

Services

Note: Roy (2011) offers a detailed coding of services provisions (152 sub-sectors for mode 3 and 142 for mode 1 commitments) in 67 agreements. Roy et al. (2009) code for 32 agreements whether their services commitments are based on a negative or a positive list approach.

[**servicdoublecode**] Were service provisions coded by at least two coders?

[**CoderServices**] Initials of the coder(s) of service provisions?

[**servicechap**] Does this agreement include substantive provisions stipulating the liberalization of trade in services?

0	no mention of services trade liberalization
1	services trade liberalization mentioned as general objective
2	substantive provisions liberalizing trade in services

Explanation: We coded 1 if the aim of liberalizing services is mentioned in the agreement's preamble. Also 1 are agreements with a services chapter or article that does not contain any substantive liberalization measures (for example, national treatment obligation or schedules of commitments). The purpose here is to make a qualitative judgement about the depth of the services obligations.

[**sergatsref**] Does the agreement contain a reference to the General Agreement on Trade in Services (GATS)?

0	no mention of services at all
0	no mention of the GATS
1	GATS mentioned

Explanation: Some agreements make a reference to "international agreements in the area" or the WTO in general. We coded this as 1 and added a comment.

[**serapproach**] Are services liberalized following a positive or a negative list approach?

0	no substantive service provisions
1	positive list approach (list of sectors to be covered)
2	negative list approach (all sectors are covered except those listed)

Explanation: The same agreement may include both positive and negative list approaches. If the general provisions of the agreement apply to all services sectors, we coded 2, even if the agreement includes a positive list of commitments (for example in an annex). Sometimes, the applicability of the general provisions is limited to e.g. "the sectors inscribed in the schedule of specific commitments..." This would be coded as positive list approach. In general, it can be expected that negative lists provide for deeper commitments.

[**servicesmfnc**] Does the service chapter contain an MFN clause?

0	no service chapter
0	no MFN clause included in the service chapter
1	MFN clause included in the service chapter

Explanation: Coding of this point is difficult because sometimes specific sectors and/or countries are excluded from the MFN obligation. Also existing PTAs are sometimes excluded from this provision. We coded 1 even if existing PTAs are excluded. We also coded 1 if a general MFN clause clearly also applies to services.

[servicesnationaltreat] Does the service chapter contain a national treatment clause?

0	no service chapter
0	no national treatment clause included in the service chapter
1	national treatment clause included in the service chapter that is limited in scope to specific sectors
2	national treatment clause included in the service chapter

Explanation: We coded 1 when some restrictions apply to the national treatment clause; often, national treatment is offered only in a specific sector, mainly maritime transport (EC agreements).

[sernonestablishment] Does the service chapter grant the right of non-establishment (that is, does it allow the provision of services without local presence)?

0	no service chapter
0	the right of non-establishment is not explicitly allowed (it may be either omitted or explicitly excluded)
1	the right of non-establishment is explicitly granted

Explanation: We coded 1 if there is an *explicit* provision on this point, even if specific sectors and/or countries are excluded from the national treatment obligation.

[sermovement] Does the service chapter allow the movement of natural persons in the provision of services?

0	no service chapter
0	movement of natural persons is not explicitly allowed (it may be either omitted or explicitly excluded)
1	movement of natural persons in the provision of services is explicitly allowed

[servicecontinuous] Does the service chapter include a review provision?

0	no service chapter
0	no review provision in service chapter
1	review provision in service chapter

Explanation: Sometimes the review provision may apply to only a few of the provisions in the services agreement. We coded 1 even if the review provision only applies to part of the services chapter. There are significant differences across those agreements with a review provision: some specify yearly meetings, others only vaguely state that a review should take place at a later stage. We may be missing general review provisions that apply to all chapters of an agreement and thus are not mentioned in the service chapter. In future coding, it would make sense to only consider review clauses that set a clear date by which revisions should be undertaken.

[sermovementplus] If there is a separate chapter on the movement of natural persons, does that chapter match GATS commitments, go beyond GATS commitments or does it even include new areas of regulation for each member of the agreement?

0	matches GATS commitments
1	GATS-plus
1	GATS-extra

Explanation: this is only coded 1 *if there is a separate chapter on this issue*.

[serimplementationreview] What is the level of implementation of the continuous review provision?

0	provision is vague or absent
1	provision is outdated
2	provision installs body and/or specific ‘plan-of-action’

Examples: 0=“the members will evaluate the implementation of the services chapter”; 1=“the members will replace this chapter by a new one by January 2009”; 2=“the committee XY will meet annually to discuss the elimination of the remaining reservations. No later than XY a common market shall be established”.

Inclusion of service sectors Are the following sectors explicitly included or explicitly excluded from the provisions in the service chapter (we also coded if there is a separate chapter for a specific service sector)?

[serbusiness]	Business and professional services
[sercommunication]	Communication services
[serconstruction]	Construction and related services
[serdistribution]	Distribution services
[sereducation]	Education services
[serenergy]	Energy services
[serenvironmental]	Environmental services
[serfinancial]	Financial services
[serhealth]	Health and social services
[sertourism]	Tourism services
[sertransport]	Transport services

For each of the sectors, the possible codes are 1 (explicitly included), -1 (explicitly excluded), and 0 (not mentioned). Sometimes sectors are explicitly excluded in the service chapter because there is a specific chapter on this sector in the agreement. `sertransportchapter` is coded 1 or -1 even if the provisions are limited to e.g. air transport or maritime transport services.

Inclusion of service sectors – chapters Are there specific chapters/articles for the following sectors?

[serbusinesschapter]	Business and professional services
[sercommunicationchapter]	Communication services
[serconstructionchapter]	Construction and related services
[serdistributionchapter]	Distribution services
[sereducationchapter]	Education services
[serenergychapter]	Energy services
[serenvironmentalchapter]	Environmental services
[serfinancialchapter]	Financial services
[serhealthchapter]	Health and social services
[sertourismchapter]	Tourism services
[sertransportchapter]	Transport services

For each of the sectors, the possible codes are 0 (no service chapter or no mention of this sector), 1 (chapter for this sector), 2 (no chapter, but separate regulation for this sector). `sertransportchapter` is coded 1 or 2 even if these provisions are limited to e.g. air transport or maritime transport services.

[**serartnumber**] How many articles dealing with services does the agreement contain?

Explanation: alas, interpreting this number is not straightforward, as some agreements contain few articles with many sub-points and others contain very brief articles. Moreover, some add lists of definitions, adding length but no depth to the agreement.

[**serparnumber_withannexes**] How many paragraphs dealing with services does the agreement contain (including the Annexes)?

Bibliography

Roy, Martin (2011) “Services Commitments in Preferential Trade Agreements: An Expanded Dataset”, WTO Staff Working Paper.

Roy, Martin, Juan Marchetti and Hoe Lim (2009) “Services Liberalization in the New Generation of Preferential Trade Agreements (PTAs): How Much Further than the GATS?”, in Antoni Esteveordal, Robert Teh, and Kati Suominen (eds) *Regional Rules in the Global Trading System* (Cambridge: Cambridge University Press).