

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.

[**ser_chap**] 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.

[**ser_gatsref**] 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.

[**ser_mfn**] 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.

[**ser_nationaltreat**] 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).

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

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- 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
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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.

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

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- 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
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[**ser_continuous**] Does the service chapter include a review provision?

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

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 Estevadeordal, Robert Teh, and Kati Suominen (eds) *Regional Rules in the Global Trading System* (Cambridge: Cambridge University Press).