NOTE FOR THE ATTENTION OF THE TRADE POLICY COMMITTEE
(SERVICES AND INVESTMENT)

SUBJECT: TiSA negotiations

ORIGIN: Commission DG Trade B1

objective: For information and comments

REMARKS:

Please find attached the following documents:

1. Agenda for July round
2. Annotated Agenda for July round
3. Core text incl. New Zealand's proposal to address their "Treaty of Waitangi"
4. Telecoms - Chile submission
5. Telecoms – post-round text
6. Mode 4 – updated text
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# TiSA July Round

**Tuesday 28 June – 10.00-18.00 (Australian Mission) Geneva-based meeting on homework, update on MA work and preparations for July round**

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<th>Fri 8</th>
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<tr>
<td>10.00 – 13.00</td>
<td>Bilateral / Small Group time</td>
<td>Bilateral / Small Group time</td>
<td>Transport Room D</td>
<td>ECommerce Room E</td>
<td>Other Topics* Room D</td>
<td>Localisation Room E</td>
<td>Horizontal MA Room D</td>
<td>Telecoms Room E</td>
<td>Institutional Provisions S2</td>
<td>Telecoms Room E</td>
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<td>14.30 – 18.00</td>
<td>Bilateral / Small Group time</td>
<td>Transport Room D</td>
<td>Telecoms Room E</td>
<td>Horizontal MA Room D</td>
<td>Localisation Room E</td>
<td>DR Room D</td>
<td>Localisation Room E</td>
<td>DR/Transparency $2</td>
<td>Telecoms Room E</td>
<td>$2</td>
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*Other topics will be scheduled upon request, where parties can demonstrate sufficient progress.

Evening sessions will be extended and/or additional night sessions on the annexes due to be stabilised in July will be scheduled, where necessary for progress.

Negotiators of annexes due to be stabilised should be available until the conclusion of the stocktake.
Annotated Agenda for TiSA Round 8-18 July 2016

**Air Transport** (Repository: CL – xxxx@xxxx)

I. Stabilise Definitions
   Art. 6 (d) Ground handling services
       (e) Airport operation services
       (f) Specialty air services

II. Progress discussions on
    Structure of the agreement (Articles 1-3)
    Open Skies (Article 4)

III. Market Access update

**Maritime Transport** (Repository: NO - xxxx@xxxx)

I. Articles for Stabilisation
   Art. 1 Definitions
       (a) international maritime transport services
       (c) multi-modal transport
       (d) multimodal transport operator
   Art. 13 Port Fees and Charges
   Art. 7 Access and Use

II. Parties to consider whether there is a need for
    Art. 12 Domestic Regulation
    Art. 14 Seafarers

II. Progress discussions on
    Art 1. Definitions
        (g) IMTS supplier
        (e) feeder services
        (f) maritime offshore services
    Art. 16 Domestic Maritime Transport (cabotage exception)
Art. 2 and 6
Art. 3, 4, 5

**Road Transport** (Repository: TR – xxxx@xxxx)

I. Articles for Stabilisation
   - Art. 2 Scope
   - Art. 3 Definitions

II. Progress discussions on
   - Art. 5 Domestic Regulation
   - Art. 6 Access and Use
   - Art. 7 Transparency
   - Art. 4 and 8 Professional Drivers

**E-Commerce** (Repository: US – xxxx@xxxx)

I. Review the homework list from the May/June round

II. Stabilise the following articles and their related definitions
   - Art. 1 General Provisions
   - Art. 4 Personal Information Protection
   - Art. 5 Unsolicited Commercial Electronic Messages
   - Art. 7 Open Networks
   - Art. 10 Customs Duties on Electronic Transmissions
   - Art. 12 International Cooperation

III. Further discussion and work towards agreement where possible of the following articles and their related definitions
   - Art. 2 Transfer of Information
   - Art. 6 Transfer or Access to Source Code
   - Art. 8 Location of Computing Facilities
   - Art. 11 Electronically Transmitted Content
**Telecommunications** (Repository: EU - xxxx@xxxx)

I. Review the homework list from the May/June round

II. Stabilise the following articles and related definitions

   Art. 1 Scope
   Art. 3 Telecommunications Regulatory Body
   Art. 6 Licenses
   Art. 7 Transparency
   Art. 8 Disputes
   Art. 9 Access and Use
   Art. 11 Interconnection
   Art. 14 Treatment of Major Suppliers
   Art. 15 Competitive Safeguards
   Art. 16 Interconnection Obligations Relating to Major Suppliers
   Art. 19 Scarce Resources
   Art. 22 International Cooperation

III. Work towards agreement of the following articles and related definitions

   Art. 2 Openness of Telecommunication Services Markets
   Art. 4 Technological Choice
   Art. 5 Regulatory Flexibility
   Art. 10 Leased Circuit Services
   Art. 12 Resale
   Art. 13 Access to Essential Facilities
   Art. 17 Undersea Cables and Landing Facilities
   Art. 20 International Mobile Roaming

*Note: final attributions for articles 1, 3, 6, 7, 8, 9, 11, 14, 15, 16 and 19 as well as definitions of ‘cost-oriented’, ‘end-user’, ‘license’, ‘non-discriminatory’, ‘number portability’, ‘reference interconnection order’, ‘telecommunications regulatory body’ and ‘telecommunications’ to be made intersessionally.*
Other topics (Agenda coordination: AU – xxxxx@xxxx)

Professional Services (Repository: AU- xxxxx@xxxx)

Progress discussions on
Art. 9 Business Names
Art. 10 Lawyers Fly-in, Fly-out
Art. 5 Foreign Capital Limitations
Art. 7 Joint Venture Requirements
Art. 8 Economic Needs Tests

Note: Should Parties wish to propose other annexes for discussion, they are encouraged to contact the Chair asap.

Horizontal market access (Agenda coordination: AU – xxxxx@xxxx)

I. Revisions to market access offers
   Presentation of, and questions on, any revised offers
   Updates from TiSA Parties on work on revised offers
   Sectoral MA analysis (new and/or updated)
      Private Education (New Zealand)
      Legal Services (Canada/Australia)
      New services (Japan)
      Other (upon request)

II. Approaches to horizontal issues affecting market access offers
   Taxation (Colombia)
   Subsidies (Australia)
   Exclusion of services supplied in the exercise of governmental authority from schedules (tbc)
   Sub-federal level measures (EU)

III. Other scheduling issues
   Inclusion of legal citations (tbc)

Note: Parties are encouraged to volunteer to present on additional topics.
**Localisation** (Repository: US - xxxx@xxxx)

I. Articles to be stabilised
   - Art 3 Local content and other performance requirements
   - Art 1 Local presence
   - Art 2 Local/Senior management and boards of directors
   - Art 5(2) and 5(3) Exceptions
   - Art 4 Scheduling

**Domestic Regulation** (Repository: Hong Kong – xxxx@xxxx)

I. Articles to be stabilised
   - Para 4-5 Development and Administration of Measures
   - Para 6 Technical Standards
   - Core Text [Article [...] Domestic Regulation]

II. Progress discussions on
   - Para 3 Necessity test
   - Para 2 Paragraphs to be applied horizontally to all measures affecting trade in services

**Transparency** (Repository: US – xxxx@xxxx)

I. Articles to be stabilised
   - Para 2
   - Para 5

II. Parties to consider the need for
   - Para 7
   - Para 8

III. Other Transparency text provisions
   - Financial Services para 2 (CH proposal to move to Transparency Annex)
   - Core Text (CH proposal to include GATS Article III language)
Institutional provisions (Agenda coordination: AU - xxxx@xxxx)

Institutions
Modification of Schedules
Accession
Withdrawal
Final Provisions
Multilateralisation
Dispute settlement

Financial Services (Repository: US – xxxx@xxxx)

I. Articles to be stabilised (or elements that are not attracting support withdrawn or revised*)

* where proponents envisage revisions, these should be circulated as far in advance of the round as possible to enable Parties to engage on them in detail.

  X.15 – Transparency
  X.10 – Transfer of Information
  X.13 – Senior Management and Boards of Directors
  X.16 – Prudential Measures
  X.3 – Market Access
  X.7 – National Treatment Limitations concerning Localisation
  X.21 – Supply of Insurance by Postal Entities
  X.22 – Supply of Insurance by Cooperatives
  X.8 – Temporary Entry of Personnel
  X.6 – Financial Services Purchased by Public Entities
  X.19 – Dispute Settlement

II. Other issues for further discussion

Market access offers and use of scheduling standard

Parties should be prepared to discuss any other text in the annex that is not yet stabilised, in the context of the July stocktake.