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) - 28/03/2019 - Final act

PURPOSE: to enable the conclusion of the compensation adjustments put in place by the European Union with several members of the World Trade Organisation (WTO) in order to obtain a consolidated GATS schedule of specific commitments covering all Member States that were members of the Union in 2006.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/485 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), Colombia, 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.

CONTENT: with this Council Decision, the Agreements concluded with Argentina, Australia, Brazil, Canada, China, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Colombia, Cuba, Ecuador, Hong Kong (China), India, Japan, Korea, New Zealand, the Philippines, Switzerland and the United States on the compensatory adjustments necessary under Article XXI of the GATS following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden to the Union are hereby approved on behalf of the Union.

In accordance with Article XX of the General Agreement on Trade in Services (GATS), Members of the World Trade Organization (WTO) shall establish a list of specific commitments they undertake under Part III of the GATS.

The current list of specific commitments of the European Union and its Member States dates from 1994 and covers only the 12 States that were members of the European Union at that time. The 13 Member States that joined the European Union in 1995 and 2004 have kept their individual GATS lists, which they had adopted before their accession.

In order to ensure that the 13 acceding Member States are covered by limitations included in the list of specific commitments of the Union and to ensure consistency with the acquis communautaire, it is

necessary to modify or withdraw certain specific commitments included in the list of specific commitments of the Union and in the lists of specific commitments of the acceding Member States.

With a view to present a consolidated schedule, on 28 May 2004, the Union notified the WTO of the amendment and withdrawal of certain commitments in the EU GATS schedule and in the GATS schedules of the 13 Member States concerned. The European Union then entered into negotiations with 18 WTO members who declared themselves affected by these amendments and withdrawals of commitments.

The Commission conducted negotiations with the affected WTO Members. As a result of those negotiations, an agreement was reached on compensatory adjustments related to the modifications and withdrawals notified on 28 May 2004. Following the conclusion of the negotiations, in accordance with the Council Conclusions of 26 July 2006, the Commission was authorised to sign the respective Agreements with each of the affected WTO Members concerned.

With a view to launching the certification procedure provided for by the applicable WTO rules, on 14 September 2006, the Commission transmitted the draft consolidated schedule to the WTO Secretariat. The certification was concluded on 15 December 2006.

The agreed compensatory adjustments were a satisfactory and balanced outcome of the negotiations and should, as such, be approved on behalf of the European Union.

ENTRY INTO FORCE: 5.3.2019.