

# Recommendations to the European Commission on the negotiations for the Trade in Services Agreement (TiSA)

2015/2233(INI) - 03/02/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 532 votes by 131, with 36 abstentions, a resolution containing the European Parliament's recommendations to the Commission on the negotiations for the Trade in Services Agreement (TiSA).

Members recalled that any trade agreement must be a market opener for our companies abroad and a safety net for our citizens at home. TiSA should increase access to foreign markets, **promote best practices and shape globalisation** with a view to ensuring that it reflects EU values, principles and interests and that it helps EU companies thrive in the era of global value chains.

Members also stressed that:

- **consumer rights as well as social and environmental standards** are not trade barriers but non-negotiable building blocks of the Europe 2020 strategy for smart, sustainable and inclusive growth;
- the EU's trade policy must uphold the objectives of **economic, social and territorial cohesion** as set out in Article 174 of the TFEU;
- the provision of services in the EU is based on the **principles of universal access, quality, safety, affordability** and equal treatment to be guaranteed at all times in all cities and regions.

Parliament recalled that it has the **final say**, by means of the consent procedure, on trade agreements and its Members will only decide on whether to approve or reject TiSA once the negotiations have been concluded. It also stated that it reserves the right to express its opinion after consulting any future text proposals and drafts of TiSA.

Parliament addressed, in the context of the ongoing negotiations on the Trade in Services Agreement, the following recommendations to the Commission:

## Scope and context:

- reiterate support for an **ambitious, comprehensive and balanced negotiation**, which should unleash the untapped potential of a more integrated global services market, while preventing social, environmental and economic dumping and fully guaranteeing compliance with the EU acquis;
- ensure that these negotiations contribute fairly and significantly to **job creation and inclusive growth**, whilst respecting the EU's and Member States' political, social and cultural models as well as the fundamental principles enshrined in the EU Treaties and those included in the Charter of Fundamental Rights of the EU;
- open the way for the participation of committed emerging and dynamic economies and reiterate its support for **China's** request to join the negotiations and to secure the commitment of all TiSA participants to **multilateralising** the outcome of the negotiations;
- propose **specific safeguards for tourists**, inter alia in order to make international roaming fees and fees applied to international calls and messages transparent, so as to limit the excessive fees charged to consumers using their credit cards outside Europe;

- include a **revision clause** establishing a mechanism that would allow a party to leave the agreement or to suspend or reverse commitments concerning the liberalisation of a service, particularly in the event of infringements of labour and social standards.

#### Market access:

- exclude public services and **audiovisual services** from the scope of application of the agreement;
- seek ambitious commitments across parties, sectors, and levels of government, in particular the further opening of foreign markets as regards public procurement, telecommunications, transport and financial and professional services;
- ensure **reciprocity at all levels**;
- respect Member States' sovereign right to choose which sectors to open to foreign competition and to what extent by means of limitations and exemptions;
- exclude current and future **services of general interest** and **services of general economic interest** from the scope of application of the agreement (including, but not limited to, water, health, social services, social security systems and education, waste management and public transport);
- ensure that the parties preserve their right to adopt or maintain any measure with respect to the protection or **promotion of cultural and linguistic diversity**.

#### Rules on the digital economy:

- ensure that European citizens' personal data flow globally **in full compliance with the data protection and security rules in force in Europe**;
- immediately and formally **oppose the US proposals** on movement of information;
- ensure that **national security clauses** are grounded in appropriate necessity;
- comprehensive prohibition of forced data localisation requirements in order to prevent **geoblocking** practices and to uphold the principle of open governance of the internet.

#### Rules on mobility:

- ensure that nothing will prevent the EU and its Member States from maintaining, **improving and applying labour and social regulations**, collective agreements and legislation on the entry of natural persons into, or temporary stay in, the EU's or a Member State's territory;
- limit EU commitments only to the movement of **highly skilled professionals**, for a specific purpose, for a limited period of time and under precise conditions stipulated by the domestic legislation;
- oppose any provisions regarding visas and other entry procedures except those aimed at increasing transparency and streamlining administrative procedures;
- seek to horizontally prohibit the requirement of establishing a commercial presence, or of being a resident, as a condition for providing professional services;
- strive to create a **framework for the mutual recognition** of training, academic levels and professional qualifications, in particular in the architectural, accounting and legal sectors.

#### Rules on financial services:

- achieve an agreement that contains an ambitious yet balanced annex covering the provision of all types of financial services, in particular **banking and insurance**;
- achieve an agreement that brings value and **protection to European consumers** in the form of upward convergence in financial regulation and of a broader choice of financial services;
- commit TiSA parties to the implementation and application of international standards for the regulation and supervision of the financial sector;

- ensure that TiSA helps **mitigate double taxation** and in no way facilitates or opens loopholes for tax fraud, tax evasion, aggressive tax planning or money-laundering;
- request a thorough **ex-ante independent impact assessment** to evaluate the economic and social effects of further financial liberalisation under TiSA.

**Rules on domestic regulation and transparency:**

- promote good governance and transparency and to foster good practice in administrative, regulatory and legislative processes;
- maintain the EU practice of carrying out public consultations prior to legislative proposals;
- push for the creation of a **web-based one-stop shop information mechanism** for SMEs and to include SMEs in its conception;
- ensure the highest level of transparency, dialogue and accountability and **keep the European Parliament fully and immediately informed** at all stages of the negotiations.