedules could be a topic for further work. He recalled that there had been reluctance by some Members to raise this issue in the CSC. Others had supported the idea of technical work in principal, but stressed that their objective was to see the reduction or the removal ENTs which in their view was mainly linked to the negotiations. Against this background and further to informal conversations he had had in the meantime, it appeared that most of the work on ENTs was to be left to the negotiations. He suggested therefore that the Committee put this question aside. Of course, any Member who considered it useful to address technical issues related to ENTs could introduce them at a future meeting.

The representative of Hong Kong, China suggested to add an item on scheduling issues to the agenda of the CSC, in addition to classification issues. Although it was difficult to draw a clear distinction between the two, such an item might help to introduce scheduling issues if relevant.

69. The representative of Canada supported Hong Kong's suggestion. His delegation had always held the view that the agenda of the CSC was broad enough for Members to raise a wide range of issues.

70. The Chairperson concluded that there would be an additional item to this agenda called "scheduling issues". As there were no interventions under the agenda item of Other Business, he suggested that, in accordance with the practice of grouping meetings of subsidiary bodies close to meetings of the Council, the next formal meeting be held during the week before the next CTS and Special Session in October.

71. The Committee so agreed.
