Agreements under Article XXI GATS with Argentina, Australia, Brazil, Canada, China, the Separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Columbia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, and the United States: compensatory adjustments resulting from the last accession of new Member States to the EU

2018/0384(NLE) - 06/02/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted a report by José Ignacio SALAFRANCA SÁNCHEZ-NEYRA (EPP, ES) on the draft Council decision on the conclusion of the relevant Agreements under Article XXI of the General Agreement on Trade in Services with Argentina, Australia, Brazil, Canada, China, the Separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Columbia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, and the United States, on the necessary compensatory adjustments resulting from the accession of Czechia, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden to the European Union.

The committee recommended that the European Parliament give its consent to the conclusion of the agreements.

The explanatory memorandum accompanying the recommendation recalled that the schedule of commitments of the EU and its Member States in the GATS (General Agreement on Trade in Services) dates back from 1994 and covers only those twelve Member States who were Member of the EU at that time. The thirteen Member States that have joined the EU since, i.e. in 1995 and in 2004, continued to maintain their own individual GATS commitments, which were adopted prior to their accession to the EU.

In accordance with the terms of Article XXI of the GATS, the European Communities and its Member States submitted a communication pursuant to Article V of the GATS, whereby it notified its intention to modify the specific commitments in order for it to cover the thirteen member states that joined the European Union in 1995 and 2004.

Following the submission of the notification, eighteen WTO members submitted a respective claim of interest. After negotiations with the WTO members, the European Union agreed on compensatory adjustments, which can be found in the annexes attached to the Commission’s proposal for a Council decision.

With the entry into force of the Lisbon Treaty and in accordance to Opinion 2/15 of 16 May 2017 of the CJEU, the agreements can now be concluded by the European Union as the agreements do not cover any matters that fall outside the scope of the European Union’s exclusive competence.

The schedule is needed to enter into force to ensure that all the Member States concerned are covered by the same horizontal limitations, that their commitments are not in breach of the *acquis communautaire* and, and to advance in further consolidation processes. The rapporteur is of the opinion that the proposal for a Council decision is of purely technical nature and should be concluded expeditiously, for the EU to be able to continue negotiations for a GATS Schedule covering all present Member States of the European Union.