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**World Trade Organization**  
Economic Research and Statistics Division

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**THE RELATIONSHIP BETWEEN SERVICES TRADE AND  
GOVERNMENT PROCUREMENT COMMITMENTS: INSIGHTS  
FROM RELEVANT WTO AGREEMENTS AND RECENT RTAS**

**Robert D. Anderson, Claudia Locatelli, Anna Caroline Müller,  
and Philippe Pelletier**

*Manuscript date: 24 October, 2014*

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# **THE RELATIONSHIP BETWEEN SERVICES TRADE AND GOVERNMENT PROCUREMENT COMMITMENTS: INSIGHTS FROM RELEVANT WTO AGREEMENTS AND RECENT RTAS**

by

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**24 October 2014**

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## ABSTRACT

To date, government procurement has been effectively carved out of the main multilateral rules of the WTO system. This paper examines the systemic and other ramifications of this exclusion, from both an economic and a legal point of view. In addition to relevant elements of the WTO Agreements, particularly the Agreement on Government Procurement (GPA) and the General Agreement on Trade in Services (GATS), it derives insights from a large number of Regional Trade Agreements (RTAs) that embody substantive provisions on both government procurement and services trade. An important finding is that, from an economic perspective, general market access commitments with respect to services trade and commitments regarding government procurement of services are complementary and mutually reinforcing. In contrast, from a legal point of view and at the multilateral level, disciplines in the two areas have been "divided up" into two Agreements with different (but complementary) spheres of application: the key provisions regarding the scope of application of the GATS and the GPA make clear that each serves purposes that the other does not. Analysis of corresponding provisions of RTAs broadly supports and extends this finding. In light of the foregoing, a question arises as to possible ways of deepening disciplines in this area. Part 5 sets out, for reflection, several related options: (i) the built-in mandate in the GATS for negotiations on services procurement (Article XIII:2); (ii) "multilateralization" of the GPA; (iii) the reactivation of work in the (currently inactive) WTO Working Group on Transparency in Government Procurement; and (iv) the taking up of relevant issues in the context of bilateral or regional negotiations. Overall, we find that each of these possibilities has potential merits, though none is without related challenges.

### Keywords:

Agreement, Budget, Commercial Policy, Corruption, Developing Countries, Developing Country, Development, Economic Integration, Expenditure, GATT WTO, General Agreement on Tariffs and Trade, Government, Government Expenditures, International Trade Agreements, International Trade Organizations, Liberalisation, Liberalization, MFN, Multilateralism, Openness, Optimal Trade Policy, Policy, Policy Making, Protection, Protectionism, Protectionist, Public Economics, Public Expenditure, Public Finance, Public Works, State Finance, Trade, Trade Agreements, Trade Liberalization, WTO.

### JEL Codes:

F13, F15, F5, F53, F59, H5, H57, H7, H72, K2, K29, O1, O24, O29,

## EXECUTIVE SUMMARY

Government procurement is of considerable significance as a dimension of global economic activity, accounting for 15-20% of GDP, on average, in both developed and developing economies. Binding international agreements, such as the WTO Agreements, can help countries seeking to optimize their procurement systems and to promote trade and economic growth in various ways which are discussed herein. Nonetheless, to date, government procurement has been effectively carved out of the main multilateral rules of the WTO system. This paper examines the systemic and other ramifications of this exclusion, from both an economic and a legal point of view. In addition to relevant elements of the WTO Agreements, particularly the General Agreement on Trade in Services (GATS) and the Agreement on Government Procurement (GPA), it derives insights from a large number of Regional Trade Agreements (RTAs) that embody substantive provisions on both services trade and government procurement.

Part 2 of the paper sets out basic information regarding several preliminary matters. To begin with, it recalls the main areas of work relating to government procurement, to date, in the WTO. These comprise: (i) the plurilateral Agreement on Government Procurement (the so-called "GPA"); (ii) the deliberations on government procurement of services pursuant to Article XIII:2 of the GATS; and (iii) the work on transparency in government procurement in the (currently inactive) Working Group established by the Singapore Ministerial Conference in 1996.

Consideration is then given to the important question of the "development dimension" of existing and possible international disciplines in this area. The analysis builds, importantly, on past discussions of related issues in relevant WTO bodies.

Additionally, this part of the paper sets out some important preliminary findings concerning government procurement provisions in RTAs which underpin the rest of the paper, based on a survey of the treatment of government procurement in 250 RTAs. In general terms, these represent all RTAs notified to the WTO before September 2013 which remain in force. We find that 68 of these agreements (24% of the total) contain detailed provisions on government procurement and, very importantly, include coverage of services procurement. Furthermore, in each of these 68 agreements, the government procurement chapter is modelled substantially or entirely on the text of the WTO GPA (in some cases, the 1994 version of the text, and in others, the revised version). This is true both for agreements of this nature between GPA Parties *and* for agreements also involving non-GPA Parties. This is an important finding in its own right: it implies that a significant number of countries, including, for example, major Latin American developing countries that currently are outside the GPA, have, in fact, committed themselves to implement GPA-style disciplines via RTAs.

The foregoing is already a significant finding: it implies that the significance of the GPA as an instrument of international economic policy goes beyond its actual membership, in that it has so clearly and visibly influenced corresponding provisions of RTAs. It is also noteworthy that GPA Parties participating in RTAs containing provisions on government procurement appear to be mindful of the linkages between the bilateral and the plurilateral levels and have made efforts to avoid overlapping, incompatible obligations. Most significantly, the fact that government procurement provisions in RTAs broadly track those of the GPA also makes feasible a significant further broadening of the GPA's membership (if WTO Members choose to pursue this), to the extent that it has already brought participating WTO Members procurement legislation and practices broadly in line with GPA norms.

Part 3 of the paper examines a range of systemic questions concerning the relationship between services and government procurement disciplines in international trade agreements, including both the WTO Agreements and RTAs. An important finding is that, from an economic perspective, general market access commitments with respect to services trade and commitments regarding government procurement of services are complementary and mutually reinforcing: each can powerfully enhance the effectiveness of the other. In contrast, from a legal point of view, disciplines in the two areas (general services trade and services procurement) have been "divided up" into two Agreements with different (but complementary) spheres of application: the key provisions regarding the scope of application of the GATS and the GPA make clear that each serves purposes that the other does not. The general picture that emerges is one of the relative specificity of the GPA: generally, it deals with procurement-specific measures. Conversely, the GPA leaves non-procurement-specific measures relating to international trade in services (and goods) to the

rules provided by the GATS (and GATT), as well as other WTO Agreements. This creates, at least in theory, the potential for a lack of coordination with regard to market liberalization in both fields.

Again, the GPA Parties are aware of the situation: at least in some cases, GPA and GATS commitments appear to have been coordinated. Furthermore, a number of GPA Parties have added notes to their schedules stating explicitly that their GPA services commitments are "subject to the terms and conditions set out in [their] Schedule to the GATS" or words to that effect. It is possible, though, that Parties' GPA and GATS commitments are not yet coordinated in all respects. In addition, clearly, the fact of the GPA's limited membership as compared to the multilateral agreements means that many WTO Members do not benefit from the synergies that are possible between these two fields of trade regulation.

Our discussion of RTAs reinforces the picture set out above. Specifically, and as already seen with regard to services and government procurement disciplines in the WTO context, RTAs that address these issues in a significant way typically also contain provisions delineating separate but complementary spheres of application for services and procurement disciplines. Overall, therefore, and looking at both the WTO Agreements and relevant RTAs, there are clear economic and practical links between commitments enabling trade in services and services procurement. Yet, in legal terms, this link has not been translated into a fully harmonized and integrated system of market access commitments.

Part 4 of the paper delves into specific issues concerning the structure and extent of coverage commitments with regard to services trade and government procurement, in both the WTO Agreements (i.e. the GPA and the GATS) and RTAs. First, it looks at the approaches used to schedule services and government procurement commitments. It finds that such approaches differ substantially as between the GATS and the GPA. Part 4 also provides an analysis of the scope and extent of government procurement market access commitments in recent RTAs as compared to the (recently revised) GPA, with a particular focus on services. The observation is made that, while some RTAs provide for services procurement commitments that are deeper than those of the GPA in particular respects (e.g. additional services sectors or coverage of build-operate-transfer arrangements (BOTs)), this is by no means true generally with regard to all dimensions of coverage. Indeed, a number of inter-linked elements have to be taken into account in estimating the overall value of services commitments (e.g. the thresholds and the entities covered). Overall, the market access opportunities created by government procurement chapters in RTAs generally are significantly less than those available under the revised GPA. The main arguable exceptions concern some RTAs between GPA Parties and a few agreements in Latin America.

In light of the foregoing, a question arises as to possible ways of deepening disciplines in this area. Part 5 sets out, for reflection, several related options: (i) the GATS built-in mandate for negotiations (Article XII:2); (ii) "multilateralization" of the GPA; (iii) the reactivation of work in the (currently inactive) WTO Working Group on Transparency in Government Procurement; and (iv) the taking up of relevant issues in the context of bilateral or regional negotiations. Overall, it finds that each of these possibilities has potential merits, though none is without related challenges. To be sure, these options are noted only for the purposes of stimulating reflection; very clearly, only WTO Members can decide which (if any) approach to follow.

Part 6 of the paper provides concluding remarks. Overall, it is found that international rules on government procurement, where they apply, and particularly on services procurement, complement more general rules on services trade in important respects. Moreover, not all the relevant potential synergies have been realized, in part due to the limited membership of the GPA. It is hoped that the information provided in this paper will assist WTO Members in developing their own positions on related issues.

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## 1 INTRODUCTION

Government procurement is of considerable significance as a dimension of economic activity at both the domestic and international levels, accounting for 15-20% of GDP, on average, in both developed and developing economies.<sup>2</sup> Government procurement is, furthermore, an essential input to the delivery of important public services and broader functions of government, such as investment in transportation, telecommunications, energy and other vital public and business infrastructure; the provision of public services such as the construction and maintenance of schools, hospitals and public sanitation systems; the efficient delivery of medicines and other aspects of health care<sup>3</sup>; and defence and policing. Apart from their impact on these vital functions, well designed procurement systems can promote good governance and thereby strengthen public confidence in government. As such, government procurement has a broader developmental significance that transcends its magnitude as an aspect of economic activity (Anderson, Müller, Osei-Lah and Pelletier, 2012; see, for related discussion, Parts 2 and 3 below).

Binding international agreements, such as the WTO Agreements, can help countries seeking to optimize their procurement systems and stimulate economic growth in three distinct but interrelated ways. First of all, to the extent that they establish principles of non-discrimination, transparency and procedural fairness, such agreements can provide minimum standards in line with international best practices that can guide countries towards increased integrity and good governance, while leaving sufficient flexibility to adapt procurement regimes to national legal systems. Secondly, to the extent that they open up procurement markets to increased competition, including through international trade, they can help governments procure the best internationally available goods and services at an optimal price, i.e. they can help achieve value for money. Third, the market access achieved through reciprocal international trade liberalization in the government procurement sector can provide for significant economic opportunities for the private sector and can thus stimulate economic growth (Anderson, Müller, Osei-Lah and Pelletier, 2012).

In the past, government procurement has been effectively carved out of the main multilateral rules of the WTO system. In particular, the application of the GATS' MFN obligation, as well as market access and national treatment commitments to government procurement, has been suspended. This is despite the fact that economic studies indicate that the positive impact of trade liberalization in government procurement markets may be particularly significant when it comes to trade in services. For example, it has been estimated that, in some sectors, the procurement of services by governments could represent as much as 30% of overall services trade (Hoekman & Primo Braga, 1997).

The importance of services procurement is corroborated by recent statistical reports submitted to the WTO by Parties to the Agreement on Government Procurement (GPA). For example, according to the latest statistical report by the European Union, the total value of GPA-covered procurement of services (including construction services) has been valued at around €160 billion in 2008, representing approximately 65% of total GPA-covered procurement by the EU (WTO, Committee on Government Procurement, 2013). This proportion is even bigger when all contract award notices published in the OJ/TED are taken into account: in 2010, about 36% was for construction services contracts (€161 billion), and 42% for services (€187 billion), representing 78% (€348 billion) (WTO, Trade Policy Review, 2013).

As public procurement of services represents a major part of a country's market for foreign service suppliers, access to procurement markets can have an important bearing on the scale of

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<sup>2</sup> (OECD, 2002); see also Anderson, Pelletier, Osei-Lah, & Müller (2012). The share of government procurement markets that is potentially internationally contestable (i.e. that could be opened to international trade) has been conservatively estimated as between 5.1 and 7.57% of GDP in most countries (OECD, 2002). It should be noted that these estimates treat all defense-related expenditure as non-tradable. As a result, they arguably underestimate the true extent of potentially contestable procurement, as several countries have opened, in fact, their non-sensitive defense-related procurement sectors to international competition (Pelletier, forthcoming 2014).

<sup>3</sup> See, for an analysis of the importance of sound government procurement and competition policies in order to foster innovation and access to medical technology, Müller & Pelletier (forthcoming 2014).

operations and the resulting overall competitiveness of individual suppliers. This follows, in part, from the fact that, often, the largest contracts held by individual service suppliers will be with government entities. Overall, it can be said that government procurement is of great importance to international services trade flows, and government procurement markets can be expected to be of interest to foreign as well as domestic suppliers.

As the WTO's main multilateral rules do not apply to government procurement, this gap is filled, at the international level, mainly by the plurilateral WTO Agreement on Government Procurement and also, to some extent, by regional trade agreements (RTAs) containing government procurement chapters. Such rules complement the GATS' general rules on market access in services with access to procurement markets more specifically. In general, foreign suppliers not only have to secure the right to participate in tenders on a non-discriminatory basis, but also need to rely on general market access rights to be able to supply services to government. The two WTO Agreements most relevant to suppliers' market access and ability to compete for government contracts in the services sector, therefore, are the Agreement on Trade in Services (GATS) and the GPA.

In addition to the procurement market liberalization achieved through the GPA, the majority of RTAs that have been notified to the WTO in recent years also contain provisions on government procurement, whether of a detailed or a limited nature. Altogether, around 74 WTO Members have undertaken, on at least one occasion, trade liberalization of services in the area of government procurement, either via the GPA or an RTA.<sup>4</sup> This represents approximately 45% of the WTO Membership. These figures are likely to grow in the coming years in light of the on-going GPA accessions (including, e.g. that of China) and other RTAs currently under negotiations (e.g. the Trans-Pacific Partnership (TPP)).

Provisions on government procurement liberalization in RTAs are of interest for a number of reasons, some specific to the field of government procurement and some general or systemic. First, provisions on government procurement in RTAs provide an important point of comparison with the GPA. Second, both increased convergence of international trade rules applicable to government procurement and further accessions to the GPA may facilitate the advancement of multilateral approaches integrating government procurement into general rules on trade in services (and goods), to the extent that the approaches under the different agreements are compatible with one another. This paper therefore seeks also to analyse the interplay between the general rules on trade in services provided by the GATS Agreement and the more specific, procurement-related rights established under the GPA and procurement chapters in RTAs.

The remainder of the paper begins with a more detailed overview of the main areas of work in the WTO on government procurement of services, and of the trends in recent RTAs (see Part 2 ). Thereafter, Part 3 of the paper examines the relationship between services and government procurement disciplines in trade agreements from a systemic perspective. It looks both at the economic and the legal relationship between services trade and government procurement disciplines, in WTO Agreements and RTAs.

Part 4 of the paper delves in detail into issues concerning coverage commitments with regard to services and government procurement, in the WTO Agreements and RTAs. This part of the paper also provides an overview of the market access dimensions of government procurement in recent RTAs, in comparison with the revised GPA, with a special focus on services.

The paper then turns, in part 5 , to the question of possible ways of deepening disciplines in this area. This part of the paper identifies and sets out several alternative approaches, without

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<sup>4</sup> 1. Antigua and Barbuda; 2. Australia; 3. Barbados; 4. Bahrain; 5. the Bahamas; 6. Belize; 7. Brunei; 8. Canada; 9. Chile; 10. Costa Rica; 11. Colombia; 12. Dominica; 13. Dominican Republic; 14. El Salvador; 15. the EU (and its 28 member states); 16. Grenada; 17. Guyana; 18. Guatemala; 19. Haiti; 20. Honduras; 21. Hong Kong, China; 22. Iceland; 23. Israel; 24. Jamaica; 25. Japan; 26. Korea; 27. Liechtenstein; 28. Mexico; 29. Morocco; 30. Nicaragua; 31. New Zealand; 32. Norway; 33. Oman; 34. Panama; 35. Peru; 36. Saint-Christopher and Nevis; 37. Saint Lucia; 38. Saint Vincent and the Grenadines; 39. Singapore; 40. Switzerland; 41. Ukraine; 42. Suriname; 43. Trinidad and Tobago; and 44. United States; 45. Armenia; 46. Netherlands with respect to Aruba; and 47. Chinese Taipei.

taking any position on an appropriate course of action. Part 6 of the paper provides concluding remarks.

## **2 GOVERNMENT PROCUREMENT OF SERVICES IN THE WTO: MAIN AREAS OF WORK, THE INTERFACE WITH RTAs, AND THE DEVELOPMENT DIMENSION OF THE ISSUES**

As pointed out above, government procurement is of great importance to international services trade flows, and government procurement markets are of considerable importance to foreign, as well as domestic suppliers. Nonetheless, in the past, government procurement has been effectively carved out of the main WTO multilateral trade rules.<sup>5</sup> In particular, the application of the GATS' MFN obligation as well as market access and national treatment commitments to government procurement have been suspended. Over the years, WTO Members have therefore been seeking ways to address the issue of government procurement in the multilateral trading system. This has resulted in three main areas of work:

- 1) the plurilateral Agreement on Government Procurement (the so-called "GPA");
- 2) deliberations on government procurement of services pursuant to the mandate set out in Article XIII:2 of the GATS; and
- 3) the work on transparency in government procurement in the Working Group established by the Singapore Ministerial Conference in 1996.

With regard to the latter item, the Working Group on Transparency in Government Procurement has been inactive pursuant to a decision, adopted by the WTO General Council on 1 August 2004, which addressed, *inter alia*, the handling of the issue of transparency in government procurement, as well as the issues of the relationship between trade and investment and the interaction between trade and competition. The Council agreed that "those issues will not form part of the Doha Work Programme and therefore no work towards negotiations ... will take place within the WTO during the Doha Round." The following discussion, therefore, focusses principally on the two remaining WTO work items, i.e. the GPA and the work under Article XIII:2 of the GATS, and possible synergies between them (see, respectively, sections 2.1 and 2.2 of this part of the paper).

Cutting across all aspects of work in this area is an interest in the "development dimension" of the issues. Different observers have different views on this aspect of the debate, and no overall resolution will be attempted here. Still, some key threads of the discussion will be summarized for reflection, specifically, in section 2.3. Significant attention is also given to the growing number of RTAs embodying significant chapters on government procurement (see section 2.4).

### **2.1 The WTO's Agreement on Government Procurement (GPA)**

The WTO Agreement on Government Procurement (GPA) is, to date, the only legally binding agreement in the WTO focusing on the subject of government procurement. It is a plurilateral Agreement, meaning that it comprises only a subset of the full Membership of the WTO. Currently, the Agreement binds 43 of the WTO's Members.<sup>6</sup>

The GPA, in its version currently in force, was negotiated in parallel with the Uruguay Round in 1994, and entered into force on 1 January 1996. On 15 December 2011, in parallel with the Eighth WTO Ministerial Conference, the Parties to the GPA reached political agreement on the conclusion of the renegotiation of the Agreement that they had conducted over more than a decade.<sup>7</sup> The results of the renegotiation comprised: (i) the revised text of the Agreement<sup>8</sup>; (ii) a

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<sup>5</sup> See section 3.2 below.

<sup>6</sup> These comprise: Armenia; Canada; the European Union, including its 28 member states; Hong Kong, China; Iceland; Israel; Japan; Korea, Republic of; Liechtenstein; the Kingdom of the Netherlands with respect to Aruba; Norway; Singapore; Switzerland; Chinese Taipei and the United States. For a review of the evolution of the GPA from its inception until recent times, see Arrowsmith & Anderson (2011).

<sup>7</sup> The basis for the renegotiation was provided in Article XXIV:7(b) and (c) of the 1994 Agreement, which called for the Parties to undertake negotiations with a view to improving the Agreement and achieving

significant expansion of the Parties' market access commitments under the Agreement, valued at US\$80-100 billion annually<sup>9</sup>; and (iii) a set of new Agreed Work Programmes<sup>10</sup> relating to the administration and possible further evolution of the Agreement, to be conducted by the WTO Committee on Government Procurement following the coming into force of the revised Agreement.<sup>11</sup> Subsequently, on 30 March 2012, after the timely completion of a legal review and verification process, Parties formally adopted the results of the renegotiation (WTO, Committee on Government Procurement, 2012a).

The revised Agreement has come into effect on 6 April 2014, 30 days after the submission of formal acceptances of the "Protocol of Amendment" by two thirds of the Parties to the Agreement.<sup>12</sup> Both the former Chairman of the Committee on Government Procurement, Mr Bruce Christie of Canada, and the former Director-General of the WTO, Mr Pascal Lamy, have called for this to take place some two years after the Protocol was originally adopted, and the Parties successfully worked toward this goal (WTO, news item, 2013a, 2013b).

The GPA seeks to provide foreign suppliers access to procurement markets, i.e. the right and ability to participate in and win tenders, on a non-discriminatory basis. To reinforce these rights, the text of the GPA embodies legal guarantees of transparency and non-discrimination that are intended to promote fair procedures and efficient trade in participating WTO Members' public procurement markets. Both the revised text of the GPA and the 1994 Agreement are centred on these same basic principles of transparency, non-discrimination and procedural fairness. The main elements of both versions of the text are therefore the same and can be described as follows:

First of all, the GPA very importantly contains guarantees of national treatment and non-discrimination for the goods, services and suppliers of Parties to the Agreement with respect to procurement of covered goods, services and construction services as set out in each Party's schedules (Appendix I to the Agreement) and subject to various exceptions and exclusions that are noted therein. As will be discussed below, these guarantees place the GPA firmly within the tradition of WTO Agreements such as GATS and GATT, which are built around similar main principles. As in other WTO Agreements, developing countries acceding to the GPA can benefit from special and differential treatment; however, these measures are subject to negotiation by each acceding country under the GPA (see, for related discussion, section 2.3 below).

Furthermore, the Agreement contains minimum standards regarding national procurement processes, which are intended to ensure that the Parties' procurements are carried out in a

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the greatest possible extension of its coverage among all Parties, and eliminating any remaining discriminatory measures and practices. The negotiations commenced in 1997.

<sup>8</sup> The revised GPA improves on the existing text of the Agreement in various significant ways. For example, the revised text entails a complete revision of the wording of the various provisions of the Agreement to streamline them and make the text easier to understand. It updates the Agreement to take into account developments in current government procurement practice, notably the use of electronic tools. The revised text also sets out related requirements regarding the general availability and interoperability of the information technology systems and software used; the availability of mechanisms to ensure the integrity of requests for participation and tenders; and maintenance of data to ensure the traceability of the conduct of covered procurement by electronic means. It also incorporates additional flexibility for Parties' procurement authorities, for example in the form of shorter notice periods when electronic tools are used. Shorter time-periods have also been allowed for procuring goods and services of types that are available on the commercial marketplace. For further information on the new transitional measures available under the revised text, see Figure 2 below.

<sup>9</sup> It should be noted that not all of the additional coverage provided is necessarily available to each of the Parties, due to country-specific derogations that may apply. For further details, see Figure 1 below.

<sup>10</sup> These comprise: (i) a Work Programme to consider best practices with respect to measures and policies that the Parties use to support the participation of small and medium-size enterprises (SMEs) in government procurement; (ii) a Work Programme to enable Parties to improve procedures followed in the collection and reporting of statistical data relating to the Agreement; (iii) a Work Programme to promote the use of sustainable procurement practices, consistent with the Agreement; (iv) a Work Programme to address restrictions and exclusions in Parties' coverage commitments under the Agreement; and (v) a Work Programme on safety standards in international procurement.

<sup>11</sup> See, for additional details, WTO, Committee on Government Procurement (2012b), paragraphs 7-10.

<sup>12</sup> The Parties that have, to date, submitted their instruments of acceptance and for which the revised Agreement has entered into force are Canada; the European Union with its 28 member States; Hong Kong, China; Iceland; Israel; Japan; Liechtenstein; the Netherlands with respect to Aruba; Norway, Singapore; Chinese Taipei; and the United States. Armenia, Korea and Switzerland are yet to submit their instruments of acceptance.

transparent and competitive manner that does not discriminate against the suppliers of other Parties. The principles of transparency and non-discrimination are embodied in various procedural provisions of the Agreement that require the key features of each Party's procurement system to be publically disseminated, that ensure appropriate notice of major procurements to potential suppliers (in order to ensure they have a fair opportunity to respond) and that otherwise ensure fair procedures. In effect, these provisions codify recognised good practices in the area of government procurement, and ensure predictability in access to the procurement covered by the Agreement. The procedural provisions of the GPA are complemented by additional requirements regarding transparency of procurement-related information.

The GPA embodies two distinct enforcement mechanisms. First, in individual procurements, aggrieved suppliers must be given a right of recourse, through national courts or an impartial and independent review body (or both). Second, disputes between Parties under the Agreement, while rare, may be the subject of proceedings under the WTO's Dispute Settlement Mechanism.<sup>13</sup>

Another important element of the revised GPA text consists in a specific new requirement for participating governments and their relevant procuring entities to avoid conflicts of interest and prevent corrupt practices. This provision is unique in the context of WTO treaty obligations (Anderson, 2012; Arrowsmith, 2011). The import of this new substantive provision is reinforced by new language, in the Preamble to the Agreement, recognizing the GPA's significance for good governance and the fight against corruption. Together, these elements signal a belief on the part of the Parties that the GPA, while first and foremost an international trade agreement, is directly relevant to the global struggle for good governance.

In sum, the GPA therefore embodies specific additional rules which are deemed necessary to provide effective market access. It does not limit itself to establishing general principles of non-discrimination, but also translates them in procedural rules, transparency requirements and a "double" enforcement standard to provide meaningful commercial opportunities with regard to covered procurement.<sup>14</sup>

Further to the above, it is important to emphasize that the GPA does not automatically apply to all government procurement of the Parties. Rather, the coverage of the Agreement is determined with regard to each Party in Appendix I Annexes. In other words, the GPA's non-discrimination and procedural rules only apply to procurement for government purposes of goods, services or any combination thereof, as specified in the Annexes to Appendix I to the GPA concerning each Party (for a fuller discussion of the scope and coverage of the Agreement, as compared to that provided in RTAs, see Part 4 below). The value of market access provided annually under the existing GPA has been estimated at \$1.6 trillion annually in 2008, and has increased to \$1.7 trillion with the expanded market access opportunities under the revised GPA (see WTO, 2012).

### Figure 1 The GPA market access expansion achieved in the re-negotiation

The conclusion of the GPA renegotiation is important for multiple reasons. To begin with, it has added an estimated \$80-100 billion annually to the value of the market access commitments by the Parties under the Agreement.<sup>15</sup> It includes:

- Coverage by the Parties of (at a minimum) more than 500 additional central, local and other government agencies under the Agreement. This includes, as just one Party's (Canada's) contribution, the coverage under the Agreement, for the first time, of its sub-

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<sup>13</sup> The Agreement contains a number of special rules that reflect its plurilateral nature (see Article XX). For example, so-called "cross-retaliation" measures are prohibited.

<sup>14</sup> As will be discussed in Section 2.3 below, this is also the approach generally adopted in RTAs with government procurement commitments.

<sup>15</sup> As noted above, this brings the total coverage of the Agreement to an estimated \$1.7 trillion in procurements by the Parties annually. It should be noted that each Party to the GPA will not necessarily benefit individually from all the extended coverage of the Agreement inasmuch as each Party may apply special derogations in certain cases. See, for relevant details, WTO, Ministerial Conference (2011); and Pelletier (forthcoming 2014).

central level of government (i.e. all of its provinces and territories) - already a contribution that has been valued in the tens of billions of dollars (See, for background, Collins, 2011). The actual number of additional entities covered by the totality of the Parties will, in all likelihood, turn out to be substantially more than 500, in light of the generic approaches to entity coverage that have been used by some Parties, including the European Union;

- Some improvements in the coverage of goods;
- Downward adjustments in the thresholds applied under the Agreement by a few Parties, notably Israel, Japan, Korea and the Netherlands with respect to Aruba.

Results of the GPA negotiations also include specific additions to GPA **services coverage**. For example,

- **New services sectors** have been covered by the following GPA Parties: (i) the European Union; (ii) Hong Kong, China; (iii) Iceland; (iv) Israel; (v) Japan; (vi) Korea, Republic of; (vii) Liechtenstein; (viii) the Netherlands with respect to Aruba; (ix) Norway; (x) Singapore; (xi) Switzerland; and (xii) the United States. In all, 50 new services or sub-categories of particular services have been added to coverage;
- Coverage of **telecommunications services** has been increased by the following eight Parties: (i) the European Union; (ii) Hong Kong, China; (iii) Iceland; (iv) Liechtenstein; (v) the Netherlands with respect to Aruba; (vi) Norway; (vii) Switzerland; and (viii) the United States. As a result, nine Parties are now covering telecommunication services in full.
- All Parties now provide full coverage of **construction services** (CPC 51).
- For the first time, **Build-operate-transfer contracts (BOTs)/public works concessions** or other forms of public private partnerships have been covered explicitly by three Parties (the European Union, Japan and Korea). This, in itself, is a very significant addition to coverage; and
- One Party (Korea) is now also offering, for the first time, coverage of services by the entities listed in its Annex 3 (other entities).

It should also be noted that it remains difficult to estimate with precision the total amount of market-access enhancements resulting from the conclusion of the GPA negotiations (estimated at \$80-100 billion annually) that is directly attributable to expanded services coverage. This is because a number of inter-linked market access elements have to be taken into account in estimating the overall value of enhancements. For example, the *de facto* coverage of services will also expand as a result of, e.g. additional entity coverage - more than 500 new entities in all (in total, across Parties) - and downward adjustments in the thresholds. Nonetheless, it is self-evident that the contribution of expanded coverage of services to the overall conclusion of the GPA renegotiation has been very substantial.

## 2.2 Multilateral negotiations on government procurement of services pursuant to Article XIII:2 of the GATS

### 2.2.1 Government procurement under the GATS: the legal framework

Article XIII:1 of the GATS provides that the most-favoured-nation treatment obligation (Article II), as well as the specific commitments on market access and national treatment (Articles XVI and XVII) do not apply to the procurement of services for governmental purposes. Laws, regulations and requirements governing government procurement are exempted from these three key disciplines. As a result, the GATS imposes no effective disciplines on governments' use of access restrictions in this field, whether in the form of exclusions of foreign participation, preferential margins favouring domestic suppliers or offsets.

It is to be noted that Article I:1 of the GATS stipulates that the Agreement "applies to measures by Members affecting trade in services." The share of government purchases of services – notably construction, professional, financial, telecommunications/IT/computer-related or environmental services – is significant in many markets, and so are the trade effects that may result from access restrictions. Thus, the latter have the potential to "affect trade in services." Interestingly, government procurement of services has *not* been *excluded* from the scope of the GATS – unlike services supplied in the exercise of governmental authority and most of air transport.<sup>16</sup> Simply the application to it of three key disciplines of the Agreement is suspended for the time being.

Exempted government procurement is defined in Article XIII:1 to mean those "services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale." To an extent, this wording mirrors Article III:8(a) of the GATT which exempts government procurement of goods from the national treatment obligation.<sup>17</sup> Like in the case of goods, the exemption reflects the continued desire of certain Members to be able to favour national services and service suppliers when awarding contracts. The exemption from MFN treatment in Article XIII:1 was included so that signatories to the plurilateral GPA would not be obliged to extend the benefits of national treatment (and other obligations that they have agreed to under the GPA) on an MFN basis to all WTO Members, even those who have not accepted similar disciplines.<sup>18</sup>

In accordance with Article XIII:2, it could thus, *a contrario*, be argued that other GATS provisions, apart from Articles II, XVI and XVII, do apply to the laws, regulations or requirements governing the procurement of services by governmental agencies. A relevant example in that regard could be the general obligation contained in Article III:1 ("Transparency") according to which "Each Member shall publish promptly ... all relevant measures of general application ... ." Another example could be the obligation pursuant to Article VI:2 ("Domestic Regulation") to provide for prompt review and appropriate remedies (in the form of judicial, arbitral or administrative tribunals). However, the value of these transparency and review obligations remains relatively limited in the absence of MFN, market access and national treatment rights.

Notwithstanding Article XIII, certain disciplines on procurement have already been created in the area of financial services by the Understanding on Commitments in Financial Services (hereinafter "the Understanding").<sup>19</sup> Section B.2 of the Understanding entitled "Financial Services purchased by Public Entities" states that "Notwithstanding Article XIII of the Agreement, each Member shall ensure that financial service suppliers of any other Member established in its territory are accorded most-favoured-nation treatment and national treatment as regards the purchase or acquisition of financial services by public entities of the Member in its territory." Thirty-one countries have accepted the Understanding as a basis for making commitments.<sup>20</sup> To do so, they have usually inserted a headnote to that effect in the section on financial services of their schedules of specific commitments. And, since in accordance with Article XXIX schedules are an integral part of the GATS, those obligations have become binding on the Members concerned.

Two aspects of the Understanding are noteworthy in the present context. First, the benefits of the Understanding are extended on an MFN basis, i.e., also to Members who have not subscribed to it; and second, the coverage of the obligations has been limited only to entities

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<sup>16</sup> These exclusions are based on Article I:3(b) and the Annex on Air Transport Services of GATS, respectively.

<sup>17</sup> There is no strict counterpart in the GATT for Article XVI of the GATS on Market Access, though this Article includes elements of what is contained in Articles II and XI of the GATT.

<sup>18</sup> Article XVII.2 of the GATT exempts government procurement from the provisions on state trading enterprises by stating that "with respect to such imports, each contracting party shall accord to the trade of the other contracting parties fair and equitable treatment." The precise content of this obligation has never been tested.

<sup>19</sup> See the Understanding on Commitments in Financial Services, annexed to the Final Act embodying the results of the Uruguay Round of multilateral trade negotiations, 15 April 1994, 1867 UNTS 165 (entered into force: 1 January 1995). For a detailed explanation of the Understanding, see WTO, Council for Trade in Services & Committee on Trade in Financial Services (2010), paras. 35-46.

<sup>20</sup> The following 31 Members have made commitments in accordance with the Understanding: 1. Australia; 2. Bulgaria; 3. Canada; 4. Czech Republic; 5.-19. European Union (EU-15); 20. Hungary; 21. Iceland; 22. Japan; 23. Liechtenstein; 24. New Zealand; 25. Nigeria; 26. Norway; 27. Slovak Republic; 28. Sri Lanka (excluding insurance); 29. Switzerland; 30. Turkey; and 31. United States.

*established* in the territory of the Member. The Understanding does not further clarify the meaning of the expression 'established'. It can, however, be assumed that 'established' financial service suppliers means those with a commercial presence in the territory of the Member whose government is procuring financial services. In that case, and as per footnote 12 to the GATS, this would encompass not only foreign-invested juridical persons legally incorporated in the territory of the Member concerned (i.e., subsidiaries), but also branches (and representative offices).<sup>21</sup>

### 2.2.2 Deliberations pursuant to Article XIII:2 of the GATS

Article XIII:2 addresses the 'unfinished business' regarding government procurement, which Members had been unable to complete within the timeframe of the Uruguay Round. It provides that "There shall be multilateral negotiations on government procurement in services under this Agreement within two years from the date of entry into force of the WTO Agreement." The negotiations have been carried out in the Working Party on GATS Rules (WPGR), established by the Council for Trade in Services on 30 March 1995.<sup>22</sup> In December 2001, the negotiations were integrated into the Doha Development Agenda.

In the first years of discussion in the Working Party, Members addressed various aspects of possible disciplines, particularly in relation to transparency.<sup>23</sup> Among other things, they considered the relationship between commitments undertaken under the GPA and any disciplines that might be developed under the GATS, and engaged in an information-gathering exercise in relation to national procurement regimes on the basis of a questionnaire prepared by the Secretariat.<sup>24</sup> Discussions later touched on definitional issues as well as on the scope and coverage of possible disciplines on government procurement.

Subsequently, the deliberations focused on a series of communications from the EU (formerly the EC).<sup>25</sup> In 2002, the EU circulated a proposal which put forward the general lines of a framework for government procurement in services, including rules on procedural issues such as transparency and the suggestion that Members undertake sector-specific commitments on access to, and national treatment in respect of, government procurement. The proposal used the example of construction services in stressing the benefits of disciplines on procurement under the GATS (WTO, Working Party on GATS Rules, 2002b). In 2003, the EU provided further details on its proposed framework and suggested the creation of an Annex to the GATS on government procurement in services (WTO, Working Party on GATS Rules, 2003a). It proposed modalities for the scheduling of commitments on government procurement, which would be inscribed in an additional column added to the GATS' schedules of commitments of WTO Members. Regarding the MFN principle, the proposal suggested that it be extended to government procurement, subject to an exception to protect more favourable treatment granted in the context of the GPA and the possibility for Members to schedule MFN exemptions in relation to government procurement. In 2004, the EU circulated a communication that replied to questions raised on its proposal and provided examples of how government procurement commitments and MFN exemptions could be scheduled by Members under this framework (WTO, Working Party on GATS Rules, 2004a). In 2005, the EU presented a communication (WTO, Working Party on GATS Rules, 2005) on procedural rules that might be developed for government procurement in the context of the GATS. Areas where the development of rules was suggested included: valuation of contracts, technical specifications and qualification of suppliers, procurement methods, time periods, tender documentation, and contract award. In 2006, the EU proposed a text for an "Annex to the GATS on Government Procurement" in services (WTO, Working Party on GATS Rules, 2006) with provisions notably on scope, exclusions and exceptions, special and differential treatment for developing countries, national treatment and non-discrimination, and procedures. The communication also foresaw that Members undertake specific commitments on government

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<sup>21</sup> WTO, Council for Trade in Services & Committee on Trade in Financial Services (2010), para. 40.

<sup>22</sup> Establishment of the WPGR: refer to WTO, Council for Trade in Services (1995), paras. 23–25. See also the Reports of the Working Party on GATS Rules to the Council for Trade in Services, S/WPGR/1 to 21, available at <https://docs.wto.org/>.

<sup>23</sup> See Part II of WTO, Working Party on GATS Rules (2003b) for an overview of the Working Party's activities on government procurement up to June 2003.

<sup>24</sup> See WTO, Working Party on GATS Rules (1997a), (1997b), (2002a); and S/WPGR/W/11 and Add.1-22, available at <https://docs.wto.org/>.

<sup>25</sup> See notably WTO, Working Party on GATS Rules (2000), which outlined elements such as non-discrimination and transparency.

procurement, and proposed that these be undertaken in accordance with GATS Article XVIII (Additional Commitments). The Working Party discussed a number of issues in relation to these submissions, complemented by informal communications from other Members, as well as Secretariat Notes.

Despite the different proposals submitted, progress on the substance has, so far, been limited. In the WPGR, Members have *inter alia* discussed the following specific issues:

- the meaning of government procurement commitments for certain modes of supply;
- the treatment of contracts involving more than one services sector;
- how thresholds and covered entities might be scheduled;
- whether the MFN obligation would in principle apply to all services sectors (as in GATS) or only to those where government procurement commitments were made;
- the interaction between the proposed framework, including its MFN obligation, and the GPA where some Members have attached reciprocity provisions to their commitments;
- possible benefits to developing countries of the proposed framework;
- the opportunity of distinguishing between goods and services in the context of disciplines on government procurement; and
- special and differential treatment (see, on this aspect, the related discussion below).

### **2.3 The "development dimension" of international trade disciplines on government procurement**

An important theme pervading work on government procurement in the WTO has been a concern with the "development dimension" of the issue. In the course of the Organization's earlier work on transparency in government procurement, the point was made on multiple occasions that an optimal degree of transparency in procurement procedures helps to generate competition and thereby to ensure that governments obtain the best possible value for the money that they spend, freeing up resources to address pressing economic and social needs (see also, e.g., Anderson, Kovacic and Müller, 2011). Transparent and predictable procurement procedures are also a critical element of good economic governance, helping to build public confidence, encourage long term business commitments, and provide a solid foundation for sustained economic growth and development (WTO, General Council & Working Group on Transparency in Government Procurement, 1999).

In the course of relevant discussions, the following points were also made:

- Government procurement can be an important policy tool in relation to social and economic development in developing countries in other ways, e.g., by promoting the development of SMEs and disadvantaged regions (WTO, Working Group on Transparency in Government Procurement, 2002).
- The definition and scope of government procurement in a possible transparency agreement should consider the function of national laws in taking into account social and developmental needs.<sup>26</sup> In addition, the point was made that a transparency agreement would become too onerous without the inclusion of thresholds, particularly for developing countries, and that thresholds might differ according to the level of development of Members<sup>27</sup>;
- Exceptions should be envisaged to respond to social and developmental objectives, including procurement for public distribution systems and stabilization programmes for essential commodities. The related point has been made that procurement objectives

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<sup>26</sup> WTO, Working Group on Transparency in Government Procurement (1998), para. 17.

<sup>27</sup> WTO, Working Group on Transparency in Government Procurement (2003a), paras. 5 and 6; (2003b), paras. 8 and 11.

aimed at meeting social and other public policy goals were not inconsistent with the achievement of transparency<sup>28</sup>;

- Given the different stages of development amongst the countries, the use of information technology could disadvantage some suppliers – for instance SMEs in less developed countries, who may not have access to such technology – and accordingly should be optional<sup>29</sup>; and
- In any new WTO initiative/agreement on public procurement, special and differential treatment (S&D) should be provided for developing countries, given that the respective levels of development of government administrations amongst Members differ. In particular, exceptions from transparency obligations should apply in certain circumstances and longer implementation periods should be provided.<sup>30</sup>

It should be noted that in several respects, the recent renegotiation of the GPA appears to have drawn on the above-mentioned points. For example, in the context of the revised GPA, the use of IT is generally optional (though encouraged) and improved and more concrete provisions on S&D treatment have been included in the Agreement (see Figure 2 below).

Over and above the foregoing, much emphasis has been placed in related discussions on the need to provide technical assistance to build up and to sustain capacity in the area of public procurement as an underpinning of success in this area. Consistent in this respect, subsequent work on government procurement has followed through. Since 2004, the WTO Secretariat has delivered over 36 regional workshops and 40 national seminars on government procurement.

In the course of relevant discussions in the Working Party on GATS Rules, the development dimension has been addressed in two specific contexts: first, Members have exchanged views on the possible benefits of opening procurement markets; and second, the issue of special and differential treatment has been discussed, based on successive proposals from the European Union regarding government procurement in services (including a legal text for an Annex to the GATS on government procurement).<sup>31</sup> The issue was addressed again in 2010 and 2011, when the Working Party pursued a series of dedicated discussions on the economic importance of government procurement in services in developed and developing countries, both on the import and export side.

At a meeting of the Working Party held in November 2010<sup>32</sup>, an academic expert, Professor Simon J. Evenett<sup>33</sup>, made several related observations. To begin with, he noted that in times of fiscal austerity and budgetary constraints, governments are particularly concerned with obtaining the best value for money for their purchases, underlining the challenge of setting the right procurement policies. Secondly, given concerns about economic recovery and re-establishing the growth engine, governments have an interest to identify new service sectors that can sell abroad. Thirdly, there is a particularly strong development dimension to government procurement in *services*, notably those supplied to the poor, such as social, health-related and education services. For this reason, the relevant procurement regimes have important impacts on life chances and

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<sup>28</sup> WTO, Working Group on Transparency in Government Procurement (1999); (2000), paras. 16 and 28.

<sup>29</sup> WTO, Working Group on Transparency in Government Procurement (1998), para. 87; (2002).

<sup>30</sup> WTO, Working Group on Transparency in Government Procurement (2003b), paras. 43 and 45.

<sup>31</sup> For instance, the Communication from the European Union contained in WTO, Working Party on GATS Rules (2005) specifies that: *"The underlying principle would be that each WTO Member would have the possibility to undertake relevant government procurement commitments in the sectors it wishes to open to international competition and according to the specifications it would set in order to fulfil its public investment and development needs."* Paragraphs 11 and 12 of that Communication dealing with "Special and differential treatment" explain that developing countries would be able to open up progressively their government procurement markets in the services sectors they see fit, and to implement measures aimed at the development of certain services sectors and domestic industry, including the possibility of applying preferential pricing policies. In addition to this "built-in flexibility", the EU considered that it might be useful to reflect on specific special and differential treatment provisions in a future GATS Annex on government procurement. The question of special and differential treatment is also included in the EU Communication contained in WTO, Working Party on GATS Rules (2006) (see, in particular, paras. 15 and 16).

<sup>32</sup> See WTO, Working Party on GATS Rules (2011), paras. 7 and following.

<sup>33</sup> Professor of international trade and economic development at the University of St Gallen.

poverty reduction. Finally, many of the services that are provided to governments are also used by the private sector when it engages in domestic and international commerce. Exporting firms rely, in particular, on the quality of publicly provided transport, telecommunications and other infrastructure. There is thus an important *indirect* effect that government purchases have on the quality of services supplied to the private sector in general and, in turn, on a country's export performance.<sup>34</sup>

A further key contribution of a country's services-related procurement policy to export performance and development concerns the *standards* to be met by domestic service suppliers. As a substantial buyer of certain services, the government can contribute to raising the quality standards of local suppliers. This can have an export pay-off, provided standards are high enough to attract an international clientele. Key examples in this regard are health-related and education services exported by leading emerging and developing countries.<sup>35</sup>

Professor Evenett went on to refer to three empirical findings for government procurement that, in his opinion, apply to *services* as well as to goods. The *first* finding is that competition for domestic government contracts mattered. Increases in the number of qualified bidders reduce the unit cost paid by governments, with the biggest payoffs stemming from increasing the number of bidders up to five. Allowing international competition can thus reduce the unit cost born by governments, especially for countries that did not have five qualified domestic bidders. The *second* insight is that not all government interventions that distort competition in procurement bidding have the same effect. Measures that *exclude* bidders are particularly expensive to the government budget. The *third* finding is that vigorous rivalry at home is an important source of export success. There thus tends to be an export payoff to intensified competition in the domestic government procurement market. Describing the policy regime conducive to getting the most out of government purchases of services, he concluded that bidders should not be sheltered from international, or indeed domestic, competition as this would reduce incentives for cost control and innovation. If governments want to stimulate their domestic services sector, they should be active and demanding buyers. However, even if a government is able to encourage local service suppliers to provide high-quality services to it, the latter's ability to translate these into exports depends on the trading partners' policies as well. This explained the offensive interest in negotiating better access to foreign procurement markets and foreign services markets in general.<sup>36</sup>

With regard to the recent renegotiation of the plurilateral Agreement on Government Procurement (GPA), a key concern underlying the work was to facilitate and encourage accession to the Agreement by additional WTO Members, notably developing countries. To this end, and as already noted, a key aspect of the textual revision dealt with the GPA's provisions relating to "developing countries" (special and differential treatment or "transitional measures"). Information on the provisions contained in the revised Agreement is summarized in Figure 2.

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<sup>34</sup> See WTO, Working Party on GATS Rules (2011), para. 8.

<sup>35</sup> See WTO, Working Party on GATS Rules (2011), para. 10.

<sup>36</sup> See WTO, Working Party on GATS Rules (2011), paras. 11-12.

**Figure 2 New transitional measures for developing countries under the revised GPA text**

In a key change, the transitional measures ("special and differential treatment" or "S&D") that are available to developing countries that accede to the Agreement have been clarified and improved. The transitional measures that are potentially available, subject to negotiations, include: (i) price preferences; (ii) offsets; (iii) phased-in addition of specific entities and sectors; and (iv) thresholds that are initially set higher than their permanent level. The time periods during which these measures would apply are subject to negotiation, and not to arbitrary caps. Provision has also been made for delaying the application of any specific obligation contained in the Agreement, other than the requirement to provide equal treatment to the goods, services and suppliers of all other Parties to the Agreement, for a period of five years following accession to the Agreement for Least Developed Countries (LDCs) or up to three years for other developing countries. These periods can be extended by decision of the Committee on Government Procurement, on request by the country concerned (See Müller, 2011; and also Niggli & Osei-Lah, forthcoming 2014, for an insightful analysis with particular reference to Africa).

Further to the above, the approach to S&D under the revised GPA differs from the traditional approach to S&D in the WTO in interesting respects. First, the transitional measures noted above are not available "as of right" but are to be awarded on the basis of the specific developmental needs of acceding Parties, subject to negotiation with the other Parties. Second, such S&D as may be awarded is clearly intended to be time-bound. Third, rather than providing for S&D on a "non-reciprocal" basis (i.e. without regard to the preservation of a balance of market access opportunities), the relevant provisions of the revised GPA stipulate that the market access opportunities that will be made available to acceding Parties are "subject to any terms negotiated between [other Parties] and the developing country in order to maintain an appropriate balance of opportunities under this Agreement". Arguably, this approach represents an alternative paradigm for S&D in the WTO that avoids some or all of the problems concerning past approaches that have been highlighted by academic critics (Anderson, 2014; Müller, 2011).

The new transitional measures provided under the revised Agreement are specifically designed to help developing and transition economies to address some of the costs and challenges that may be associated with GPA accession (or, by extension, to any binding international commitments of the type embodied in the GPA). While a detailed discussion of the costs (and benefits) of GPA accession goes beyond the scope of this paper, some of these are set out in Figure 3 below (for further discussion, see Anderson, Pelletier, Osei-Lah, & Müller, 2012; and Anderson & Müller, forthcoming 2015).

**Figure 3 Potential challenges and costs for individual economies associated with international commitments on government procurement liberalization and factors impacting on their magnitude: a checklist**

Potential costs	Relevant factors
1) Negotiating costs, including necessary internal studies and consultation.	Likely to be small as compared to potential benefits, but still a factor especially for small delegations;  Some possibilities for assistance e.g. from governance-focused organizations.
2) Costs of necessary legislative/institutional adaptations.	Relevant costs may already have been incurred (i.e. necessary adaptations already made) e.g. due to participation in bilateral or regional agreements incorporating GPA-type provisions, or at the suggestion of development lending organizations.

3) Impact on local industry/workers.	<p>Strong likelihood that foreign suppliers, when they win a contract, will sub-contract with local firms/workers.</p> <p>Possible spillover benefits from foreign market entry (e.g. technology transfer).</p> <p>Possibility of transitional measures/negotiated exclusions from coverage to limit exposure of sensitive sectors.</p>
Source: adapted from Anderson, Pelletier, Osei-Lah, & Müller, 2012.	

## 2.4 Trends in recent RTAs: growing inclusion of dedicated chapters on government procurement and resulting issues for reflection<sup>37</sup>

In addition to the GPA's rules and the mandate for negotiations on government procurement in services pursuant to Article XIII:2 of the GATS, international services procurement has increasingly been made subject to disciplines negotiated in the context of regional trade agreements (RTAs). As mentioned in the introduction to this paper, the majority of RTAs that have been notified to the WTO in recent years contain provisions on government procurement, whether of a detailed or a limited nature. Such provisions are of interest for a number of reasons, some specific to the field of government procurement and some general or systemic.

To begin with, government procurement provisions in RTAs are of importance in their own right, in that, in many jurisdictions, they go a long way to establish the prevailing conditions of trade and competition in public procurement markets.<sup>38</sup> This impact may be manifested through both behavioural rules that regulate procurement procedures and through coverage schedules that subject specific procurements to international competition. As such, government procurement provisions in RTAs can directly affect performance in a key economic sector with implications for economy-wide development and growth.

Second, provisions on government procurement in RTAs provide an important point of comparison with the GPA. In broad terms, both the GPA and government procurement provisions in RTAs address the same subject-matter – i.e. the application of non-discrimination principles, rules for the conduct of procurement, etc. However, RTA provisions may suggest alternative ways of addressing matters that are also subject to the GPA's rules. If RTA provisions on government procurement differed fundamentally from those of the GPA, RTAs could create disharmony and the possibility of conflict.

On the other hand, government procurement provisions of RTAs that broadly parallel and complement those of the GPA not only pose less risk of disharmony, but even can be said to validate and extend the influence of these provisions beyond GPA Parties. In this way, the GPA itself gains enhanced significance: the wording of its provisions will have implications not only for GPA Parties but also for non-Parties that commit themselves to RTA provisions that track the GPA.

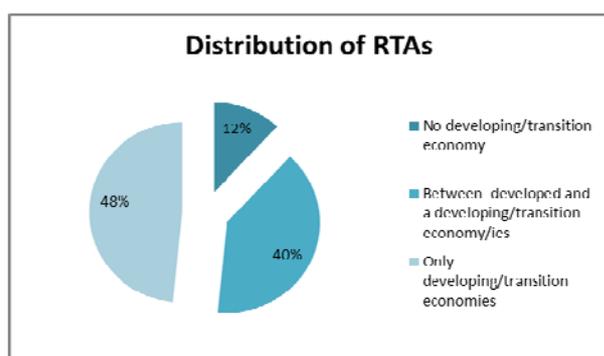
Additionally, provisions on government procurement in RTAs that broadly track those of the GPA can facilitate accessions to the Agreement. The process of GPA accession has two main aspects: first, verification of the consistency of the acceding Party's national legislation with the norms and requirements of the GPA; and second, negotiations on coverage issues (in particular, on the "Appendix I Offer" of the acceding Party which sets out the entities to be covered and other aspects of coverage). Where a WTO Member acceding to the GPA has already committed itself to

<sup>37</sup> Section 2.4 draws on Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier (2011); Anderson & Müller (2008).

<sup>38</sup> Obviously, this may be particularly true for parties to RTAs that are not also Parties to the WTO GPA. In fact, however, as will be shown below, in many cases, provisions on government procurement in RTAs incorporate, whether by reference or explicitly, elements of the GPA. This is the case even for WTO Members that are not Parties to the Agreement. Hence, the actual conditions of trade and competition in public procurement markets often depend on a complex interaction between RTAs and the GPA, and the impact and influence of the GPA may extend beyond those WTO Members that are formally Parties to it.

adopt legislation consistent with RTA provisions modelled on the GPA, it is likely to be well ahead in regard to the first aspect. It may also have an advantage in regard to the second aspect, to the extent that the RTA(s) in question also involve coverage commitments similar to the GPA (this aspect will be discussed in section 4.2 below).

Third, government procurement chapters in RTAs may have a bearing on Members' readiness to advance negotiations on government procurement in services pursuant to Article XIII:2 of the GATS. In this regard, future developments may show that both increased convergence and a wider reach of international trade rules applicable to government procurement through the adoption of government procurement disciplines in RTAs and further accessions to the GPA may facilitate the advancement of multilateral approaches integrating government procurement into general rules on trade in services (and goods), to the extent that the approaches under the different agreements are compatible with one another. Over time, the regulatory and market access gap between GPA and non-GPA countries could thus narrow thanks to the diffusion of GPA 'standards' in a number of RTAs. As a result, the possibility to develop procedural rules for, and undertake specific commitments on, government procurement of services in a flexible, bottom-up framework such as the GATS may become more feasible. Furthermore, discussion on government procurement of services in the WPGR could help identify whether, and if so, which services-specific elements in any procurement rules could add value to existing disciplines under the relevant WTO Agreements. RTA provisions may provide useful insights in that regard. At the same time, however, existing bilateral and/or plurilateral agreements, in which national treatment is granted on the basis of reciprocity, might also render the negotiation of MFN-based rules on procurement in services more difficult in the future. Besides, it would be interesting to analyse how RTAs define procurement of services. Indeed, the language used in Article XIII:1 of the GATS (i.e., "procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale") may not cover all procurement situations for services.



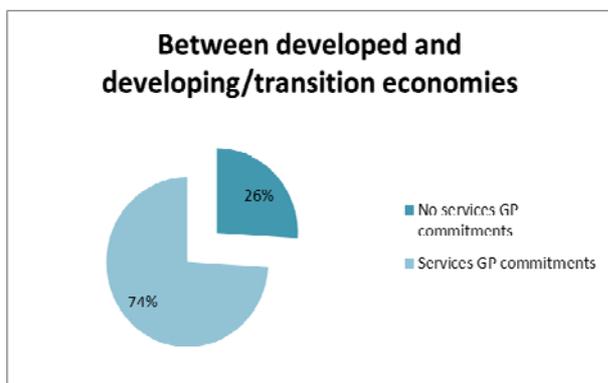
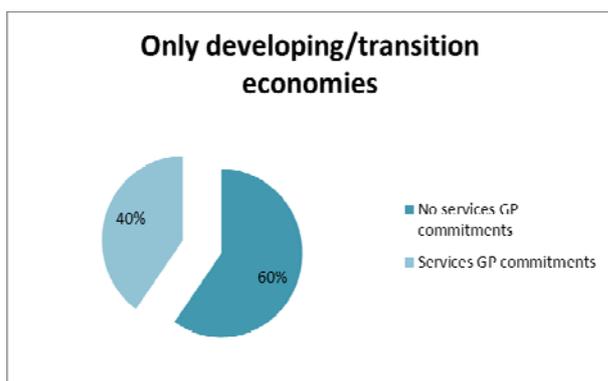
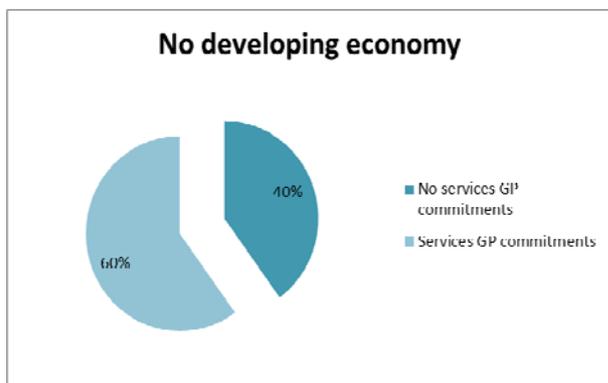
Overall, government procurement provisions in RTAs thus provide a vehicle for the testing of hypotheses regarding the broader implications of RTAs for the multilateral trading system. In this regard, currently a central debate regarding the

system concerns the extent to which RTAs serve either as "building blocks" of, or "obstacles to", multilateral liberalization.<sup>39</sup> Recent analyses of these issues have cast important light on these questions in the government procurement context (see Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier 2011; and Ueno, 2013). Building on these analyses, this paper provides relevant information on the treatment of government procurement in 250 RTAs.<sup>40</sup> In general terms, these represent those RTAs notified to the WTO before the end of August 2013, and which remain in force. No particular geographical or other selection was made. Out of these, 48% were concluded between developing/transition economies, 40% between a developed and developing/transition economies and only 12% did not involve developing/transition economies.<sup>41</sup>

<sup>39</sup> More generally, as the former WTO Director-General, Pascal Lamy, has noted, the proliferation of such agreements: "is breeding concern — concern about incoherence, confusion, exponential increase of costs for business, unpredictability and even unfairness in trade relations... . [On the other hand,] many regional initiatives have made important contributions to economic welfare and doubtless to political stability as well. [It is also possible that] the tangle of overlapping trade agreements will increasingly generate an interest in multilateralizing regional arrangements, in expanding them — or in other words, collapsing them into larger entities that bring us much closer to a multilateral system of trade arrangements. The question, then, is what forces and interests might push [the proliferation of RTAs] in a multilateralizing direction."

<sup>40</sup> See the full list of agreements analysed in the table in Appendix Table 1 - The Treatment of Government Procurement in RTAs: Basic Characteristics of Agreements Reviewed.

<sup>41</sup> See Appendix Table 1 - The Treatment of Government Procurement in RTAs: Basic Characteristics of Agreements Reviewed for relevant information on how individual RTAs have been classified. Please note that there is no universally accepted list or definition of "developing/transition economies", so that the classification has been undertaken to the best knowledge of the authors.



While 60% of RTAs concluded between developed economies only (i.e. not involving any developing/transition economy) include commitments with regard to government procurement of services, the reverse is also true for RTAs involving only transition economies. Most strikingly, 74% of RTAs concluded between a developed and developing/transition economies include such commitments.

To facilitate the analysis, the 250 agreements were allocated into three broad categories: (i) agreements between GPA Parties; (ii) agreements between a GPA Party and a non-GPA party; and (iii) agreements between non-GPA parties (this distinction is also retained in this paper). Within each category, a further distinction was made between: (a) RTAs having no provisions on government procurement; (b) RTAs having only a single or a few government procurement provisions; and (c) RTAs having detailed provisions on government procurement and related market access commitments.

Before presenting the main findings of these studies, a few observations on each of these categories can be made. First, 57% of the agreements considered have no provisions on government procurement (no market access commitments). These agreements include several plurilateral regional economic integration agreements (e.g. the EU treaty and EU enlargements (3)<sup>42</sup>; CACM; AFTA; APTA; CACM; SAPTA; COMESA; ECOWAS; CEMAC; GCC; EAEC; PAFTA; SAFTA; SACU; SAPTA; WAEMU).<sup>43</sup> This might be seen as an indication that negotiation of government procurement provisions is (perceived as) difficult where a larger number of parties takes part in the negotiations.<sup>44</sup> This category of agreements

also includes a good number of RTAs signed between members of the Commonwealth of Independent States (CIS) (around 35 RTAs). Furthermore, the majority of the agreements without government procurement provisions are concluded between non-GPA parties, which are more likely not to have internal government procurement regimes compliant to international standards in place than countries which are already party to an international agreement including

<sup>42</sup> While the EU Enlargement treaties equally do not contain government procurement provisions themselves, secondary EU legislation establishes a comprehensive government procurement regime in the EU internal market.

<sup>43</sup> See, e.g. the EU treaty + EU enlargements (3); Central American Common Market (CACM); ASEAN Free Trade Area (AFTA); Asia-Pacific Trade Agreement (APTA); Central American Common Market (CACM); SAPTA; Common Market for Eastern and Southern Africa (COMESA); Economic Community of West African States (ECOWAS); Economic and Monetary Community of Central Africa (CEMAC); Gulf Cooperation Council (GCC); Eurasian Economic Community (EAEC); Pan-Arab Free Trade Area (PAFTA); South Asian Free Trade Agreement (SAFTA); Southern African Customs Union (SACU); south Asian Preferential Trade Arrangement (SAPTA); and West African Economic and Monetary Union (WAEMU).

<sup>44</sup> This would seem consistent with a finding that the assessment of coverage offers, for example, requires insights into the internal structure of government and purchasing entities of participating countries.

government procurement provisions, such as the GPA and/or NAFTA.<sup>45</sup> Finally, this category includes some of the oldest RTAs notified to the WTO - around 50 of these agreements entered into force more than 15 years ago and, in some cases, even before the creation of the WTO in 1995. More recently, a trend towards inclusion of provisions on government procurement in RTAs can be observed, especially (but not only) in regard to those concluded by GPA Parties.

Second, 39 of the agreements (16%) considered incorporate a single or (in some cases) two or three basic provisions on government procurement, often identifying government procurement liberalization as objective, and sometimes establishing non-discrimination principles without translating these goals into more tangible procedural and coverage commitments. These provisions tend to be "future-oriented" in that they favour soft commitments to future negotiations and developments over binding obligations. This approach is predominant in agreements concluded by the EU and EFTA in their relations with North African and Middle Eastern countries. It is also often found in the agreements of Turkey with Eastern European and Middle Eastern countries, and Japan has introduced a comparable approach in RTAs with Asian countries. Mexico and other Latin American/Caribbean countries have used, in a few cases, future-oriented provisions in RTAs mostly in view of future negotiations. Furthermore, this category of agreements includes several plurilateral regional economic integration agreements (e.g. CARICOM; CEFTA; CIS; EAC; MERCOSUR; PICTA).<sup>46</sup> The common denominator of these agreements is that the parties to these agreements clearly recognize the relevance of government procurement to international trade and consider the liberalization of their respective public procurement markets as an objective of the RTA in question.

The third major approach (embodied in 68 (24%) of the agreements examined (see the list of 68 RTAs in Table 1 below)) contains more detailed provisions on government procurement than those found in the second category and, very importantly, include coverage of services. These comprise 12 RTAs between GPA Parties; 36 agreements between GPA Parties and non-GPA Parties; and (iii) 20 RTAs between non-GPA Parties. Altogether, these RTAs cover around 70 WTO Members, mainly originating from the following geographical regions: Latin America (South, Central and the Caribbean), North America, Europe, and a number of Asian WTO Members (including, e.g. Australia, Japan, Korea, New Zealand and Singapore). It also comprises one Member from Africa (i.e. Morocco), one from the Commonwealth of Independent States (CIS) (i.e. Ukraine) and two countries from the Middle East (Oman and Bahrain).

Part 4 of this paper focuses in more detailed fashion on these 68 RTAs with detailed government procurement provisions. It is nonetheless worth noting at this stage that nearly all RTAs including government procurement commitments of goods also include commitments of services. The only three exceptions concern relatively old RTAs<sup>47</sup>, signed before the entry into force of the GPA 1994, i.e. before the liberalization of government procurement of services in the GPA context (the Tokyo Round Code on Government Procurement only covered government procurement of goods). Although it is not possible to establish a direct correlation between the two, nearly all RTAs with detailed government procurement disciplines also include a separate chapter on trade in services. Indeed, out of the 68 RTAs with a chapter on government procurement, only three do not include a chapter on trade in services.<sup>48</sup>

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<sup>45</sup> Some of these non-GPA parties seem to have taken a deliberate policy choice not to include government procurement disciplines in RTAs, e.g. India, China. It will be interesting to see whether China's accession to the GPA (negotiations are ongoing) will engender a change in policy in regard to RTAs.

<sup>46</sup> See Caribbean Community (CARICOM); Central European Free Trade Agreement (CEFTA); Commonwealth of Independent States (CIS); East African Community (EAC); MERCOSUR; and Pacific Island Countries Trade Agreement (PICTA).

<sup>47</sup> See: (i) EFTA-Israel (1993); (ii) US-Israel (1985); and (iii) Norway - Faroe Islands (1993).

<sup>48</sup> See: (i) Canada-EFTA; (ii) Canada-Israel; and (iii) Israel-Mexico. The RTA between Canada and EFTA provides for future negotiations in the area of services.

**Table 1 Recent RTAs with coverage of services**

No	AGREEMENT	NOTIFICATION DATE TO THE WTO	DATE OF ENTRY INTO FORCE
<b>I – RTAs BETWEEN GPA PARTIES</b>			
1.	Canada - EFTA	04-Aug-09	01-Jul-09
2.	Canada - Israel	15-Jan-97	01-Jan-97
3.	EFTA (S)	15-Jul-02	01-Jun-02
4.	EFTA – Hong Kong, China	27-Sep-12	01-Oct-12
5.	EFTA - Korea, Republic of	23-Aug-06	01-Sep-06
6.	EFTA - Singapore	14-Jan-03	01-Jan-03
7.	EU – Korea, Republic of	07-Jul-11	01-Jul-11
8.	Japan - Singapore	08-Nov-02	30-Nov-02
9.	Japan - Switzerland	01-Sep-09	01-Sep-09
10.	Korea, Republic of - Singapore	21-Feb-06	02-Mar-06
11.	US – Korea, Republic of	15-Mar-12	15-Mar-12
12.	US - Singapore	17-Dec-03	01-Jan-04
<b>II – RTAs BETWEEN GPA PARTIES AND NON-PARTIES</b>			
13.	Canada - Chile	30-Jul-97	05-Jul-97
14.	Canada – Colombia	07-Oct-11	15-Aug-11
15.	Canada – Panama	10-Apr-13	21-Nov-13
16.	Canada - Peru	31-Jul-09	01-Aug-09
17.	EFTA - Chile	03-Dec-04	01-Dec-04
18.	EFTA – Colombia	14-Sep-11	01-Jul-11
19.	EFTA - Mexico	25-Jul-01	01-Jul-01
20.	EFTA – Peru	30-Jun-11	01-Jul-11
21.	EFTA – Ukraine	18-Jun-12	01-Jun-12
22.	EU-CARIFORUM <sup>49</sup>	16-Oct-08	01-Nov-08
23.	EU-Central America <sup>50</sup>	29-Jun-12	26-Feb-13
24.	EU - Chile	03-Feb-04	01-Feb-03
25.	EU – Colombia/Peru	26-Feb-13	01-Mar-13
26.	EU - Mexico	25-Jul-00	01-Jul-00
27.	Hong Kong, China – New Zealand	03-Jan-11	01-Jan-11
28.	Israel - Mexico	22-Feb-01	01-Jul-00
29.	Japan - Chile	24-Aug-07	03-Sep-07
30.	Japan - Mexico	31-Mar-05	01-Apr-05
31.	Japan - Peru	24-Feb-12	01-Mar-12
32.	Korea, Republic of - Chile	08-Apr-04	01-Apr-04
33.	Korea, Republic of - Peru	09-Aug-11	01-Aug-11
34.	NAFTA (Goods/Services)	29-Jan-1993/ 01-Mar-95	01-Jan-94
35.	Singapore - Australia	25-Sep-03	28-Jul-03
36.	Singapore - New Zealand	04-Sep-01	01-Jan-01
37.	Singapore - Panama	04-Apr-07	24-Jul-06
38.	Singapore - Peru	30-Jul-09	01-Aug-09
39.	Trans-Pacific Strategic Economic Partnership	18-May-07	28-May-06
40.	US - Australia	22-Dec-04	01-Jan-05
41.	US - Bahrain	08-Sep-06	01-Aug-06
42.	US - CAFTA-DR <sup>51</sup> (Dominican Republic - Central America)	17-Mar-06	01-Mar-06

No	AGREEMENT	NOTIFICATION DATE TO THE WTO	DATE OF ENTRY INTO FORCE
43.	US - Chile	16-Dec-03	01-Jan-04
44.	US – Colombia	08-May-12	15-May-12
45.	US - Morocco	30-Dec-05	01-Jan-06
46.	US - Oman	30-Jan-09	01-Jan-09
47.	US - Panama	29-Oct-12	31-Oct-12
48.	US - Peru	03-Feb-09	01-Feb-09
<b>III - RTAs BETWEEN NON-GPA PARTIES</b>			
49.	Australia - Chile	03-Mar-09	06-Mar-09
50.	Central America – Dominican Republic	06-Jan-12	04-Oct-01
51.	Chile - Colombia	14-Aug-09	08-May-09
52.	Chile - Costa Rica (Central America)	16-Apr-02	15-Feb-02
53.	Chile - El Salvador (Central America)	29-Jan-04	01-Jun-02
54.	Chile – Guatemala (Central America)	30-Mar-2012	23-Mar-2010
55.	Chile – Honduras (Central America)	28-Nov-2011	19-Jul-2008
56.	Chile – Nicaragua (Central America)	14-Jun-2013	19-Oct-2012
57.	Colombia – Northern Triangle <sup>52</sup>	31-Aug-12	12-Nov-09
58.	Costa Rica - Peru	05-Jun-13	20-Sep-2012
59.	Mexico - Chile	21-Feb-01	01-Aug-99
60.	Mexico – Colombia	12-Sep-10	1-Jan-95
61.	Mexico - Costa Rica	17-Jul-06	01-Jan-95
62.	Mexico - Nicaragua	17-Oct-05	01-Jul-98
63.	Panama - Costa Rica (Central America)	07-Apr-09	23-Nov-08
64.	Panama - El Salvador (Central America)	24-Feb-05	11-Apr-03
65.	Panama - Guatemala (Central America)	22-Apr-13	20-Jun-09
66.	Panama - Honduras (Central America)	16-Dec-09	09-Sep-09
67.	Panama – Nicaragua (Central America)	25-Feb-13	21-Nov-09
68.	Panama - Peru	23-Apr-12	01-May-12

The main findings of the analysis of the treatment of government procurement in RTAs (Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier, 2011) are as follows: First, the provisions on government procurement in the RTAs notified to the WTO – both those that deal with procurement in one or two basic provisions and those that address it in a more detailed fashion – are linked to the GPA in important ways. To begin with, often at least one party to the agreement is a GPA Party. Moreover, a considerable number of the agreements containing less detailed provisions on government procurement incorporate one of two types of references to broader international rules on government procurement. In the first case, a Joint Committee or similar body is mandated to consider further opening of procurement markets especially in the light of international regulations. In the second, parties make an explicit commitment, albeit in a soft or non-binding fashion, to accede to the GPA. These agreements therefore clearly aim at preparing the parties for a further development of regulations on government procurement or even possible GPA accession.

<sup>49</sup> Cariforum States EPA comprises: Antigua and Barbuda, Barbados, the Bahamas, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint-Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago.

<sup>50</sup> In this Agreement, Central America includes: (i) Costa Rica; (ii) El Salvador; (iii) Guatemala; (iv) Honduras; (v) Nicaragua; and (vi) Panama.

<sup>51</sup> CAFTA-DR includes the following six WTO Members: (i) Costa Rica; (ii) Dominican Republic; (iii) El Salvador; (iv) Guatemala; (v) Honduras; and (vi) Nicaragua.

<sup>52</sup> The Northern Triangle comprises El Salvador, Guatemala, and Honduras.

In the case of agreements containing detailed provisions on government procurement, the 1994 GPA text (and more recently the revised GPA text) has clearly served, with only occasional and sporadic exceptions, as the model for the relevant chapters. This is true both for agreements of this nature between non-GPA Parties and for agreements involving GPA Parties. This is an important finding in its own right: it implies that a significant number of countries, including, for example, major Latin American developing countries that currently are outside the GPA, have, in fact, committed themselves to implement GPA-style disciplines via RTAs.

The foregoing implies that the significance of the GPA as an instrument of international economic policy goes beyond its actual membership, in that it has so clearly and visibly influenced corresponding provisions of RTAs. This raises an important question for reflection: why have non-GPA Parties been willing to adopt GPA-style procurement regimes in bilateral or RTAs but not been willing to join the GPA? One wonders, also, if such countries might, indeed, be willing to join the GPA in a negotiating context that they find suitable to their needs and aspirations. Certainly, they would appear to be in a position to do so relatively easily.

A further observation is that GPA Parties participating in RTAs containing provisions on government procurement appear to be mindful of the linkages between the bilateral and the plurilateral levels and have made efforts to avoid overlapping, incompatible obligations. This is achieved through various means: Firstly, obligations are modelled on the GPA. Alternatively, GPA provisions are imported by reference, ensuring a harmonized approach. Furthermore, MFN obligations are generally avoided so that obligations under RTAs and the GPA can be kept separate.

Overall, the co-existence of the GPA with the government procurement provisions of RTAs seems to involve relatively little in the way of the negative or "spaghetti-bowl" effects to which reference is often made in the context for example, of diverging tariff bindings relating to trade in goods at the bilateral/regional versus the multilateral level. This is certainly important since international government procurement commitments involve procedural and behavioural rules regarding which disharmony could entail significant costs. Most significantly, the fact that government procurement provisions in RTAs broadly track those of the GPA also makes feasible a significant further broadening of the GPA's membership (if WTO Members choose to pursue this), to the extent that it has already brought participating WTO Members procurement legislation and practices broadly in line with GPA norms. Market access dimensions with regard to government procurement in RTAs will be discussed in detail in section 4.2 below.

### **3 THE RELATIONSHIP BETWEEN SERVICES AND GOVERNMENT PROCUREMENT DISCIPLINES IN TRADE AGREEMENTS: SYSTEMIC CONSIDERATIONS**

As pointed out in the introduction to this paper, the regulation of international services trade with regard to government procurement is characterized by the fact that despite its economic significance for services trade, government procurement has been effectively carved out of the main WTO multilateral trade rules. In particular, the application of the GATS' MFN obligation as well as market access and national treatment commitments to government procurement have been suspended.

Furthermore, the negotiations on government procurement in services mandated under GATS Article XIII:2 have, to date, not resulted in binding multilateral rules on non-discrimination and procedural fairness, nor in comprehensive, multi-sector market access commitments. As noted above, the gap left by the absence of multilateral disciplines on government procurement trade is filled, at the international level, mainly by the plurilateral WTO Agreement on Government Procurement and also, to some extent, by RTAs containing government procurement chapters.

The GPA has a firm place among the WTO Agreements by virtue of its incorporation in Annex 4 of the Marrakesh Agreement and that it implements the overall principles of non-discrimination and transparency underlying all core WTO Agreements. RTAs, in contrast, are, by their very nature, less systemically integrated into the WTO system.

On the other hand, however, the GPA is a plurilateral Agreement, meaning that not all WTO Members are Party to it. Overall, therefore, the situation remains that the wider WTO Membership

has not signed up to international trade rules opening procurement markets internationally in the framework of the WTO.<sup>53</sup>

This section seeks to shed additional light on how government procurement rules contained in the GPA and in RTAs work together with GATS and services chapters in RTAs in complementing market access in services more generally with access to procurement markets more specifically. The first sub-section examines the economic interrelationship between services and government procurement commitments. Second, the extent to which government procurement is excluded from GATS and GATT disciplines and how this exclusion relates to the scope of application of the GPA as defined under the revised text is going to be discussed. Third, the relationship between services and government procurement disciplines in RTAs will be looked at in more detail.

### **3.1 Economic interrelationship between services and government procurement commitments<sup>54</sup>**

As pointed out earlier, the market access commitments made on services more generally and on government procurement of services respectively are likely to bear on the effectiveness of the other. In other words, international suppliers need to take into account two different sets of disciplines and commitments when supplying services to governments: (i) their ability to apply for contracts and supply internationally sourced services will depend on government procurement regulations, e.g. the GPA; while (ii) their competitiveness will, to a large extent, depend on market access and national treatment commitments for these under the GATS.

The interface between coverage of commitments under the GATS and the GPA illustrates this point very well: possible interactions are summarized in Figure 4. Overall, market access provided under the GATS has a very important impact on suppliers' ability to compete in government procurement markets if, and to the extent that, the services supplied to the government are sourced internationally. For example, rights of establishment or of cross-border supply granted to foreign service suppliers in a given services sector under the GATS can have an important bearing on the latter's ability to compete effectively for such contracts under the GPA. Similarly, whether or not a procurement contract can be fulfilled by a foreign supplier through presence of natural persons can have an important bearing on that supplier's competitiveness, e.g. in areas such as business services and construction and related services. At the limit, GPA commitments may be relatively meaningless without some degree of corresponding GATS market access/national treatment commitments.

Access to procurement markets (governed by the GPA) can also have an important bearing on the scale of operations and therefore the competitiveness of individual suppliers generally. Often, in fact, the largest services contracts will be with government entities. If a foreign supplier is excluded from these, this will affect its commercial presence in the market independent of relevant GATS disciplines. For example, Chanda (2002) describes the differential treatment of foreign service suppliers in government procurement as one of the major constraints on international trade in services through the movement of natural persons (mode 4).<sup>55</sup> GPA coverage thus adds commercial value and viability to services commitments in GATS, and the other way around. This economic, rather than legal, interrelationship also exists in the context of government procurement and services liberalization in RTAs.

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<sup>53</sup> See also Arrowsmith (2003) p. 50. This is despite the fact that there is a growing number of bilateral or regional trade agreements, including agreements by GPA Parties with non-GPA Parties or among non-GPA Parties, with chapters on government procurement. See Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier (2011); and Section 2.4 .

<sup>54</sup> Sections 3.1 and 3.2 draw on Anderson & Müller (2008).

<sup>55</sup> Chanda, in particular, recommends strengthening GATS Norms on Recognition. Again, there are clear linkages between the aims of GATS and the GPA in this regard: the revised GPA provides in its Article VIII:3 that in assessing whether a supplier satisfies the conditions for participation in a tender, a procuring entity shall evaluate the ... commercial and technical abilities of a suppliers on the basis of that supplier's business activities both inside and outside the territory of the Party of the procuring entity.

**Figure 4 Complementarity of GPA and GATS Commitments**

GPA service commitments?	GATS commitments?	Commercial result
Yes	Modes 1 and 2 only; Modes 3 and 4 "unbound" or partially restricted	Limited ability to compete in procurement markets, notwithstanding that relevant service is covered.
Yes	Modes 1 to 4 fully committed ("none")	Full ability to compete in procurement markets of interest.
No	Modes 1 and 2 only; Modes 3 and 4 "unbound" or partially restricted	Negative effects of exclusion from procurement markets are reinforced by limited GATS commitments.
No	Modes 1 to 4 fully committed ("none")	Notwithstanding GATS rights in respect to modes 1 to 3, commercial utility may be affected by exclusion from procurement markets.

### 3.2 Exclusion of government procurement from GATS disciplines and complementary scope of application of GPA disciplines

The economic relationship between GATS disciplines and commitments and the GPA is, if only to some extent, reflected in the GATS and GPA legal provisions defining the respective Agreement's scope of application. "Mirroring provisions" of the GPA and GATS establish their respective scope of application.

On the one hand, GATS indicates that three of its main provisions do not apply to measures governing procurement by governmental agencies of services purchased for governmental purposes. In that regard, Article XIII:1 of the GATS (like Article III:8(a) of the GATT, which uses very similar language) serves the purpose of excluding laws and policies governing the purchase of services (and goods) by governments for governmental purposes from the core provisions and disciplines of the GATS (and GATT), namely the most-favoured nation-treatment (MFN), national treatment, and market access commitments (see subsection 2.2.1 above).<sup>56</sup>

*Pro memoria*, Article XIII:1 of the GATS provides:

*"Articles II [MFN], XVI [market access] and XVII [national treatment] shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale."*

A similar provision contained in the GATT 1994 has recently been interpreted by the WTO Appellate Body.<sup>57</sup> The exclusion of government procurement from these provisions reflects an acceptance, at the time that GATS was negotiated, that not all Members were ready to accept binding disciplines on their national procurement policies.<sup>58</sup>

However, as pointed out in section 2.2 above, GATS does contain a "built-in commitment" to negotiations in this area.<sup>59</sup> Finally, it is also interesting to note that, despite the exclusion of

<sup>56</sup> For a detailed analysis of these provisions see Arrowsmith (2003), chapter 3.2 pp. 49-76 with regard to GATT and chapter 3.4 pp. 78-85 with regard to GATS.

<sup>57</sup> In the recent joint decision on the cases "Canada-Certain Measures Affecting the Renewable Energy Generation Sector" and "Canada-Measures Relation to the Feed-In Tariff Program", the Appellate Body interpreted, for the first time, Article III:8(a) GATT. Its findings may prove to be of systemic relevance, due to the fact that both Article XIII:1 GATS and Article II:2(a) of the revised text of the GPA contain language that is almost identical to the terms of the GATT provisions interpreted. See WTO, Reports of the Appellate Body (2013).

<sup>58</sup> Arrowsmith (2003), chap. 2.2 at pp. 31 et seq; Blank & Marceau (1996); WTO (2005).

<sup>59</sup> Paragraph 2 of Article XIII of the GATS states that "(t)here shall be multilateral negotiations on government procurement in services under this Agreement within two years from the date of entry into force of the WTO Agreement".

government procurement from Article XIII of the GATS, certain government procurement disciplines had already been created in relation to financial services purchased by government entities (see subsection 2.2.2 above).<sup>60</sup>

On the other hand, the GPA indicates clearly that it does not apply to measures affecting trade in services other than measures regarding government procurement covered by the GPA, thus "mirroring" the provisions of GATS. In line with the exclusion of government procurement from GATS disciplines, the revised text of the GPA provides the following definition of its general scope of application:

"Application of Agreement

1. This Agreement applies to **any measure regarding covered procurement**, whether or not it is conducted exclusively or partially by electronic means.
2. For the purposes of this Agreement, covered procurement means procurement **for governmental purposes**:
  - (a) of **goods, services, or any combination** thereof:
    - (i) as **specified in each Party's annexes to Appendix I**; and
    - (ii) **not procured with a view to commercial sale or resale, or for use in the production or supply of goods or services for commercial sale or resale**;
  - (b) by any contractual means, including: purchase; lease; and rental or hire purchase, with or without an option to buy;
  - (c) for which the value, as estimated in accordance with paragraphs 6 through 8, equals or exceeds the relevant **threshold** specified in a Party's annexes to Appendix I, at the time of publication of a notice in accordance with Article VII;
  - (d) by a **procuring entity**; and
  - (e) that is **not otherwise excluded** from coverage in paragraph 3 or a Party's annexes to Appendix I." (Emphasis added.)

Two elements are worth mentioning with regard to the GPA's scope of application as compared to GATS (and GATT). First, the GPA recognizes that in government procurement, no strict separation between procurement of services and procurement of goods is necessary when it comes to establishing a regulatory framework. This is reflected in Article II:2(a) of the revised text, which specifies that the GPA's rules apply to covered procurement of "goods, services, or any combination thereof". Not only does the GPA apply to both services and goods, it also reflects the fact that procurement of goods and services is, in practice, also made jointly, or, to rephrase the wording of the provision, in "combination". This may be seen as standing in contrast to the separate scopes of application of GATS and GATT.

Secondly, the revised text of the GPA takes up the language used in XIII:1 GATS (and Articles III:8(a) GATT) and provides that the GPA only applies as long as the goods and services in question are "not procured with a view to commercial sale or resale, or for use in the production or supply of goods or services for commercial sale or resale." This new provision of the revised text can be interpreted as an indication that GPA Parties, in re-negotiating the text, very consciously adopted language that provides a seamless line of separation between the respective scopes of application of the GATS (and GATT) and the GPA, respectively. In adopting almost the same wording in all three Agreements, WTO Members made sure that what was carved out from GATS and GATT could be covered by the GPA and vice versa.

It is important, moreover, to note that the GPA deals only with government procurement policies as such, and not with formalities and measures *affecting trade in services* other than measures governing government procurement covered by the GPA.<sup>61</sup> These other measures

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<sup>60</sup> See the Understanding on Commitments in Financial Services, above note 19.

<sup>61</sup> In addition to the formalities and measures affecting trade in services, the GPA also makes it clear that the main provisions on non-discrimination do not apply to customs duties, and other import charges and formalities or other laws and policies that can affect the ability of commercial enterprises, particularly foreign

affecting trade in services are regulated, if at all, under the GATS (or an RTA). This is made clear Article IV:7 of the revised text<sup>62</sup>, which states as follows:

*"Measures Not Specific to Procurement*

*7. Paragraphs 1 and 2 shall not apply to: customs duties and charges of any kind imposed on, or in connection with, importation; the method of levying such duties and charges; other import regulations or formalities and **measures affecting trade in services other than measures governing covered procurement.**" (Emphasis added.)*

The general picture that consequently emerges is one of the relative specificity of the GPA: The GPA deals with procurement-specific measures, subject to limitations in the coverage commitments of Parties. The GPA leaves non-procurement-specific measures relating to international trade in services (and goods) to the rules provided by the GATS (and GATT), as well as other WTO Agreements. In other words, the GPA's domain is "procurement policy as such". It "relies on" the GATS to provide general rights of market access, whether in the form of establishment or other, and to regulate the modes of delivery open to foreign suppliers.

The provisions of GATS and the GPA dealing with the Agreements' respective scope of application therefore, on the one hand, indirectly recognize the relevance of each Agreement for the other in that they use the same language and thus aim at establishing a seamless line of separation between the Agreements. On the other hand, however, the close economic relationship between services trade and government procurement has, to date, not lead to the creation of an all-encompassing Agreement taking account of both aspects at the same time. The fact that two distinct Agreements with differing memberships exist under which Parties make separate market access commitments creates, at least in theory, the potential for a lack of coordination with regard to market liberalization in both fields - despite their economic complementarity.

### 3.3 Provisions on the relationship between the GATS and the GPA in Parties' revised GPA schedules

In order to further address the interplay between GATS and the GPA in terms of liberalization commitments, the interrelationship between GPA coverage and GATS coverage/general services market access regulations has been dealt with expressly by some GPA Parties that have introduced pertinent notes, either to their services Annex (Appendix I, Annex 5) or in the General Notes (Appendix I, Annex 7) in the revised Agreement.<sup>63</sup> The wording of those notes is set out in Figure 5 below.

**Figure 5 GPA Parties' Notes regarding GATS commitments/general services market access**

Country	Notes to Annex 5 (Services) or Annex 7 (General Notes)
Canada	<i>Annex 5</i> 1. This Agreement is subject to the terms and conditions set out in Canada's Schedule to the General Agreement on Trade in Services (GATS).
Hong Kong, China	<i>Annex 5</i> 1. Operators of telecommunications and related services may require licensing under the Telecommunication Ordinance. Operators applying for the licences are required to be established in Hong Kong under the Companies Ordinance.  <i>Annex 7</i> 2. Hong Kong, China shall not be obliged to permit the supply of services covered by this Agreement cross-border, or through commercial presence or the presence of natural persons.
Israel	<i>Annex 5</i> The coverage regarding services (including construction) is subject to the limitation and conditions specified in Israel's Schedule of the GATS.

enterprises, to sell services or goods to governments, as such measures are regulated, if at all, under the GATS and GATT. See Article IV:7 of the revised text.

<sup>62</sup> A similar provision was also present in the 1994 GPA (see Article III:3).

<sup>63</sup> The coverage Annexes of Parties under the revised Agreement are set out in Appendix I to document GPA/113 of 2 April 2012.

Country	Notes to Annex 5 (Services) or Annex 7 (General Notes)
Korea	<i>Annex 5</i> Asterisks (*) designate "part of" as described in detail in the Revised Conditional Offer of the Republic of Korea Concerning Initial Commitments on Trade in Services.
Liechtenstein	<i>Annex 7</i> 2. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Principality of Liechtenstein in conformity with its commitments under the GATS.
Singapore	<i>Annex 5</i> The services covered are subject to the limitations and conditions specified in the Government of Singapore's Schedule of the General Agreement on Trade in Services (GATS).
Switzerland	<i>Annex 5</i> 1. Sans préjudice des engagements pris par la Suisse au titre de l'Accord général sur le commerce de services (AGCS) de l'OMC, les engagements dans le domaine des services de ce présent Accord sont sous réserve des limitations et conditions concernant l'accès aux marchés et le traitement national spécifiés dans la liste d'engagements de la Suisse au titre de l'AGCS.
Chinese Taipei	<i>Annex 7</i> 8. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in conformity with commitments under GATS.

These provisions in some Parties' schedules arguably reinforce the general principle established by Article IV:7 of the GPA, stating that the GPA does not apply to measures not specific to procurement. They do so by making clear that any limitations with regard to general market access for foreign services and service suppliers will be applied in the course of procurements carried out in accordance with the provisions of the GPA. They confirm the view set out above that both general market access regulations and procurement-specific measures are relevant to the participation in procurement markets of international suppliers, or domestic suppliers offering services (and goods) sourced internationally.

It is possible, though, that Parties' GPA and GATS commitments are not yet coordinated in all respects. There may, for example, be a few instances where a GPA Party has included in its GPA commitments a service sector or subsector for which its schedule of specific commitments under the GATS shows some market access restrictions in accordance with GATS Article XVI. For instance, the Republic of Korea has included auditing (together with accounting and book-keeping services, CPC 862) in its GPA Annex 5 list of covered sectors. At the same time, however, it maintains market access restrictions on the supply of auditing services in its GATS schedule of specific commitments for modes 1 and 2 (auditing services "unbound") as well as for mode 3 (by allowing only certain types of legal entities and incorporated partnerships to provide these services). Another possible example is the coverage of air transport services (both passenger and freight transportation except mail transportation by air) in the EU's and Switzerland's GPA Annex 5 – despite the fact that most of air transport is excluded from the GATS.

In addition, clearly, the fact of the GPA's limited membership as compared to the multilateral agreements means that many WTO Members do not benefit from the synergies that are possible between these two fields of trade negotiations.

### 3.4 Provisions on the relationship between services and government procurement disciplines in RTAs

Similarly to the GATS, whose Article XIII:1 stipulates that the Agreement's three main provisions do not apply to measures governing the procurement by governmental agencies of services purchased for governmental purposes, the great majority of RTAs contains a provision indicating that the chapter on trade in services, or its main provisions, do not apply to government procurement. For those RTAs with substantive services and government procurement chapters, this provision thus delineates those chapters' respective scope of application. Broadly speaking, three different "delineation" or "exclusion" clauses can be distinguished. First, the predominantly

GATS-based RTAs<sup>64</sup> usually replicate, *mutatis mutandis*, Article XIII:1 of the GATS. Such a "GATS-type" exclusion provision, for instance included in the services Chapter of the (negative-list based) RTA between EFTA and Hong Kong, China and the (positive-list based) RTA between EFTA and Korea, reads:

"Article 3.1:3 ('Scope and Coverage')

*Articles 3.4 to 3.6 [MFN, market access and national treatment] shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale".*

Second, a less precisely defined exclusion provision – included for instance in the Services Chapter of the (positive-list based) EFTA-Singapore RTA as well as in the "Trade in Services, Establishment and Electronic Commerce" Chapter of the (positive-list based) EU-Korea RTA – reads: "Nothing in this Chapter shall be construed to impose **any obligation** with respect to government procurement" (emphasis added). Neither of these two chapters further defines the term "government procurement". This exclusion provision appears to be broader than the one used in the GATS since no obligation of any kind can be derived from these chapters with respect to government procurement (see subsection 2.2.1 above for a comparison with the GATS).

A third category of exclusion provisions states that government procurement of services is not included in the services chapter, but covered elsewhere in the RTA. For instance, Article 58:5 of the (positive-list, GATS based) Japan-Singapore FTA states that "Government procurement of services shall be governed by Chapter 11." Similarly, Article 9:2(3) of the "Cross-Border Services" Chapter of the (negative-list based) Korea-Singapore FTA provides that: "This Chapter does not apply to: ... government procurement which shall be governed by Chapter 16 (Government Procurement)." A similar wording is contained in Article 12.1(4) ("Scope and Coverage") of the Chapter on cross-border trade in services of the (negative-list based) U.S.-Korea FTA:

Article 12.1(4) "4. Notwithstanding paragraph 1, this Chapter does not apply to:

- (a) ... ;
- (b) government procurement;
- (c) ... ."

The delineation between services and government procurement disciplines becomes more complex in the 'NAFTA-type' RTAs where trade in services is covered by different chapters of the Agreement. These RTAs typically include a Chapter on Cross-Border Trade in Services, which essentially covers modes 1 (cross-border supply), 2 (consumption abroad) and 4 (presence of natural persons). Often, the market access obligation of the Chapter on Cross-Border Trade in Services also applies to measures affecting the supply of a service in the territory of a Party by a covered investment. A Chapter on Investment covers investment in all sectors, *including services* and therefore mode 3 (supply through commercial presence). Financial services, including liberalization obligations, are usually covered by yet another chapter. In these types of agreements, the chapter on cross-border services and the one on investment frequently contain *differently worded* provisions excluding government procurement. In the same vein, WTO Members participating in RTAs containing provisions on government procurement appear to be mindful of the linkages between services and government procurement disciplines. As in the revised GPA, the great majority of RTAs (49 out of 68 RTAs) with detailed government procurement disciplines and coverage of services, contain an explicit note indicating that the chapter on government procurement (or the main non-discrimination provisions) does not apply to measures affecting trade in services other than measures specifically governing procurement covered by the RTA.<sup>65</sup> In other words, these RTAs arguably specify that the respective procurement chapters deal only with government procurement policies as such, and not with formalities and measures *affecting trade in services* other than measures governing government procurement covered by the RTA. These other measures affecting trade in services are regulated,

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<sup>64</sup> These are the RTAs whose chapter on trade in services largely incorporates provisions of the GATS.

<sup>65</sup> The exact wording of the note may vary.

if at all, under other RTA chapters and/or the GATS. Overall, the approach adopted in these RTAs is broadly consistent with the approach adopted under the GPA (see Figure 6 below).

**Figure 6 Examples of explicit RTA notes excluding measures not specific to government procurement**

RTA		Note excluding measures not specific to government procurement
<b>II - RTAs between GPA Parties and Non-Parties</b>		
<b>EU – Colombia and Peru</b>	–	<i>ARTICLE 75(8): Measures Not Specific to Procurement</i> <i>Paragraphs 1 and 2 [National Treatment and Non-Discrimination] shall not apply to customs duties and charges of any kind imposed on, or in connection with, importation, the method of levying such duties and charges, other import regulations or formalities, and measures affecting trade in services other than measures governing covered procurement. (Emphasis added.)</i>
<b>US – CAFTA-DR</b>	–	<i>Article 9.2(5)</i> <i>Paragraphs 1 and 2 [National Treatment and Non-Discrimination] do not apply to measures respecting customs duties or other charges of any kind imposed on or in connection with importation, the method of levying such duties or charges, other import regulations, including restrictions and formalities, or measures affecting trade in services other than measures specifically governing procurement covered by this Chapter. (Emphasis added.)</i>
<b>III - RTA between GPA Parties and Non-Parties</b>		
<b>Australia – Chile</b>		<i>Article 15.4(4)</i> <i>The provisions of paragraphs 1 and 2 [National Treatment and Non-Discrimination] shall not apply to measures concerning customs duties and other charges of any kind imposed on, or in connection with, importation, the method of levying such duties and charges or other import regulations, including restrictions and formalities, and measures affecting trade in services other than measures governing covered procurement. (Emphasis added.)</i>

This approach has been followed by the three groups of RTAs, i.e. RTAs between: (i) GPA Parties; (ii) GPA Parties and non-GPA Parties; and (iii) non-GPA Parties. With regard to RTAs between GPA Parties, they all contain such a specification, either by direct reference to the GPA<sup>66</sup>, or with an explicit note in the RTA.<sup>67</sup> It is quite interesting to note that e.g. the US-Singapore RTA indicates that, in accordance with Article III:3 of the GPA, the provisions of the procurement Chapter do not affect the rights and obligations provided for in Chapters 2 (National Treatment and Market Access for Goods), 8 (Cross-Border Trade in Services), 10 (Financial Services), and 15 (Investment), thus pre-supposing a relationship between RTA and GPA provisions in this regard.

A similar approach has been adopted with regard to almost all RTAs between GPA Parties and non-GPA Parties (32 out of 35 RTAs).<sup>68</sup> A number of observations can be made. First, the GPA Parties clearly appear attentive to the need of addressing the linkages between services and government procurement disciplines. For example, the agreements involving the following eight GPA Parties include, almost systematically, such a provision: (i) Canada, (ii) EFTA, (iii) the EU, (iv) Japan, (v) Israel, (vi) Korea, (vii) Singapore, and (viii) the US. It also becomes evident that some Latin American countries (e.g. Chile, Colombia, Panama, Peru, and Mexico) also generally include such a provision in their RTAs with GPA Parties. Other WTO Members have adopted this approach occasionally (e.g. New Zealand, Australia), or at least in one occasion (i.e. Bahrain,

<sup>66</sup> See the following nine RTAs: (i) Canada-EFTA; (ii) Canada-Israel; (iii) EFTA-Hong Kong, China; (iv) EFTA-Korea, Republic of; (v) EFTA-Singapore; (vi) EU-Korea, Republic of; (vii) Japan-Singapore; (viii) Japan-Switzerland; and (ix) US-Korea, Republic of.

<sup>67</sup> See the following two RTAs: (i) Korea, Republic of-Singapore (article 16.2(4)); and (ii) US-Singapore (article 13.1(5)).

<sup>68</sup> See the following 32 RTAs: (i) article Kbis-02 of Canada-Chile; (ii) Article 1403(7) of Canada-Colombia; (iii) Article 1604(7) of Canada-Panama; (iv) Article 1403(7) of Canada-Peru; (v) Article 50.3 of EFTA-Chile; (vi) Article 7.4(7) of EFTA-Colombia; (vii) Article 57.3 of EFTA-Mexico; (viii) Article 7.4(3) of EFTA-Peru; (ix) Article 139.4 of EU-Chile; (x) Article 75(8) of EU-Colombia and Peru; (xi) Article 137(3) of Hong Kong, China-New Zealand; (xii) Article 6.02(3) of Israel-Mexico; (xiii) Article 137(3) of Japan-Chile; (xiv) Article 120(3) of Japan-Mexico; (xv) Article 145(3) of Japan-Peru; (xvi) Korea, Republic of-Chile; (xvii) Korea, Republic of-Peru; (xviii) NAFTA (Canada-Mexico-US); (xix) Article 4.5 of Singapore-Australia; (xx) Article 9.4(3) of Singapore-Peru; (xxi) Article 11.4(4) of Trans-Pacific Strategic Economic Partnership (Chile-New Zealand-Singapore-Brunei); (xxii) Article 15.2(6) of US-Australia; (xxiii) Article 9.2(5) of US-Bahrain; (xxiv) Article 9.2(5) of US-CAFTA-DR (Dominican Republic-Central America - United States); (xxv) Article 9.2(5) of US-Chile; (xxvi) Article 9.2(6) of US - Colombia; (xxvii) Article 9.2(5) of US-Morocco; (xxviii) Article 9.2(5) of US-Oman; (xxix) Article 9.2(5) of US-Panama; (xxx) Article 9.2(6) of US-Peru; (xxxi) Article 5.4 of Singapore-Panama; and (xxxii) EU-Mexico.

CAFTA-DR, Morocco, Oman). With regard to the RTAs between non-GPA Parties, this approach has been adopted in around 30% of the RTAs, mainly involving Chile, Colombia and Peru.<sup>69</sup>

In addition, or alternatively, several RTAs have specified that the provisions of the government procurement Chapter; (i) do not affect the rights and obligations provided for by one or a number of the RTA chapters, including, e.g., the chapters on cross-border trade in Services, and/or financial services; or (ii) that the coverage of services in the government procurement Chapter is without prejudice to the rights and obligations listed in the chapter on trade in services and/or Financial services.<sup>70</sup> It is also interesting to note that some RTAs do not appear to have included such a note, see e.g. EU-CARIFORUM<sup>71</sup>, Mexico-Colombia; and EFTA-Ukraine.<sup>72</sup>

**Figure 7 Examples of explicit RTA notes specifying that the chapter on government procurement does not affect the rights and obligations under certain other chapters**

RTA	Note in the RTA government procurement chapter
<b>I - RTAs between GPA Parties</b>	
<b>US – Singapore</b>	<b>ARTICLE 13.2(5):</b> <i>In accordance with Article III:3 of the [1994] GPA, the provisions of this [government procurement] Chapter do not affect the rights and obligations provided for in Chapters 2 (National Treatment and Market Access for Goods), 8 (Cross-Border Trade in Services), 10 (Financial Services), and 15 (Investment). (Emphasis added.)</i>
<b>II - RTAs between GPA Parties and Non-Parties</b>	
<b>EU – Central America<sup>73</sup></b>	<b>Footnote 32 to Article 211 (General Principles)</b> <i>For greater certainty, nothing in this Article shall affect trade in services covered by Title III (Establishment, Trade in Services and Electronic Commerce), and its Annexes on Lists of Commitments on Establishment, Lists of Commitments on Cross-Border Supply of Services, Reservations on Key Personnel and Graduate Trainees of the EU Party, Lists of Commitments of the Republics of the CA Party on Business Service Sellers and List of Commitments of the Republics of the CA Party on Key Personnel and Graduate Trainees. (Emphasis added.)</i>
<b>Singapore-Panama</b>	<b>Article 8.2(7)</b> <i>The provisions of this Chapter do not affect the rights and obligations provided for in Chapters 2 (Trade in Goods), 3 (Rules of Origin), 9 (Investment), 10 (Cross-Border Trade in Services) and 11 (Financial Services).</i>
<b>III - RTA between GPA Parties and Non-Parties</b>	
	<i>Several RTAs specify that the coverage of services in the government procurement Chapter is without prejudice to the rights and obligations listed in the chapter on trade in services and/or Financial services.<sup>74</sup></i>

The general picture that consequently emerges from these RTAs is similar to the relationship between services and government procurement disciplines in the context of the WTO (see sections 3.2 and 3.3 above). RTA parties appear to be mindful of the different scope of application and complementarity between government procurement and service disciplines. The RTA procurement

<sup>69</sup> See the following 6 RTAs between non-GPA Parties: (i) Australia-Chile; (ii) Chile-Colombia; (iii) Colombia-Northern Triangle New (El Salvador, Guatemala, Honduras); (iv) Costa Rica-Peru; (v) Mexico-Chile; and (vi) Panama-Peru.

<sup>70</sup> See, e.g. the following RTAs: (i) Central America-Chile; (ii) Central America-Dominican Republic; (iii) Singapore-New Zealand; (iv) Singapore-Peru; (v) Mexico-Costa Rica; (vi) EU-Central America; (vii) Central America-Dominican Republic; (ix) Chile-Central America (Costa Rica, El Salvador, Guatemala, and Honduras); (x) Costa Rica-Peru; (xi) Mexico-Chile; (xii) Mexico-Nicaragua ; and (xiii) Panama-Central America (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua).

<sup>71</sup> Nonetheless, it may be relevant to note that article 2 of the chapter "Investment, Trade in Services and e-Commerce" indicates that "nothing in this Title shall be construed ... impose any obligation with respect to government procurement." See RTA EU-CARIFORUM.

<sup>72</sup> Nonetheless, it may be relevant to note that article 3.1 of the Chapter on Trade in Services indicates that Articles 3.4 (MFN), 3.5 (MA) and 3.6 (NT) shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale. See RTA EFTA-Ukraine.

<sup>73</sup> See also art 159(2) which indicates that nothing in Title III (Establishment, Trade in Services and Electronic Commerce) shall be construed to impose any obligation with respect to government procurement.

<sup>74</sup> See, e.g. the following RTAs: (i) Central America-Dominican Republic; (ii) Chile-Central America (Costa Rica, El Salvador, Guatemala, and Honduras); (iii) Costa Rica-Peru; (iv) Mexico-Chile; (v) Mexico-Nicaragua; and (vi) Panama-Central America (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua).

Chapters deal with procurement-specific measures and leave non-procurement-specific measures relating to international trade in services (and goods) to rules provided by other chapters in the RTAs, and/or by the GATS (and GATT), as well as other agreements. It also becomes evident that the GPA provision dealing with this issue has clearly served as the model for a great number of RTAs, involving both GPA and non-GPA Parties.

Another similarity between the GPA and the RTA procurement Chapters is the explicit occasional reference to the interrelationship between the RTA procurement coverage and GATS coverage/general services market access regulations. In a number of cases, RTAs parties have expressly introduced pertinent notes indicating that the coverage of services (including construction services) in the procurement chapter is subject to the limitations and conditions and qualifications specified in the GATS.<sup>75</sup>

It is interesting to note that this approach is mainly adopted by GPA Parties that also include a similar note in their respective GPA coverage commitments (see section 3.3 and Figure 5 above). This explains why those notes are mainly found in RTAs between: (i) GPA Parties<sup>76</sup>; and (ii) GPA Parties and non-GPA Parties. With regard to the first group (i.e. RTAs between GPA Parties), these notes are generally included directly (or by reference) in the individual coverage commitments of each RTA party. In particular, the following countries have regularly included such a note in their RTAs: Canada, EFTA countries (mainly individually by Liechtenstein and Switzerland, but also occasionally as a group), Israel, and Singapore.

This type of note is also found in the second group of RTAs (i.e. RTAs between GPA Parties and non-GPA Parties), and mainly in the schedules of the GPA Parties themselves (in at least ten RTAs). In particular, it is found in the coverage commitments of Singapore and EFTA (and more occasionally that of Israel and the EU) in their respective agreements with non-GPA Parties.<sup>77</sup> A number of non-GPA Parties have also included a similar note in their RTAs with GPA Parties. For example, such a note is also applicable to Chile, Colombia and Peru in their respective RTAs with EFTA.

Similarly to the findings above, these RTA provisions arguably also reinforce the general principle established by Article III:7 of the GPA (and included in the great majority of RTAs with procurement commitments), stating that the government procurement disciplines (e.g. the GPA or relevant RTA Chapter) do not apply to measures not specific to procurement. They do so by making clear that any limitations with regard to general market access for foreign services and service suppliers will be applied in the course of procurements carried out in accordance with the provisions of the RTA chapter on government procurement. They confirm the view set out above that both general market access regulations and procurement-specific measures are relevant to the participation in procurement markets of international suppliers, or domestic suppliers offering services (or goods) sourced internationally.

#### **4 COVERAGE COMMITMENTS WITH REGARD TO SERVICES AND GOVERNMENT PROCUREMENT<sup>78</sup>**

The preceding sections have provided an overview of the main areas of work in the WTO on service trade related to government procurement as well as their interface with RTAs, followed by an analysis of the economic and legal interrelationship between general rules on services trade and government procurement specific disciplines.

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<sup>75</sup> The exact formulation of the relevant notes may vary.

<sup>76</sup> For example, with regard to RTAs between GPA Parties, a number of agreements include such a note by reference to the GPA (e.g. (i) Canada-EFTA; (ii) Canada-Israel; (iii) EFTA (only Liechtenstein and Switzerland)-Hong Kong, China; (iv) EFTA-Korea, Republic of; (v) EFTA (only Liechtenstein and Switzerland)-Singapore; (vi) Japan-Singapore (only Singapore); and (vii) Japan-Switzerland (only Switzerland), or alternatively with a specific note in the RTA (e.g. (i) EFTA Convention; and (ii) Korea, Republic of-Singapore (only Singapore)).

<sup>77</sup> For example, Singapore has included such a note, with regard to its own coverage of services, in its RTAs with Panama, Peru, and in the TPP. EFTA also regularly includes this type of note, e.g. in its RTAs with Chile, Colombia, Mexico (only Liechtenstein and Switzerland), Peru, and Ukraine (only EFTA). These notes can also be found the following RTAs: (i) EU-Mexico (only Austria); and (ii) Israel - Mexico (Israel only).

<sup>78</sup> Part 4 draws on Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier (2011); and Pelletier (forthcoming 2014).

The analysis has resulted in an overall picture of economic complementarity on the one hand, and specificity of the legally defined scopes of application of the different Agreements and RTA chapters on the other. With regard to the role of RTAs for government procurement related services trade, we find that rules on government procurement in RTAs follow the approaches adopted in the GPA and extend their reach to non-GPA parties. This finding, together with the growing membership of the GPA, raise the question as to whether, in future, RTAs and further accessions to the GPA may facilitate the advancement of multilateral approaches integrating government procurement into general rules on trade in (goods and) services. It has been proposed in this regard that whether or not such a multilateralization of procurement rules is likely to occur, may depend to some degree on the extent to which the approaches under the different agreements are compatible with one another.

The following sections shed light on some aspects relating to coverage in this regard. First, the approaches to scheduling of services and government procurement commitments in WTO Agreements and recent RTAs are going to be looked at in order to identify commonalities and differences. Second, the coverage of government procurement in recent RTAs with government procurement chapters will be compared to that provided under the revised GPA.

#### **4.1 Approaches to scheduling of services and government procurement commitments in WTO Agreements and recent RTAs: commonalities and differences**

To what extent is the way market access commitments are scheduled under GATS, the GPA and in RTAs containing government procurement chapters compatible with each other? What differences exist? The answers to these questions, which will be provided in the following subsections, may be relevant in determining the way in which the extended reach of government procurement disciplines that has arguably occurred through inclusion of procurement chapters in RTAs can be used in future negotiations.

The following subsections therefore first look at the various dimensions of market access that WTO Agreements and recent RTAs with chapters on government procurement address. The analysis is then carried further by looking more technically at how services-specific commitments are made under the GPA and GATS, in particular with regard to how covered sectors are identified and whether or not modes of supply are taken into account. Finally, a sub-section describes the use of positive versus negative lists in schedules to provide an overview of approaches used by different parties.

##### **4.1.1 Dimensions of Market Access under the WTO Agreements and recent RTAs**

While the GATS applies to measures by Members affecting trade in services only<sup>79</sup>, the GPA recognizes that in government procurement, no strict separation between procurement of services and procurement of goods is necessary when it comes to establishing a regulatory framework. As pointed out earlier, this is e.g. reflected in Article II:2(a) of the revised text, which specifies that the GPA's rules apply to covered procurement of "goods, services, or any combination thereof". However, this is not the only aspect of market access in which the GPA takes into account factors that go beyond those addressed under GATS. The following sections therefore provide an overview of the dimensions of market access addressed in the government procurement context.

It is important to emphasize that neither the GPA nor RTAs with procurement chapters provide for all-encompassing, complete coverage commitments. With regard to the GPA (and as briefly noted in section 2.1 above), the Agreement does not apply to the entire government procurement market of Parties. On the contrary, the obligations under the Agreement only apply to procurement: (i) by the procuring entities that each Party has listed in Annexes 1 to 3 of Appendix I, relating respectively to central government entities, sub-central government entities and other entities such as utilities; (ii) of goods; and (iii) of services and construction services that

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<sup>79</sup> The GATS provisions do not pertain to trade in goods. In this respect, the Scheduling Guidelines adopted by the Council for Trade in Services in 2001 have given further guidance in specifying that "(t)here is no requirement in the GATS to schedule a limitation to the effect that the cross-border movement of goods associated with the provision of a service may be subject to customs duties or other administrative charges. Such measures are subject to the disciplines of the GATT." See WTO, Council for Trade in Services (2001a).

are specified in lists, found respectively in Annexes 4 to 6 of Appendix I. Furthermore, the GPA only applies to procurement contracts of an estimated value not less than certain threshold values, which are specified in each Party's Appendix I Annexes (see Figure 8 below). These three different dimensions of coverage with regard to entities, services or construction services sectors, and threshold levels all have to be taken into account in a cumulative manner when determining coverage under the GPA. In other words, a specific procurement only falls within the ambit of the GPA's rules if the procuring entity is covered, if the service (or good) procured is included in the relevant Party's commitments, and if the value of the procurement in question is above the threshold levels indicated in the relevant Party's schedules.

### Figure 8 The structure of GPA market access/coverage schedules (Appendix I of the Agreement)

For each GPA Party, Appendix I is divided into seven Annexes which deal, respectively, with (i) central government entities covered by the Agreement; (ii) covered sub-central government entities; (iii) "other" covered entities (e.g. utilities and SOEs); (iv) coverage of goods; (v) services coverage; (vi) coverage of construction services; and (vii) any general notes.

<b>Annex 1</b>	Central Government Entities
<b>Annex 2</b>	Sub-Central Government Entities
<b>Annex 3</b>	Other Entities
<b>Annex 4</b>	Goods
<b>Annex 5</b>	Services
<b>Annex 6</b>	Construction Services
<b>Annex 7</b>	General Notes

The Annexes also specify the threshold values above which individual procurements are subject to the GPA disciplines. In addition, the Annexes of most Parties contain notes that qualify the application of the Agreement. In principle, all goods are covered if procured by a covered entity and not excluded specifically. Parties are, in principle, free to choose a generic or a list approach and, in the case of the latter, they can freely adopt a positive-list or a negative-list approach. In general, GPA Parties use the United Nations Provisional Central Product Classification (CPC) classification numbers, as defined in *the Services classification List* (MTN.GNS/W/120) for services classifications.

Furthermore, when reading the schedules in Appendix I to ascertain whether a particular procurement contract is covered by the Agreement, it is important to check not only whether the procuring entity is covered, the threshold level and, if the contract is for a service, whether that service is covered, but also the General Notes at the end of most Parties' schedules, which provide for a number of exceptions.<sup>80</sup>

As highlighted in a study on the subject (Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier, 2011), the structure in which government procurement coverage commitments are made under RTAs closely follows the structure of the GPA, as described above.<sup>81</sup> The GPA therefore provides for a framework in which a direct comparison is possible. In a nutshell, three questions, which are considered in section 4.2 below, are generally relevant to determine coverage<sup>82</sup>:

- Which entities need to comply with procurement rules and procedures?
- Which goods, services or construction services are concerned?

<sup>80</sup> It should be noted that exceptions from the obligations of the Agreement are also allowed for developing countries in certain situations (see Article V and Figure 2 above) and for non-economic reasons, for example to protect national security interests, public morals, order or safety, human, animal or plant life or health or intellectual property, etc.

<sup>81</sup> With the exception of some RTAs, e.g. the EFTA Convention, which covers specific sectors.

<sup>82</sup> Another aspect of coverage is country exclusions and other derogations to the coverage generally provided, e.g. of SME programmes, sensitive procurements by the military, etc. While these potentially carve out important sectors of the procurement market of any country, due to the diversity and less unified structure in which such derogations are made, their inclusion in the analysis would go beyond this paper. The authors have nevertheless tried to point them out in the tables and the footnotes to the tables, whenever possible.

- What is the minimum estimated value of proposed procurements in order for procurement rules to apply?

In our view, all three aspects must be considered to arrive at a balanced assessment of market access across agreements. This is because, in any particular agreement, the provision of what appears to be greater market access according to one particular dimension may be compensated by less extensive market access according to another dimension. Indeed, as demonstrated in different studies, there are indications that in some cases countries have sought to compensate the acceptance of lower thresholds with a more restrictive approach regarding either entities or services covered (and/or vice versa) (Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier, 2011).

This way of structuring coverage annexes differs from the approach taken under the GATS and services chapters in RTAs. Yet, both under the GPA and the GATS, the conditions of market entry and participation result from a range of coverage dimensions, combined with regulatory and other "good governance" obligations – as will be seen hereafter.

The GATS "applies to measures by Members affecting trade in services" (GATS Article I.1). It does not matter in this context whether a measure is taken at the central, regional or local government level, or by non-governmental bodies exercising delegated power. For the purpose of the Agreement, a measure "means any measure by a Member, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form" (GATS Article XXVIII(a)). There are only two exceptions to the Agreement's otherwise comprehensive coverage: (i) services that are supplied in the exercise of governmental authority, which are excluded according to Article I:3(b) and (c)<sup>83</sup>; and (ii) measures affecting air traffic rights and directly-related services, which are excepted pursuant to the GATS Annex on Air Transport Services.<sup>84</sup>

The conditions governing entry and participation in service markets, as they have been addressed under the GATS, are multifaceted. "Market Access" as defined under the GATS consists of six types of measures specified in Article XVI. However, the ability of a foreign service or service supplier to effectively enter and compete in a market is affected by many additional parameters, including the existence of – completely legitimate – domestic regulatory measures. The following paragraphs try to shed some light on these multiple dimensions of market entry and participation, which the GATS has sought to address by way of general obligations and disciplines (Articles II-XV), as well as specific commitments on market access, national treatment and other measures (Articles XVI-XVIII).

The GATS broad scope of application is a recognition of the fact that "measures affecting trade in services" which, e.g., modify the conditions of competition to the detriment of foreign services or service suppliers compared to like domestic ones, will have a bearing on conditions of market entry and participation. Likewise, excessively cumbersome domestic regulatory measures, sometimes referred to as "red tape", may significantly restrict access to a market. This is the reason why, under the GATS, each Member has to respect a certain number of *unconditional* general obligations that apply irrespectively of the existence of specific commitments. These *unconditional* general obligations include MFN treatment (Article II)<sup>85</sup>, some basic transparency provisions (Article III), the availability of legal remedies (Article VI:2), compliance of monopolies and exclusive suppliers with the MFN obligation (Article VIII:1), etc. In addition, Members have to comply with a number of *conditional* general obligations, which apply only to sectors listed in a Member's schedule of commitments. Such *conditional* general obligations are found, for instance, in Article VI, paragraphs 1, 3, 5 and 6 regarding domestic regulation.

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<sup>83</sup> The Agreement specifies that these services are "supplied neither on a commercial basis, nor in competition with one or more service suppliers" (Article I:3(c)). Typical examples may include police, justice, fire protection, monetary and exchange rate policy operations, and tax and customs administration.

<sup>84</sup> Thus, most of air transport services are excluded – except for aircraft repair and maintenance, the selling and marketing of air transport services, and computer reservation system (CRS) services, which have been explicitly included in the Agreement.

<sup>85</sup> It is to be noted, however, that under the GATS Annex on Article II Exemptions, there is the possibility for Members, either by the entry into force of the GATS (1 January 1995) or at the date of accession, to seek exemptions not exceeding a period of ten years in principle.

Despite its broad scope of application, the GATS is very flexible in that it allows each Member to precisely calibrate the conditions of market entry and participation it is willing to undertake (legally bind) for foreign services and service suppliers. This is achieved by way of the schedules of specific commitments (GATS Article XX). In these, Members are free to designate the service sectors/sub-sectors and the modes of supply, in which they are ready to take some level of binding commitments. Two sets of legal obligations – governing, respectively, market access and national treatment – are relevant in this context. The "Market Access" provisions of the GATS, laid down in Article XVI, cover six types of restrictions that must not be maintained in the absence of scheduled limitations. The "National Treatment" provision (Article XVII) implies the absence of all discriminatory measures that may modify the conditions of competition to the detriment of foreign services or service suppliers. Like for market access (Article XVI), a Member may list in its schedule limitations on national treatment to provide cover for inconsistent measures it wants to maintain.<sup>86</sup> The purpose of specific commitments on market access and national treatment is to ensure stability and predictability of trade conditions for foreign services and service suppliers.

Thus, like in the GPA context, albeit on different grounds, market entry and participation under the GATS results from a range of "dimensions" blended together: general (unconditional and conditional) obligations combined with Member-specific, horizontal and sectoral commitments on market access and national treatment. When conducting this same analysis on "market entry and participation dimensions" in the context of RTAs with substantive services chapters, the picture gets even more complex (see, e.g. Marchetti and Roy, 2008; and Latrille and Lee, 2012). Indeed, unlike for coverage commitments on government procurement, for which the structure under the RTAs closely follows the one of the GPA, in the case of services, RTAs display a greater variety of approaches. Broadly speaking, there are three different "families" of agreements: those based on a positive-list GATS-type approach; those following a NAFTA-inspired negative list approach; and a heterogeneous third category of hybrid agreements that combine elements from the first two categories with *sui generis* features.<sup>87</sup> The more recent NAFTA-inspired agreements often combine a negative-list with a standstill and ratchet clause. Most NAFTA-based agreements have separate chapters on investment (encompassing all investment including in services), cross-border trade in services (covering modes 1, 2 and 4), financial services, telecommunications and electronic commerce. Finally, the ongoing plurilateral discussions on a framework for negotiations on a Trade in Services Agreement (TiSA)<sup>88</sup> also explore new approaches. While the main body text of the agreement would be based on the GATS, the schedules of commitments would combine a positive-list approach for market access with a negative-list approach for national treatment.

#### 4.1.2 Sector description and modes of supply

A second aspect, in regard to which a comparison of approaches between government procurement specific instruments, such as the GPA and government procurement chapters in RTAs and GATS is warranted, is with regard to how covered services sectors are described, and whether or not a distinction according to modes of supply is made.

At the outset, it should be noted that neither the GPA nor the RTAs with government procurement chapters normally refer to modes of supply of services, which are used in the GATS (see, WTO, Working Party on GATS Rules, 2004b, 2004c). Rather, coverage of services in government procurement agreements is generally only defined by means of a simple list using one of the versions of the United Nations Central Product Classification (CPC), without distinguishing different modes of supply.

More specifically, with regard to the revised GPA, in all (but three cases), coverage of the categories of services mentioned in Annex 5 to the Appendix I is defined by reference to the United Nations provisional Central Product Classification (CPCprov), as defined in an informal note

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<sup>86</sup> Examples of such national treatment inconsistent measures are *discriminatory* subsidies, tax measures, restrictions on the purchase of real estate or licensing and qualification requirements, as well as residency requirements.

<sup>87</sup> It is to be noted, however, that positive listing does not necessarily imply using the GATS scheduling method; see Latrille & Lee (2012).

<sup>88</sup> At present, these discussions involve 23 WTO Members, namely: Australia; Canada; Chile; Colombia; Costa Rica; the European Union; Hong Kong, China; Iceland; Israel; Japan; Korea, Republic of; Liechtenstein; Mexico; New Zealand; Norway; Pakistan; Panama; Paraguay; Peru; Switzerland; Chinese Taipei; Turkey; and the United States.

by the WTO Secretariat (i.e. the 1991 Services sectoral classification list, MTN.GNS/W/120).<sup>89</sup> Only Canada, Japan and the United States define their services coverage by simple reference to the CPCprov, without mentioning the informal note by the Secretariat.

Regarding the categories of services covered by the government procurement chapters of the 68 RTAs analysed, the majority of RTA parties have defined their coverage of services by reference to one of the versions of the United Nations Central Product Classification (CPC). In a smaller number of occasions, RTA parties have also referred to a Common classification system (CCS). The only other alternative approach observed concerns a number of RTA parties that have defined their coverage of services without any reference to a specific classification system (usually used together with a negative approach to the listing of services). Figure 9 below provides an overview of the classification systems adopted by the RTA parties. Further details are also available in the table of Appendix Table 3 entitled "The listing of covered "services", including "construction services" in RTAs, as compared to the GPA."

**Figure 9 Overview of the classification systems generally adopted by RTA parties in scheduling government procurement services commitments**

Classification system	RTA party
<b>CPCprov</b> , as defined in the 1991 Services sectoral classification list, MTN.GNS/W/120.	Canada; EFTA countries; the EU; Hong Kong, China; Israel; Japan; Korea; New Zealand; Panama <sup>90</sup> ; Switzerland; and the United States <sup>91</sup>
<b>CPCprov</b> (without a reference to the 1991 <i>Services sectoral classification list</i> ).	Hong Kong, China; and Mexico
<b>CPC</b>	Colombia, Mexico, Bahrain, and Dominican Republic
<b>CPC Version 1.0</b>	Colombia; Costa Rica; Guatemala; Honduras; Nicaragua; and Panama
<b>CPC Version 1.1</b>	Oman and Peru
<b>Common Classification System (CCS)</b>	Australia; Canada; Chile; the US; (and the RTAs between Mexico-Colombia and Mexico-Nicaragua)
<b>No classification system</b>	Australia; Chile; CARIFORUM States EPA; El Salvador; Most RTAs involving Central America Countries; and the RTAs between Singapore-Australia and Singapore-New Zealand

A number of observations can be made. First, in general, most RTA parties retain the same classification system (or the absence of classification) in most or all of their RTAs. Nonetheless, some exceptions can be noted as parties to RTAs have occasionally adapted their "usual" classification systems to their respective RTA partners. For example, while Panama usually refers to the CPC Version 1.0 in its RTAs, it has adopted the CPCprov (as defined in the Services sectoral classification list) in its RTA with Singapore; and did not refer to any classification system in its RTAs with Central American countries (i.e. Costa Rica, El Salvador, Guatemala, and Nicaragua). On their side, Central American countries generally do not refer to any classification system in their RTAs (e.g. Chile, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, CARIFORUM States EPA, and Panama). This approach (i.e. the absence of classification system) is also usually adopted by Australia and Ukraine, and in the Singapore-Australia, and Singapore-New Zealand RTAs.

Similarly, while Canada and the US have adopted the CPCprov/Services Sectoral Classification list in the GPA, in the context of NAFTA and other RTAs, they have referred to the Common classification system (CCS). The CCS is also used by the United States in all but one RTAs (with Morocco), which is based on the CPCprov. A number of Parties have also adopted the CCS in their RTAs with the US (e.g. Australia, and Chile). On its part, Canada refers to the CCS in all of its RTAs with non-GPA Parties. Colombia and Nicaragua have also adopted the CCS in their respective RTAs with Mexico. Similarly, Chile refers to the CCS in the TPP. Apart from these exceptions, there is a clear tendency to refer to the same classification system in most RTAs. The

<sup>89</sup> See GATT (1991). These services are described in accordance with the United Nations provisional Central Product Classification (CPCprov), online: <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Top=2&Lq=1> (viewed on: 24 October 2014).

<sup>90</sup> Only in its RTA with Singapore.

<sup>91</sup> Only in its RTA with Morocco.

EU and EFTA countries, in particular, adhere closely to the classification adopted in the GPA context. This trend could be partly explained by the parties' desire to avoid burdensome complexity at the implementation stage.

As under the GPA, GATS commitments on market access and national treatment are also recorded in "lists": the so-called schedules of specific commitments, which are specific to each Member.<sup>92</sup> Most of these schedules describe the committed service sectors and subsectors based on the Secretariat's Services Sectoral Classification List *W/120* (document MTN.GNS/W/120). Each sector and subsector contained in that list is identified by the corresponding Central Product Classification (CPC) number, itself based on the CPCprov.<sup>93</sup> While the CPCprov. and the *W/120* list remain the reference guides for over 90% of WTO Members in 80% of the sectors, some schedules dating back to the Uruguay Round do not refer to CPC numbers at all.<sup>94</sup> Several ad hoc (sector-specific) classifications coexist with the Secretariat's *W/120* list, such as the one contained in the GATS Annex on Financial Services, or the draft maritime model schedule (MMS) developed in the Uruguay Round and the extended sectoral negotiations. The fact that, both GPA Appendix I, Annexes 5 and 6 and most of the GATS schedules of specific commitments use the same (or at least similar) services sectoral classification list should in principle facilitate a comparison between their respective coverage. However, an important difference is that GATS commitments are scheduled according to the four modes of supply: cross-border supply (mode 1), consumption abroad (mode 2), commercial presence (mode 3), and presence of natural person (mode 4). This gives Members the flexibility to modulate their level of services commitments not only by sector, but also by mode. As a result, access to any particular service sector, if subjected to specific commitments, is defined by eight parameters, specifying the levels of market access and national treatment for each of the four modes of supply (Adlung & Mamdouh, 2013).

#### 4.1.3 Positive vs. negative list approach to scheduling services commitments

Finally, it is of interest to see whether Parties to the GPA and RTAs including procurement chapters use "positive" or "negative" lists in their government procurement schedules, and whether the approach taken in regard to government procurement corresponds to that under GATS.

In defining the type of services covered by the GPA or in RTAs with government procurement commitments, parties are in general free to adopt any approach they wish. Usually, however, either a positive or a negative list approach to scheduling services commitments is used. A list is positive when the elements covered by the agreement are those set out, e.g. by name and individually, in the list. A list is negative when the elements covered by the agreement are described in a generalized manner (e.g. "all services"), and exceptions to that generalized coverage rule are set out in the list. In this regard, an insightful analysis by Adlung and Mamdouh (2003) found that the alternative positive or negative list approaches have limited, if any, impact on the level of services liberalization achieved. Rather, they suggested that "what ultimately matters are not negotiating or scheduling techniques, but the political impetus that the governments concerned are ready to generate" (Adlung & Mamdouh, 2013).

With this in mind, it is relevant to look at the different approaches adopted by the Parties in defining the services covered by the GPA and/or procurement chapters in RTAs. First, in the context of the *revised GPA*, all Parties, except Armenia and the United States, define the services covered in the form of a positive list. The United States, for its part, adopted a negative list of services and covers all services except those listed; Armenia, on the other hand, covers all the services defined in the Secretariat's informal note (Services sectoral classification list, MTN.GNS/W/120), without exception (Pelletier, forthcoming 2014).

Second, the various approaches adopted by the parties in defining the services covered in the procurement chapters of 68 RTAs analysed differ as between: (i) RTAs between two or more GPA Parties; (ii) RTAs between GPA Parties and non-GPA Parties; and (iii) RTAs between non-GPA Parties. With regard to the first group (i.e. RTAs between GPA Parties), all RTAs, except two, have adopted a positive list approach to define the services covered by the RTAs. The US, for its part,

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<sup>92</sup> See GATS Article XX.

<sup>93</sup> See above note 89.

<sup>94</sup> This is the case notably of the United States' Schedule of Specific Commitments.

adopted a negative list of services in its RTAs with Korea and Singapore. In this regard, it is interesting to note that Singapore also adopted a negative list approach in its RTA with the US. This approach differs from the positive list approach adopted by Singapore in the GPA. The positive list approach has also been adopted by all Parties, except Canada and the US, in defining construction services covered in RTAs. These approaches to construction services are in line with their respective GPA commitments.

With regard to the two other groups of RTAs (i.e. RTAs between GPA Parties and non-GPA Parties, and RTAs between non-GPA Parties), parties to these agreements have generally adopted one approach and have consistently retained it throughout their RTAs. Only some occasional and sporadic exceptions can be noted. Figure 10 below provides an overview of the main approaches adopted by the RTA parties in defining the services (including construction services) covered by the procurement chapters. Further details are also available in Appendix Table 3 entitled "The listing of covered "services", including "construction services" in RTAs, as compared to the GPA."

**Figure 10 Overview of the approaches generally adopted by RTA parties in scheduling government procurement services commitments**

Type of services	Approach	List of RTA parties
All services except construction services	Negative list	The following 15 WTO Members/groups of Members: (i) Australia; (ii) Bahrain; (iii) Canada; (iv) Chile; (v) Colombia (except positive list with Mexico); (vi) CARIFORUM States EPA <sup>95</sup> ; (vii) CAFTA-DR <sup>96</sup> ; (viii) Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua (except positive list with Mexico), Panama (except positive list with Singapore); (ix) Korea, Republic of; (x) Morocco; (xi) New Zealand; (xii) Oman; (xiii) Peru; (xiv) Ukraine; and (xv) US.
	Positive list	The following six WTO Members/groups of Members: (i) the EFTA countries; (ii) the EU; (iii) Hong Kong China; (iv) Israel; (v) Japan; and (vi) Mexico.
Construction services	Negative list	The following WTO Members/groups of Members: Canada; the US; Chile; Colombia; Panama; Peru; Ukraine; Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua); New Zealand; Korea, Republic of; Singapore; Australia; Bahrain; Dominican Republic; Morocco; and Oman.
	Positive list	The following eight WTO Members/groups of Members: (i) the EFTA countries; (ii) the EU; (iii) CARIFORUM States EPA; (iv) Mexico; (v) Hong Kong, China; (vi) Israel; (vii) Japan; and (viii) Singapore.

A number of observations can be made. To begin with, a major difference in approach between RTAs to which the US or Canada are party, as compared to other RTAs concluded by GPA Parties (e.g. the EU and the EFTA) is that they favour a negative-list approach (also used in the NAFTA), while the EU and EFTA favour a positive-list approach. This largely mirrors the approach taken by the US and, for example, the EU in their own GPA commitments. In contrast, while using a positive list approach in their GPA commitments, Canada and Korea have adopted a negative list approach in all (except those referring to the GPA) of their RTAs.<sup>97</sup> Second, while in most cases Singapore has adopted a positive list approach (i.e. in the GPA and the TPP, and in its RTAs with Panama, and Peru), it has adopted a negative list approach in its RTAs with Australia and New Zealand. Third, while Colombia and Nicaragua have in most cases adopted a negative list approach, they have adopted a positive list approach in their respective RTAs with Mexico. Similarly, Panama has adopted a positive list approach with Singapore.

With regard to construction services, and as will be discussed in Section 4.2.1.1 below, the alternative positive and negative list approaches have very limited, if any, impact on the level of covered construction services, as all GPA Parties and most parties in RTAs cover construction services in full (based on the Division 51 of the CPC), with only a limited number of exceptions. Having said that, the majority of parties to RTAs have adopted a negative list approach in defining the construction services covered (this situation differs in the revised GPA, where Parties have

<sup>95</sup> See above note 49.

<sup>96</sup> See above note 51.

<sup>97</sup> The approach taken by the EU in the GPA context in turn depends on internal EU regulations on the subject-matter. The GPA is, however, used as main point of reference for the purpose of this paper.

mainly used a positive list approach).<sup>98</sup> While the same approach (positive or negative list) was generally retained throughout their respective RTAs, parties to RTAs have also occasionally adapted their approaches to their respective RTA partners. For example, Panama has adopted a negative list approach in its RTA with Singapore, Peru a positive list approach with Canada, and Mexico a positive list approach with Nicaragua.

Service commitments under the GATS are assumed only in those sectors listed in a Member's schedule of commitments and to the extent that no limitations have been inscribed. This is referred to as the positive-list (or bottom-up) scheduling approach whereby no sector is subject to access obligations unless specifically included. The situation in respect of scheduling modalities and approaches is more diverse in the case of RTAs' services chapters. From the beginning, RTAs have tended to follow either the GATS-inspired positive-list approach, or the NAFTA-inspired negative-list (top-down) approach. A number of more recent agreements, notably those signed by the United States, adopt a hybrid scheduling approach, which combines elements of the GATS and NAFTA models by using negative-list modalities while including a market access obligation modelled on GATS Article XVI that applies to all modes of supply (Marchetti & Roy, 2008). Furthermore, the ongoing plurilateral discussions on a framework for negotiations on a Trade in Services Agreement (TiSA) consider combining a positive-list approach for market access commitments with a negative-list approach for national treatment. Choosing between a positive, negative or hybrid approach is a matter for negotiation between the parties. Several factors may influence the choice of a GATS- NAFTA-inspired or hybrid approach: negotiating partners' past approaches, their regimes' existing levels of liberalisation, their administrative capacity and, possibly, their level of ambition.<sup>99</sup>

#### **4.2 Overview of coverage of government procurement in recent RTAs, as compared with the revised GPA<sup>100</sup>**

This section compares and contrasts the coverage commitments on government procurement in RTAs with those of the GPA.<sup>101</sup> For obvious reasons, the range of agreements discussed in this part only includes the 68 RTAs with coverage commitments of services. As pointed out above, all these RTAs also include detailed provisions on procurement procedures (generally based on the GPA text) to promote fair procedures and efficient trade in participating WTO Members' public procurement markets. As explained at the outset, the analysis of procurement coverage complements the analysis of the substantive obligations, as the coverage annexes to the RTAs in question determine which procurements are subject to those substantive rules and obligations. Consequently, coverage is crucial in assessing whether meaningful commitments have been made.

To provide an overall view of coverage commitments on government procurement in the revised GPA and in RTAs, the following two main elements will be examined: (i) the coverage of services and construction services, and (ii) all other dimensions of market access needed to obtain an overall view of coverage commitments. The later section will provide a brief overview of the following elements: (i) the government entities covered by the GPA listed in Annexes 1 to 3; (ii) the goods; and (iii) the thresholds applicable.<sup>102</sup>

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<sup>98</sup> The following parties have adopted a positive approach in defining the construction services covered by their respective RTAs: EFTA; EU; CARIFORUM States EPA; Mexico; Hong Kong, China; Israel; Japan; and Singapore. These approaches are in line with the respective GPA commitments of the EU; the individual EFTA countries; Hong Kong China; Israel; Japan; and Singapore.

<sup>99</sup> It is to be stressed, however, that the exact same (ambitious) level of liberalization can be achieved either by a negative or positive-list approach. See notably Adlung & Mamdouh (2013).

<sup>100</sup> Section 4.2 draws on Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier (2011) with regard to the coverage of government procurement in recent RTAs; and on Pelletier (forthcoming 2014) and Anderson & Osei-Lah (2011) for the coverage under the revised GPA.

<sup>101</sup> "Coverage commitments" refer to those aspects of a country's procurements to which relevant disciplines apply. Typically, they are defined through explicit reference to lists of covered entities, covered goods and services, etc., in addition to relevant exclusions.

<sup>102</sup> See above note 82.

### 4.2.1 Coverage of Services (including construction services)

Identifying the types of services covered by the GPA, and in RTAs with procurement commitments is one of the fundamental questions when determining the limits of the relevant agreement's scope. In order to define the various types of services covered; these agreements generally draw distinctions between two categories, i.e. services, and construction services. Distinction in the listing of services and construction services in these agreements becomes necessary in light of the different thresholds that are usually applicable (the former being always higher).

#### 4.2.1.1 Services

##### 4.2.1.1.1 GPA<sup>103</sup>

Annex 5 to Appendix I to the GPA lists *services* covered by the Agreement other than construction services. Overall, the services listed include those previously covered by the GPA 1994 with over 50 new sectors added following conclusion of the negotiations. To take one example, almost all the Parties, to varying degrees, extended the Agreement's scope to additional service sectors, including increased liberalization of telecommunication services by eight Parties.<sup>104</sup>

Generally speaking, services sectors covered by the GPA involve the sectors which are most likely to involve cross-border trade. As an illustration, the Parties' commitments include, *inter alia*, business services (for example, computer services), telecommunications services, environmental services, financial services, tourism and travel services, and air and road transport services.

The following general comments can be made concerning GPA Parties' commitments on services:

- The following eight sectors are covered in all or in large part by the Parties: (i) telecommunication services (CPC 752); (ii) computer and related services (CPC 84); (iii) certain transport services (air transport (CPC 731) and road transport (CPC 712)); (iv) environmental services (CPC 940); (v) courier services (CPC 7512); (vi) certain business services (for example, accounting services, architectural services, engineering services, etc.) (CPC 862, 863, 867); (vii) insurance and insurance-related services (CPC 812, 814); and (viii) certain services provided to enterprises.<sup>105</sup>
- Only one or a few Parties (not more than three) made commitments in the following sectors and sub-sectors: (i) research and development services (CPC 85); (ii) postal services (CPC 7511); (iii) certain transport services (rail transport (CPC 711), maritime transport (CPC721), internal waterways transport (CPC 722) and pipeline transport (CPC 713))<sup>106</sup>; (iv) distribution services<sup>107</sup>; (v) radio and television services (CPC 9613); (vi) recreational, cultural and sporting services<sup>108</sup>; and (vii) certain health<sup>109</sup> and education services<sup>110</sup>, as well as certain services provided to enterprises.<sup>111</sup>

The table in Appendix Table 2 below provides an overview of the Parties' coverage of services (including construction services) under the revised GPA.

It should be noted that under the GPA, Parties have not uniformly liberalized their procurement market of services. In order to remedy this lack of uniformity amongst Parties, a

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<sup>103</sup> Adapted from Pelletier (forthcoming 2014).

<sup>104</sup> The eight Parties are the following: (i) the European Union; (ii) Hong Kong, China; (iii) Iceland; (iv) Liechtenstein; (v) the Netherlands with respect to Aruba; (vi) Norway; (vii) Switzerland; and (viii) the United States. See also Figure 1 above.

<sup>105</sup> See the following CPC codes: 871, 864, 865, 866, 8676, 881, 883, 5115, 8675, 633, 8861-8866, 874 and 88 442.

<sup>106</sup> See the following CPC codes: 7211, 7214, 745, 711, 722, 713, 741, 742, 749, 95, 97, 98 and 99.

<sup>107</sup> See the following CPC codes: 621, 622, 631, 632, 6111, 6113, 6121 and 8929.

<sup>108</sup> See the following CPC codes: 9619, 962, 963 and 964.

<sup>109</sup> See the following CPC codes: 9311, 9319 and 933.

<sup>110</sup> See the following CPC codes: 921, 922 and 923.

<sup>111</sup> See the following CPC codes: 884, 885, 887 and 872.

number of Parties have focused on reciprocal liberalization of a particular service as a condition of access to their procurement of the same type of service. The application of reciprocity in the services sector means that, in practice, Parties do not have access to certain services because they have not themselves liberalized the same services sector. For example, nine Parties have based their commitments on mutual reciprocity.<sup>112</sup> By means of a note, these Parties have specified that the GPA applies to the services listed in their commitments, in respect of a given Party, only to the extent that this Party has given reciprocal access to the service concerned.

#### 4.2.1.1.2 RTAs

As noted above, a total of 68 RTAs include coverage of services.<sup>113</sup> Although the coverage of services varies significantly between RTAs, a number of general comments can be made concerning services commitments in RTAs:

- In almost all cases, the RTAs between GPA Parties and non-GPA Parties are largely "copied" or "modelled" on GPA commitments with, in a good number of cases, some deletions.<sup>114</sup> In particular, none of the RTAs involving the following GPA Parties contain the additional coverage of services offered under the revised GPA: (i) EFTA countries; (ii) the EU; (iii) Hong Kong, China; (iv) Israel; (v) Japan; (vi) Korea, Republic of; (vii) Singapore; and (viii) the US. The additional services include over 50 new services or sub-categories of particular services, e.g. in sectors like financial services, telecommunication services (e.g. CPC 7524, 7525, and 7526 and with regard to voice telephony, radiotelephony, paging and satellite services).
- The following three sectors are often covered in all or in part by the parties to RTAs: (i) parts of telecommunication services (mainly value-added services)(CPC 752)<sup>115</sup>; (ii) computer and related services (CPC 84)<sup>116</sup>; and (iii) environmental services (CPC 940).<sup>117</sup>

The following sectors and sub-sectors have been excluded by a significant number of parties to RTAs: (i) research and development services (CPC 85)<sup>118</sup>; (ii) certain health<sup>119</sup> and education<sup>120</sup>

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<sup>112</sup> The nine Parties are the following: (i) Canada; (ii) the European Union; (iii) Iceland; (iv) Korea, Republic of; (v) Liechtenstein; (vi) Norway; (vii) Switzerland; (viii) Chinese Taipei; and (ix) the United States.

<sup>113</sup> See Table 1 at p.17 and note 4 above. It is recalled that these 68 RTAs include (i) 12 RTAs between GPA Parties; (ii) 36 agreements between GPA Parties and non-GPA Parties; and (iii) 20 RTAs between non-GPA Parties. Altogether, these RTAs cover around 70 WTO Members, mainly originating from the following geographical regions: Latin America (South, Central and the Caribbean), North America, Europe, and a number of Asian WTO Members (including, e.g. Australia, Japan, Korea, New Zealand and Singapore). It also comprises one Member from Africa (i.e. Morocco), one from the Commonwealth of Independent States (CIS) (i.e. Ukraine) and two countries from the Middle East (Oman and Bahrain).

<sup>114</sup> By "modelled on", we mean that the non-GPA Parties' commitments provide a similar annex structure and systematic approach to coverage.

<sup>115</sup> Parts of telecommunication services are often covered by, e.g. the following parties to RTAs: (i) Australia; (ii) CAFTA-DR; (iii) Canada; (iv) Central American countries; (v) Chile; (vi) Colombia; (vii) EFTA; (viii) Hong Kong, China; (ix) the EU; (x) Japan; (xi) Morocco; (xii) New Zealand; (xiii) Panama; (xiv) Peru; (xv) Singapore; and (xvi) the US.

<sup>116</sup> Computer and related services are often covered by, e.g. the following parties to RTAs: (i) Australia; (ii) Bahrain; (iii) CARIFORUM States EPA; (iv) Central American countries; (v) Chile; (vi) Colombia; (vii) EFTA; (viii) the EU; (ix) Israel; (x) Hong Kong, China; (xi) Japan; (xii) Mexico; (xiii) Morocco; (xiv) New Zealand; (xv) Oman; (xvi) Panama; (xvii) Peru; and (xviii) Singapore.

<sup>117</sup> Environmental services are often covered by, e.g. the following parties to RTAs: (i) Australia; (ii) CAFTA-DR; (iii) Canada; (iv) Central American countries (except Guatemala and Nicaragua); (v) Chile; (vi) EFTA; (vii) the EU; (viii) Hong Kong, China; (ix) Israel; (x) Japan; (xi) Korea, Republic of; (xii) Mexico; (xiii) Morocco (parts only); (xiv) New Zealand; (xv) Panama; (xvi) Peru; (xvii) Singapore; and (xviii) the US.

<sup>118</sup> Research and Development services (R&Ds) are often excluded by, e.g. the following parties to RTAs: (i) Bahrain; (ii) Canada; (iii) CARIFORUM States EPA; (iv) Chile; (v) Colombia; (vi) Costa Rica; (vii) EFTA countries; (viii) the EU; (ix) Dominican Republic; (x) Mexico; (xi) Nicaragua; (xii) New Zealand; (xiii) Panama; (xiv) Singapore; (xv) Switzerland; and (xvi) the United States.

<sup>119</sup> Health related services are often excluded by, e.g. the following parties to RTAs: (i) Australia; (ii) Canada; (iii) Colombia; (iv) Central American countries; (v) Costa Rica; (vi) Guatemala; (vii) New Zealand; (viii) Nicaragua; and (ix) Panama.

services; (iii) arbitration and conciliation services<sup>121</sup>; (iv) public utilities<sup>122</sup>; and (v) financial services<sup>123</sup>. In addition, other services are also often excluded, e.g. postal services are generally excluded by Panama and CARIFORUM States EPA; and certain radio and television services by Colombia and Singapore. Appendix Table 3 below provides an overview of the coverage of services and construction services in RTAs, as compared to the revised GPA.

Overall, it can be noted that the approach taken by a number of non-GPA Parties can be contrasted with that of most GPA Parties (used in the RTAs in which they participate), in that they cover all services, subject to a number of exceptions. Chile, e.g. in almost all of its RTAs covers all services with only a limited number of exceptions, which are adapted to the exceptions maintained by its trading partner. The most common exclusions in RTAs involving Chile are financial services (and occasionally, R&Ds and arbitration services). Other RTA parties have also offered broad coverage of services in some RTAs, including, for example, (i) Australia; (ii) Bahrain; (iii) Central American countries; (iv) Morocco; (v) New Zealand; (vi) Oman; (vii) Peru; (viii) Singapore; and (ix) the US (See Appendix Table 3 below).

Comprehensive coverage of services is achieved in the treaties concluded between, e.g.: (i) Panama and Central America (i.e. Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua); (ii) Chile and Central America (i.e. Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua); (iii) Mexico-Colombia; (iv) Mexico and Nicaragua; (v) Colombia Northern Triangle (El Salvador, Guatemala, Honduras); (vi) Singapore and New Zealand; and (vii) Singapore and Australia. In contrast, pending the elaboration of specific commitments, the Costa Rica-Mexico agreement provisionally excludes services from coverage, and the Trans-Pacific Strategic Economic Partnership Agreement does not include services and construction services commitments in regard to Brunei.

#### 4.2.1.2 Construction services coverage

##### 4.2.1.2.1 GPA

Annex 6 to the GPA provides details on construction services and the types of build-operate-transfer of ownership (BOT) contracts, public works concessions or other forms of PPPs covered by the Parties. Under the revised GPA, all Parties now provide full coverage of construction services (CPC 51).<sup>124</sup> Furthermore, the revised text of the GPA innovates by now providing a common definition of construction services. This definition states that the words "construction service" mean a service that has as its objective the realization by whatever means of civil or building works, based on Division 51 of the CPCprov.<sup>125</sup>

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<sup>120</sup> Education services are often excluded (in full or partially) by, e.g. the following parties to RTAs: (i) Australia (by certain entities); (ii) Central America countries; (iii) Costa Rica; (iv) Colombia; (v) Dominican Republic; (vi) Guatemala; (vii) New Zealand; (viii) Nicaragua; and (ix) Panama.

<sup>121</sup> Arbitration and Conciliation services are often excluded by, e.g. the following parties to RTAs: (i) Bahrain; (ii) Canada; (iii) Chile (in its RTAs with the EU and EFTA); (iv) CARIFORUM States EPA; (v) the EFTA; (vi) the EU; and (vii) Oman.

<sup>122</sup> Public utilities are often excluded (in full or partially) by, e.g. the following parties to RTAs: (i) Australia (for certain entities only); (ii) Bahrain; (iii) Canada, (iv) Colombia; (v) Mexico; (vi) Morocco (parts only); (vii) Oman; and (viii) the US.

<sup>123</sup> Public utilities are often excluded (in full or partially) by, e.g. the following parties to RTAs: (i) Australia; (ii) Bahrain (parts); (iii) Canada; (iv) Central America (with Chile); (v) Chile; (vi) Colombia; (vii) the EFTA; (viii) Korea; (ix) Mexico; and (x) Oman.

<sup>124</sup> It should be noted, however, that there are still certain differences in the applicable thresholds for construction services, especially in relation to Annexes 2 and 3.

<sup>125</sup> See revised GPA, Article 1(c).

Moreover, following the conclusion of the negotiations in March 2012, three Parties (the European Union, Japan and Korea) explicitly extended the GPA's scope to BOTs, public works concessions (PWCs) or other forms of PPPs. This in itself is a very important addition to the GPA's coverage.

#### 4.2.1.2.2 RTAs

With regard to construction services in the context of RTAs, and as briefly noted above, the alternative positive and negative list approaches have very limited, if any, impact on the level of covered construction services. This is because the positive lists usually cover the entire range of construction services listed in the CPC 51 (or equivalent), and the negative lists also refer to all construction services listed in CPC 51 (or equivalent). Although a number of exceptions can be noted, overall, a clear tendency to cover construction services across the board is visible. Appendix Table 3 below provides an overview of the coverage of construction services in RTAs, as compared to the revised GPA.

The exceptions to construction services include, e.g. an exclusion generally listed by the US and also Canada relating to dredging services (Panama has also included such an exclusion in its RTAs with Canada, Peru and the US). Canada also excludes construction procurement by the Department of Transport (both in the GPA/NAFTA and in RTAs) and oil and gas mining in its RTAs with Chile, Colombia, Panama, and Peru. As in the revised GPA, the US has included in a number of RTAs: (i) an exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; and (ii) an exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects. Chile excludes procurements relating to construction projects for the Easter Islands in some agreements. In the Singapore-Panama RTA, an express requirement that architects and/or engineers be qualified locally is included. While this is a restriction that Singapore does not introduce in the GPA and other RTAs, reciprocity seems to fully explain this additional requirement. Major gaps in construction service coverage are present in the Japan-Singapore RTA, which does not cover construction services<sup>126</sup>, as well as the Trans-Pacific Strategic Economic Partnership Agreement in regard to Brunei, and the Mexico-Costa Rica RTA, as pointed out above.

One of the most interesting trends in the RTAs analysed is the significant number of agreements which explicitly cover build-operate-transfer (BOT) contracts and public works concessions (PWCs). In this regard, while only three GPA Parties (the European Union, Japan and Korea) explicitly cover them under the revised GPA, at least 18 RTA parties have undertaken (at least once) commitments with regard to BOTs, PWCs or other forms of PPPs.<sup>127</sup> Therefore, it is also interesting to note that more than half of the RTAs between GPA Parties and non-Parties (19 out of 36 RTAs); and roughly a third of the RTAs between non-GPA Parties (7 out of 20 RTAs); explicitly cover this aspect of government procurement. In this respect, it is possible to observe in regard to agreements between GPA and non-GPA Parties, that (i) those involving Chile generally include BOTs/ public works concessions<sup>128</sup>; (ii) those involving the US systematically include BOTs/ public works concessions (mainly) when concluded with a non-GPA Party; and that (iii) Canada, the EU, the EFTA States, Korea and Singapore have only in some cases signed RTAs involving BOTs/PWCs. On the other hand, RTAs involving Japan and Israel have so far not included any explicit BOTs/public works concessions.

#### 4.2.2 Other dimensions of market access

As noted above, a number of other market access dimensions need to be taken into account to obtain an overall view of coverage commitments. The following section provides additional

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<sup>126</sup> While the commitments made under the GPA of course remain in force between those countries.

<sup>127</sup> These include the following parties to RTAs: (i) Australia; (ii) Bahrain; (iii) CAFTA-DR; (iv) Canada; (v) Central American countries (with the RTAs with Chile); (vi) Chile; (vii) Colombia; (viii) EFTA; (ix) the EU; (x) Hong Kong, China; (xi) Korea, Republic of; (xii) Morocco; (xiii) New Zealand; (xiv) Oman; (xv) Panama; (xvi) Peru; (xvii) Singapore; and (xviii) the US.

<sup>128</sup> The only exceptions being the Chile-Japan, Chile-Mexico RTAs.

information on the following elements: (i) the government entities covered by the GPA listed in Annexes 1 to 3; (ii) the goods; and (iii) the thresholds applicable.<sup>129</sup>

#### 4.2.2.1 Entity coverage

Identifying the types of entity covered by the GPA is crucial to determining the limits of the coverage commitments in the GPA and RTAs. Variations in the entities covered under the procurement provisions affect the overall market access since the agreements apply only to services (and goods) that are procured by covered entities.

In general, the types of entity covered by the revised GPA are particularly broad and diversified.<sup>130</sup> To take one example, considered as a whole, the Parties to the Agreement list a minimum of 5,200 entities, and potentially many more.<sup>131</sup> The entities covered by the Agreement can be divided into three major groups, which each Party has listed in Annexes 1 to 3 of Appendix I. These Annexes cover, respectively, central government entities, sub-central government entities, and all other entities whose procurement is covered by the Agreement.

The entities covered under RTA procurement Chapters have been addressed in recent studies.<sup>132</sup> These studies found that the overall coverage of entities under the RTAs was also wide-ranging and diversified. As in the GPA, the entities covered can, generally, be divided into three main groups, namely central government entities, sub-central government entities, and all other entities whose procurement is covered by the RTA. With regard to RTAs involving GPA Parties, these studies found that in almost all instances GPA Parties stay behind their revised GPA commitments on coverage of entities or follow their GPA 1994 commitments. In very rare instances, additional entities are covered. The coverage of entities also differs as between: (i) RTAs between two or more GPA Parties; (ii) RTAs between GPA Parties and non-GPA Parties; and (iii) RTAs between non-GPA Parties.

With regard to RTAs between GPA Parties, the entity coverage generally remains the same. Regarding RTAs between GPA Parties and non-GPA Parties, it becomes evident that GPA and NAFTA Parties use their respective commitments under those agreements as a model for their RTA coverage commitments.<sup>133</sup> For example, the EU, the EFTA, Israel, Japan, Korea and Singapore use their GPA Annexes 1-3 also in RTAs, while sometimes excluding Annex 2. Overall, it is striking that the great majority of Agreements between GPA and non-GPA Parties provides for less or no coverage of sub-central government entities (Annex 2) and no agreement provides for more extensive market access as compared to the GPA. For example, the US coverage of sub-central government entities varies from covering 37 of the 50 states (as in the GPA and in only one RTA, namely US-Chile) to 9 states. It can be concluded that in all but one of US RTAs (with Chile), the US offers considerably less than the corresponding GPA commitment level. Other GPA Parties' entity coverage follows their GPA Annexes 1-3 more closely, with complete Annex 2 exclusion being the most common coverage gap as compared to the GPA.

Only a limited number of agreements (e.g. between New Zealand and Singapore) provide for complete entity coverage, in that it liberalizes all procurement by procuring entities generally (with the exception of sub-central government entities), without establishing positive lists.<sup>134</sup> In

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<sup>129</sup> See also above note 82.

<sup>130</sup> For a detailed discussion on the coverage of entities under the revised GPA, see Pelletier (forthcoming 2014).

<sup>131</sup> The exact number of entities covered by the revised GPA cannot be determined because a certain number of Parties follow a generic approach, without an indicative list, to designate those entities whose procurement is covered by the Agreement. Where such an approach is followed, the Annexes to the revised GPA do not, by themselves, allow the full range of entities covered by the Agreement to be identified with precision (Pelletier, forthcoming 2014).

<sup>132</sup> See e.g. Anderson, Müller, Osei-Lah, Pardo de Leon, & Pelletier (2011).

<sup>133</sup> The commitments made in the GPA, e.g. in case of the EU and EFTA States, may in turn depend on interstate regulations/agreements on the subject-matter. The GPA is, however, used as main point of reference for the purpose of this paper.

<sup>134</sup> This statement applies only to the RTAs examined. For example, the EU, in its internal regulations, uses broad definitions of covered entities. As secondary EU legislation, these regulations are not considered here.

that regard, it goes further than the GPA. This approach is also adopted in a number of the RTAs concluded between non-GPA Parties (e.g. with RTAs involving Central American countries).

#### 4.2.2.2 Thresholds

Thresholds in the GPA, and in the government procurement sections of RTAs, define the minimum estimated value that a proposed procurement must have in order for it to be subject to the GPA rules, or to the RTA concerned. Contracts that do not come up to the threshold values are not subject to the requirements of the agreement concerned.

As in the GPA, in all RTAs containing threshold values for services procurement commitments, a distinction is made between thresholds for construction services and thresholds for all other goods and services (the former being always higher). In the context of the GPA, the thresholds are generally set at 130,000 SDRs (Special Drawing Rights) for services (and goods) procured by central government (Annex 1) entities. Higher thresholds are applicable for services (and goods) procured by sub-central (Annex 2) and "other" (Annex 3) entities, respectively of 200,000 SDRs and 400,000 SDRs (in most cases). A separate threshold which, for the great majority of GPA Parties, is set at 5,000,000 SDRs is applicable to construction services procured by all entities.

With regard to RTAs, the levels of the relevant thresholds differ as between: (i) RTAs between two or more GPA Parties; (ii) RTAs between GPA Parties and non-GPA Parties; and (iii) RTAs between non-GPA Parties. With regard to the first group (i.e. RTAs between GPA Parties), parties have, in some cases, negotiated lower thresholds than they have been willing to commit to in the GPA context.<sup>135</sup> Apart from these exceptions, there is a clear tendency to incorporate thresholds that are comparable to those used in the GPA context.

Some of the foregoing statements with respect to RTAs between GPA Parties also apply to the second major category of agreements considered, namely RTAs between GPA Parties and non-Parties. One interesting point is that the Singapore-Australia agreement does not set any thresholds, but generally covers all procurement, while the Singapore-New Zealand RTA contains very low thresholds throughout and especially for construction services.<sup>136</sup> One can therefore conclude that GPA/NAFTA Parties generally negotiate thresholds at GPA or NAFTA levels, or a mix of both, with however some exceptions, mainly with respect to central government entities. The EU and EFTA countries, in particular, adhere closely to GPA commitment levels.<sup>137</sup> This trend could be partly explained by the parties' desire to avoid burdensome complexity at the implementation stage. Indeed, disharmony in the level of thresholds applicable between agreements would entail significant costs.

#### 4.2.2.3 Goods

Finally, it is also important to mention that under the revised GPA, all procurement of goods (by the entities covered and for an amount exceeding the threshold) is covered, except where it is expressly excluded. As was the case for the GPA 1994, the main exception as regards goods concerns procurement for the national defence sector. As a matter of principle, all goods are also covered in the RTAs that include coverage commitments. Therefore, differences in coverage in regard to goods mostly depend on the related entity coverage and thresholds, as well as specific

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<sup>135</sup> See, e.g. Canada-EFTA, Canada-Israel, the EEA, EFTA Convention, EFTA-Israel, EFTA-Korea, EFTA-Singapore, Japan-Singapore, Japan-Switzerland, Korea-Singapore, US-Singapore, and US-Israel.

<sup>136</sup> Again, certain agreements omit commitments regarding services procurement of sub-central government (Annex 2) entities (Canada-Peru, EU-CARIFORUM States EPA, EU-Mexico, EFTA-Mexico, Israel-Mexico, Japan-Mexico, Korea-Chile (for Chile only), Singapore-Panama, US-Bahrain, US-Oman) and/or other (Annex 3) entities (EU-CARIFORUM States EPA, Korea-Chile (services), Trans-Pacific Economic Partnership (except for Chile). The treaties between US and Bahrain and between the US and Oman set Annex 3 construction services thresholds at a level comparable to NAFTA, i.e. higher than GPA. The same is true for Mexico's commitments in EU-Mexico.

<sup>137</sup> See above note 133.

or general exclusions of e.g. procurements for defence purposes (where positive lists of "non-sensitive" goods are often applied).<sup>138</sup>

## 5 ALTERNATIVE APPROACHES FOR DEEPENING DISCIPLINES IN THIS AREA

As the preceding sections have shown, there are clear economic and practical complementarities to be realized between international trade disciplines/commitments regarding trade in services and similar arrangements regarding government procurement policies. Yet, in legal terms, this link has not been translated into a harmonized and integrated system of market access commitments covering both trade in services and services procurement. Therefore, a question of interest concerns the delineation of possible approaches for deepening disciplines in this area. The following outline of possible options is not intended to be dispositive in this regard and is provided strictly for the purposes of stimulating reflection; certainly, as Secretariat staff members, the authors are not advocating any particular approach.

To begin with, one obvious possible avenue is that which is set out in Paragraph 2 of Article XIII of the GATS. This paragraph states that "There shall be multilateral negotiations on government procurement in services under this Agreement within two years from the date of entry into force of the WTO Agreement". The Working Party on GATS Rules was established by the Council on Trade in Services in March 1995 to carry out, among other tasks, the mandate set out in this provision. It should be noted that GATS Article XIII:2 does not specify an end date for the negotiations. However, the Guidelines and Procedures for the Negotiations on Trade in Services, adopted by the Special Session of the Council for Trade in Services on 28 March 2001 (WTO, Council for Trade in Services, 2001b), provide that Members shall aim to complete the negotiations in various rule-making areas, including those pursuant to Article XIII, prior to the conclusion of negotiations on specific commitments.

A difficulty with this approach is that WTO Members have indicated that they hold different views with respect to the scope of the mandate for negotiations contained in Article XIII. Some Members have expressed the view that negotiations under this mandate can involve market access commitments and non-discrimination in addition to transparency and other procedural issues. The European Union, in particular, has expressed this view and has promoted negotiations relating to a range of substantive elements (WTO, Working Party on GATS Rules, 2004a, 2005, 2006). Other Members have made clear, however, that they do not share this interpretation, considering that MFN treatment, market access and national treatment are excluded from the scope of the mandated negotiations by virtue of the limitations embodied in paragraph 1 of Article XIII.<sup>139</sup>

Apart from the above-noted matter of differing views with respect to the mandate in Article XIII:1, from a substantive point of view, a negotiation along the lines of that proposed by the European Union could potentially address the issue of unrealized complementarities between the general possibilities for services trade and government procurement of services. It would not address the similar issues that arise with respect to general conditions for trade in goods and the procurement of goods by governments.

Another possible solution would be to "multilateralize" the GPA (i.e., expand its membership to encompass the full Membership of the WTO), while also progressively deepening the Agreement's market access commitments and harmonizing those commitments with participants' GATS schedules. For example, GPA schedules could refer back to GATS schedules and guarantee market access to procurement opportunities with regard to all services committed under GATS. Conceptually, this approach would appear to be the most powerful: it would enable the simultaneous broadening and deepening of disciplines with respect to both goods and services procurement, and the greater realization of synergies between those disciplines and the main WTO Agreements addressing goods and services trade.

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<sup>138</sup> For a detailed discussion on the coverage of goods under the revised GPA, see Pelletier (forthcoming 2014).

<sup>139</sup> Paragraph 1 of Article XIII provides that "Articles II, XVI and XVII shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale".

An obvious difficulty associated with this possibility is that roughly two thirds of the WTO's Members remain outside of the GPA, and the majority of those have not shown interest in joining the Agreement in the future. Certainly, whether this is a feasible option depends on political and strategic choices that would have to be taken by WTO Members. On the other hand, a *gradual* broadening of the GPA's membership over time together with a progressive deepening of market access commitments is not at all unrealistic: already, ten additional WTO Members have started the process of accession to the Agreement; a further five have made similar commitments in connection with their WTO accession protocols; and a large number of other WTO Members, including Members from Africa, Asia, Eastern Europe and Latin America participate in bilateral agreements which, as noted above, potentially make GPA accession relatively easy by including very similar commitments in government procurement chapters.

Yet another possibility at least for deepening understanding of the benefits of cooperation in the subject area of government procurement would involve reactivation of work in the (currently inactive) WTO Working Group on Transparency in Government Procurement. As noted in Part 2 above, the decision taken by the WTO General Council regarding this work on 1 August 2004 provides that no further negotiations on this issue (or on the separate issues of the relationship between trade and investment and the interaction between trade and competition) can take place within the WTO during the Doha Round (see WTO, General Council (2004), para. 1(g)). Presumably, though, this decision would not preclude a resumption of exploratory work on this issue pending completion of the Round.

A resumption of the work on transparency in government procurement could provide a context for discussion of the issues concerning unrealized synergies which are discussed in this paper; presumably, however, it could not address these issues directly since, all along, an important limitation on the scope of the Working Group's work was that it would not be concerned with market access per se, and only with transparency concerns.<sup>140</sup>

Still another possibility is to take up relevant issues in the context of bilateral or regional negotiations. Indeed, as already seen above in the context of this paper, a large number of WTO Members that are not covered by the GPA participate in regional or bilateral agreements embodying very similar disciplines (see also Anderson, Müller, Osei-Lah, Pardo de Leon and Pelletier 2011). Consequently, the deepening/elaboration of further bilateral disciplines may well be the "default solution" if ways are not found to address the issues canvassed in this paper at the multilateral level. There are, however, also limitations to this approach: it is difficult to see how bilateral disciplines alone could achieve the harmonization of commitments across multiple WTO Members that would be needed to fully realize the relevant potential synergies.

Overall, it seems clear that each of these possibilities has potential merits, though none is without related challenges. To be sure, these options are noted only for the purposes of stimulating reflection; very clearly, only WTO Members can decide which (if any) approach to follow.

## 6 CONCLUSION

This paper has discussed the relationship between commitments on services trade and government procurement with reference to relevant WTO agreements and recent RTAs. Both economic and legal dimensions have been considered, and a number of insights have emerged.

A first important observation that has been made is that a strong complementarity exists between services trade commitments (as under the GATS) and services procurement commitments (as under the GPA). The complementarity of general services trade and services procurement commitments is first and foremost a matter of economics: typically, rights of establishment or of cross-border supply granted to foreign service suppliers in a given service

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<sup>140</sup> See WTO, Doha Ministerial Conference (2001), para. 26: "[...] *Negotiations shall be limited to the transparency aspects and therefore will not restrict the scope for countries to give preferences to domestic supplies and suppliers. We commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.*" The limitation to transparency was reiterated in the Draft Cancún Ministerial Declaration (WTO (2003), Annex D: Transparency in Government Procurement, paras. 1 and 2.

sector under the GATS will have an important bearing on their ability to compete effectively for such contracts under the GPA. This is because foreign suppliers not only have to secure the right to participate in tenders on a non-discriminatory basis, but also need to rely on general market access rights to be able to supply services to government. Conversely, access to procurement markets (governed by the GPA) can also have a significant bearing on the scale of operations and therefore the competitiveness of individual suppliers generally. Often, in fact, the largest contracts won by such suppliers will be with government entities. If a foreign supplier is excluded from these, this will affect its commercial presence in the market independent of relevant GATS disciplines. GPA coverage thus adds commercial value and viability to services commitments in GATS, *and* the other way around.

In contrast, from a legal point of view, disciplines in the two areas (general services trade and services procurement) have been "divided up" into two Agreements with different (but complementary) spheres of application: the key provisions regarding the scope of application of the GATS and the GPA make clear that each serves purposes that the other does not. The general picture that emerges is one of the relative specificity of the GPA: generally, it deals with procurement-specific measures. Conversely, the GPA leaves non-procurement-specific measures relating to international trade in services (and goods) to the rules provided by the GATS (and GATT), as well as other WTO Agreements. This creates, at least in theory, the potential for a lack of coordination with regard to market liberalization in both fields.

The GPA Parties are aware of the situation: at least in some cases, GPA and GATS commitments appear to have been coordinated. Furthermore, a number of GPA Parties have added notes to their schedules stating explicitly that their GPA services commitments are "subject to the terms and conditions set out in [their] Schedule to the GATS" or words to that effect. It is possible, though, that Parties' GPA and GATS commitments are not yet coordinated in all respects. In addition, clearly, the fact of the GPA's limited membership as compared to the multilateral agreements means that many WTO Members do not benefit from the synergies that are possible between these two fields of trade regulation.

Our discussion of RTAs reinforces the picture set out above. Specifically, RTAs that address these issues in a significant way typically also contain provisions delineating separate but complementary spheres of application for services and procurement disciplines. Overall, therefore, and looking at both the WTO Agreements and relevant RTAs, there are clear economic and practical links between commitments enabling trade in services and services procurement. Yet, in legal terms, this link has not been translated into a fully harmonized and integrated system of market access commitments.

Our discussion on RTAs also highlights that government procurement chapters in such agreements are modelled substantially or entirely on the text of the WTO GPA (in some cases, the 1994 version of the text, and in others, the revised version). As a consequence, the significance of the GPA as an instrument of international economic policy goes beyond its actual membership. The fact that government procurement disciplines in RTAs broadly track those of the GPA also makes a significant further broadening of the GPA's membership easier (if WTO Members choose to pursue this), to the extent that it has already brought participating WTO Members procurement legislation and practices broadly in line with GPA norms.

With regard to the structure and extent of coverage commitments, we find that the approaches used to schedule services trade and government procurement commitments differ substantially as between the GATS and the GPA. The observation is also made that, while some RTAs provide for services procurement commitments that are deeper than those of the GPA in particular respects (e.g. additional services sectors or coverage of BOTs), this is by no means true generally with regard to all dimensions of coverage. Overall, the market access opportunities created by government procurement chapters in RTAs generally are significantly less than those available under the revised GPA. The main arguable exceptions concern some RTAs between GPA Parties and a few agreements in Latin America.

Part 5 of the paper sets out, for reflection, several possibilities for deepening disciplines in related areas. These include: (i) the GATS built-in mandate for negotiations (Article XII:2); (ii) "multilateralization" of the GPA; (iii) the reactivation of work in the (currently inactive) WTO Working Group on Transparency in Government Procurement; and (iv) the taking up of relevant issues in the context of bilateral or regional negotiations. Overall, it finds that each of these possibilities has potential merits, though none is without related challenges. To be sure, these

options are noted only for the purposes of stimulating reflection; very clearly, only WTO Members can decide which (if any) approach to follow.

As an overall conclusion, we find that international rules on government procurement, where they apply, and particularly with respect to services procurement, complement more general rules on services trade in important respects. Not all the relevant potential synergies have been realized, in part due to the limited membership (at least for the present) of the WTO GPA. It is hoped that the information provided in this paper will assist WTO Members in developing their own positions on related issues.

## **Appendix Tables**

**Appendix Table 1 - The Treatment of Government Procurement in RTAs: Basic Characteristics of Agreements Reviewed\***

No	AGREEMENT	NOTIFICATION DATE TO THE WTO	DATE OF ENTRY INTO FORCE	PROCEDURAL PROVISIONS ANALOGOUS TO THE GPA	LIBERALIZATION ONLY AS GENERAL OBJECTIVE	COVERAGE COMMITMENTS
<b>I – RTAs BETWEEN GPA PARTIES</b>						
<b>WITH GOVERNMENT PROCUREMENT PROVISIONS</b>						
1.	Canada - EFTA <sup>1</sup>	04-Aug-09	01-Jul-09	✓ <sup>i</sup>	X	✓ <sup>i</sup>
2.	Canada - Israel <sup>2</sup>	15-Jan-97	01-Jan-97	✓ <sup>i</sup>	X	✓ <sup>i</sup>
3.	European Economic Area <sup>1</sup>	13-Sep-96	01-Jan-94	✓ <sup>i</sup>	X	✓ <sup>i</sup>
4.	EFTA (S) <sup>1</sup>	15-Jul-02	01-Jun-02	✓ <sup>i</sup>	X	✓ <sup>ii</sup>
5.	EFTA – Hong Kong, China <sup>1</sup>	27-Sep-12	01-Oct-12	✓ <sup>i</sup>	X	✓ <sup>i</sup>
6.	EFTA - Israel <sup>1</sup>	30-Nov-92	01-Jan-93	✓ <sup>i</sup>	X	✓ <sup>i</sup>
7.	EFTA - Korea, Republic of <sup>1</sup>	23-Aug-06	01-Sep-06	✓ <sup>i</sup>	X	✓ <sup>i</sup>
8.	EFTA - Singapore <sup>1</sup>	14-Jan-03	01-Jan-03	✓ <sup>i</sup>	X	✓ <sup>i</sup>
9.	EU – Israel <sup>2</sup>	20-Sep-00	01-Jun-00	X	✓	X <sup>iii</sup>
10.	EU – Korea, Republic of <sup>1</sup>	07-Jul-11	01-Jul-11	✓ <sup>i</sup>	X	✓ <sup>i</sup>
11.	Japan – Singapore <sup>1</sup>	08-Nov-02	30-Nov-02	✓ <sup>i</sup>	X	✓ <sup>i</sup>
12.	Japan – Switzerland <sup>1</sup>	01-Sep-09	01-Sep-09	✓ <sup>i</sup>	X	✓ <sup>i</sup>
13.	Korea, Republic of – Singapore <sup>1</sup>	21-Feb-06	02-Mar-06	✓ <sup>i</sup>	X	✓ <sup>i</sup>
14.	US – Israel <sup>2</sup>	13-Sep-85	19-Aug-85	✓ <sup>i</sup>	X	✓ <sup>i</sup>
15.	US – Korea, Republic of <sup>1</sup>	15-Mar-12	15-Mar-12	✓ <sup>i</sup>	X	✓ <sup>i</sup>
16.	US – Singapore <sup>1</sup>	17-Dec-03	01-Jan-04	✓ <sup>i</sup>	X	✓ <sup>i</sup>
<b>WITHOUT GOVERNMENT PROCUREMENT PROVISIONS</b>						
17.	EU - Treaty (Goods/Services) <sup>1</sup>	24-Apr-1957/10-Nov-95	01-Jan-58	X <sup>iv</sup>	X <sup>iv</sup>	X <sup>iv</sup>
18.	EU (25) Enlargement (Services) <sup>1</sup>	26-Apr-04	01-May-04	X <sup>iv</sup>	X <sup>iv</sup>	X <sup>iv</sup>
19.	EU (27) Enlargement (Goods/Services) <sup>1</sup>	27-Sep-06 / 26-Jun-07	01-Jan-07	X <sup>iv</sup>	X <sup>iv</sup>	X <sup>iv</sup>
20.	EU (28) Enlargement (Goods/Services) <sup>1</sup>	25-Apr-13	01-Jul-13	X <sup>iv</sup>	X <sup>iv</sup>	X <sup>iv</sup>
21.	EU – Iceland <sup>1</sup>	24-Nov-72	01-Apr-73	X <sup>v</sup>	X <sup>v</sup>	X <sup>v</sup>
22.	EU-Norway <sup>1</sup>	13-Jul-73	13-Jul-73	X <sup>v</sup>	X <sup>v</sup>	X
23.	EU- Switzerland – Liechtenstein <sup>1</sup>	27-Oct-72	01-Jan-73	X <sup>v</sup>	X <sup>v</sup>	X <sup>v</sup>
<b>II - RTAs BETWEEN GPA PARTIES AND NON-PARTIES</b>						
<b>WITH GOVERNMENT PROCUREMENT PROVISIONS</b>						
24.	Canada – Chile <sup>2</sup>	30-Jul-97	05-Jul-97	✓	X	✓
25.	Canada – Colombia <sup>2</sup>	07-Oct-11	15-Aug-11	✓	X	✓
26.	Canada – Panama <sup>2</sup>	10-Apr-13	21-Nov-13	✓	X	✓
27.	Canada – Peru <sup>2</sup>	31-Jul-09	01-Aug-09	✓	X	✓
28.	EFTA – Chile <sup>2</sup>	03-Dec-04	01-Dec-04	✓	X	✓
29.	EFTA – Colombia <sup>2</sup>	14-Sep-11	01-Jul-11	✓	X	✓
30.	EFTA – Mexico <sup>2</sup>	25-Jul-01	01-Jul-01	✓ <sup>vi</sup>	X	✓
31.	EFTA – Peru <sup>2</sup>	30-Jun-11	01-Jul-11	✓	X	✓
32.	EFTA – Ukraine <sup>2</sup>	18-Jun-12	01-Jun-12	✓	X	✓
33.	EU-CARIFORUM <sup>2</sup>	16-Oct-08	01-Nov-08	✓	X	✓
34.	EU-Central America <sup>vii, 2</sup>	29-Jun-12	26-Feb-13	✓	X	✓
35.	EU – Chile <sup>2</sup>	03-Feb-04	01-Feb-03	✓	X	✓
36.	EU – Colombia/Peru <sup>2</sup>	26-Feb-13	01-Mar-13	✓	X	✓
37.	EU – Mexico <sup>2</sup>	25-Jul-00	01-Jul-00	✓ <sup>viii</sup>	X	✓
38.	Hong Kong, China – New Zealand <sup>1</sup>	03-Jan-11	01-Jan-11	✓	X	✓
39.	Israel - Mexico <sup>3</sup>	22-Feb-01	01-Jul-00	✓	X	✓
40.	Japan – Chile <sup>2</sup>	24-Aug-07	03-Sep-07	✓	X	✓ <sup>ix</sup>
41.	Japan – Mexico <sup>2</sup>	31-Mar-05	01-Apr-05	✓ <sup>x</sup>	X	✓
42.	Japan – Peru <sup>2</sup>	24-Feb-12	01-Mar-12	✓	X	✓
43.	Korea, Republic of – Chile <sup>2</sup>	08-Apr-04	01-Apr-04	✓	X	✓
44.	Korea, Republic of – Peru <sup>2</sup>	09-Aug-11	01-Aug-11	✓	X	✓
45.	NAFTA (Goods/Services) <sup>2</sup>	29-Jan-1993/01-Mar-95	01-Jan-94	✓	X	✓
46.	Norway - Faroe Islands <sup>1</sup>	12-Feb-96	01-Jul-93	✓	X	✓
47.	Singapore - Australia <sup>xi, 1</sup>	25-Sep-03	28-Jul-03	✓	X	✓
48.	Singapore - New Zealand <sup>1</sup>	04-Sep-01	01-Jan-01	✓	X	✓

\* This table was drawn up by the authors solely for the purposes of illustration and has no official status. The exact content of the Parties' commitments, including derogations and other relevant specifications, should be verified in the light of the relevant RTAs.

<sup>1</sup> No developing/transition economy.

<sup>2</sup> Between developed and developing/transition economies.

<sup>3</sup> Only developing/transition economies.

No	AGREEMENT	NOTIFICATION DATE TO THE WTO	DATE OF ENTRY INTO FORCE	PROCEDURAL PROVISIONS ANALOGOUS TO THE GPA	LIBERALIZATION ONLY AS GENERAL OBJECTIVE	COVERAGE COMMITMENTS
49.	Singapore - Panama <sup>xii, 2</sup>	04-Apr-07	24-Jul-06	✓	X	✓
50.	Singapore - Peru <sup>2</sup>	30-Jul-09	01-Aug-09	✓	X	✓
51.	Trans-Pacific Strategic Economic Partnership <sup>2</sup>	18-May-07	28-May-06	✓	X	✓
52.	US - Australia <sup>xiii, 2</sup>	22-Dec-04	01-Jan-05	✓	X	✓
53.	US - Bahrain <sup>ii</sup>	08-Sep-06	01-Aug-06	✓	X	✓
54.	US - CAFTA-DR (Dominican Republic - Central America) <sup>2</sup>	17-Mar-06	01-Mar-06	✓	X	✓
55.	US - Chile <sup>xiv, 2</sup>	16-Dec-03	01-Jan-04	✓	X	✓
56.	US - Colombia <sup>2</sup>	08-May-12	15-May-12	✓	X	✓
57.	US - Morocco <sup>2</sup>	30-Dec-05	01-Jan-06	✓	X	✓
58.	US - Oman <sup>2</sup>	30-Jan-09	01-Jan-09	✓	X	✓
59.	US - Panama <sup>2</sup>	29-Oct-12	31-Oct-12	✓	X	✓
60.	US - Peru <sup>2</sup>	03-Feb-09	01-Feb-09	✓	X	✓
61.	Canada - Costa Rica <sup>2</sup>	13-Jan-03	01-Nov-02	X	✓	X
62.	EU - Albania <sup>2</sup>	07-Mar-07	01-Dec-06	X	✓	X
63.	EU - Algeria <sup>2</sup>	24-Jul-06	01-Sep-05	X	✓	X
64.	EU - Cameroon <sup>2</sup>	24-Sep-09	01-Oct-09	X	✓	X
65.	EU - Eastern and Southern African States interim EPA <sup>2</sup>	09-Feb-12	14-May-12	X	✓ <sup>xv</sup>	X
66.	EU - Egypt <sup>2</sup>	03-Sep-04	01-Jun-04	X	✓	X
67.	EU - Jordan <sup>2</sup>	17-Dec-02	01-May-02	X	✓	X
68.	EU - Montenegro <sup>2</sup>	16-Jan-08	01-Jan-08	X	✓	X
69.	EU - Morocco <sup>2</sup>	13-Oct-00	01-Mar-00	X	✓	X
70.	EU - Palestinian Authority <sup>2</sup>	29-May-97	01-Jul-97	X	✓	X
71.	EU - South Africa <sup>2</sup>	02-Nov-00	01-Jan-00	X	✓	X
72.	EU - Turkey <sup>2</sup>	22-Dec-95	01-Jan-96	X	✓	X
73.	EFTA - Albania <sup>2</sup>	07-Feb-11	01-Nov-10	X	✓	X
74.	EFTA - Croatia <sup>2</sup>	14-Jan-02	01-Jan-02	X	✓	X <sup>iii</sup>
75.	EFTA - Egypt <sup>2</sup>	17-Jul-07	01-Aug-07	X	✓	X
76.	EFTA - Former Yugoslav Republic of Macedonia <sup>2</sup>	11-Dec-00	01-Jan-01	X	✓	X
77.	EFTA - Jordan <sup>2</sup>	17-Jan-02	01-Jan-02	X	✓	X
78.	EFTA - Lebanon <sup>2</sup>	22-Dec-06	01-Jan-07	X	✓	X
79.	EFTA - Montenegro <sup>2</sup>	24-Oct-12	01-Sep-12	X	✓	X
80.	EFTA - Morocco <sup>2</sup>	20-Jan-00	01-Dec-99	X	✓	X
81.	EFTA - Palestinian Authority <sup>2</sup>	23-Jul-99	01-Jul-99	X	✓	X
82.	EFTA - SACU <sup>2</sup>	29-Oct-08	01-May-08	X	✓	X
83.	EFTA - Serbia <sup>2</sup>	24-Nov-10	01-Oct-10	X	✓	X
84.	EFTA - Tunisia <sup>2</sup>	03-Jun-05	01-Jun-05	X	✓	X
85.	EFTA - Turkey <sup>2</sup>	06-Mar-92	01-Apr-92	X	✓	X
86.	Iceland - Faroe Islands <sup>1</sup>	10-Jul-08	01-Nov-06	X	✓ <sup>xvi</sup>	X
87.	Israel - Turkey <sup>2</sup>	16-Apr-98	01-May-97	X	✓	X
88.	Japan - Brunei Darussalam <sup>2</sup>	31-Jul-08	31-Jul-08	X	✓	X
89.	Japan - India <sup>2</sup>	14-Sep-11	15-Aug-11	X	?	X
90.	Japan - Indonesia <sup>2</sup>	27-Jun-08	01-Jul-08	X	✓	X
91.	Japan - Philippines <sup>2</sup>	11-Dec-08	11-Dec-08	X	✓	X
92.	Japan - Thailand <sup>2</sup>	25-Oct-07	01-Nov-07	X	✓	X
93.	Japan - Viet Nam <sup>2</sup>	01-Oct-09	01-Oct-09	X	✓	X
94.	Jordan - Singapore <sup>2</sup>	07-Jul-06	22-Aug-05	X	✓ <sup>xvii</sup>	X
95.	Jordan - US <sup>2</sup>	15-Jan-02	17-Dec-01	X	✓ <sup>xvii</sup>	X
96.	Korea, Republic of - India <sup>2</sup>	01-Jul-10	01-Jan-10	X	✓	X
<b>WITHOUT GOVERNMENT PROCUREMENT PROVISIONS</b>						
97.	ASEAN - Korea, Republic of <sup>2</sup>	08-Jul-10	01-Jan-10	X	X	X
98.	ASEAN - Japan <sup>2</sup>	23-Nov-09	01-Dec-08	X	X	X
99.	Canada - Jordan <sup>2</sup>	10-Apr-13	21-Nov-09	X	X	X
100.	China - Hong Kong, China <sup>2</sup>	27-Dec-03	01-Jan-04	X	X	X
101.	China - Singapore <sup>2</sup>	02-Mar-09	01-Jan-09	X	X	X
102.	Chinese Taipei - Guatemala <sup>2</sup>	11-Jul-11	01-Jul-06	X	X	X
103.	Chinese Taipei - Honduras and El Salvador <sup>2</sup>	06-Apr-10	01-Mar-08	X	X	X
104.	Chinese Taipei - Nicaragua <sup>2</sup>	09-Jul-09	01-Jan-08	X	X	X
105.	Chinese Taipei - Panama <sup>2</sup>	28-Jul-09	01-Jan-04	X	X	X
106.	EU - Andorra <sup>1</sup>	23-Feb-98	01-Jul-91			
107.	EU - Bosnia and Herzegovina <sup>2</sup>	11-Jul-08	01-Jul-08	X	X	X
108.	EU - Côte d'Ivoire <sup>2</sup>	11-Dec-08	01-Jan-09	X	X	X
109.	EU - Croatia <sup>2</sup>	17-Dec-02	01-Mar-02	X	X	X
110.	EU - Faroe Islands <sup>1</sup>	17-Feb-97	01-Jan-97	X	X	X
111.	EU - Former Yugoslav Republic of Macedonia <sup>2</sup>	23-Oct-01	01-Jun-01	X	X	X
112.	EU - Lebanon <sup>2</sup>	26-May-03	01-Mar-03	X	X	X

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113.	EU – Papua New Guinea/Fiji <sup>2</sup>	18-Oct-11	20-Dec-09	X	X	X
114.	EU - San Marino <sup>1</sup>	31-May-10	01-Feb-10	X	X	X
115.	EU – Serbia <sup>2</sup>	31-May-10	01-Feb-10	X	X	X
116.	EU – Syria <sup>2</sup>	15-Jul-77	01-Jul-77	X	X	X
117.	EU – Tunisia <sup>2</sup>	15-Jan-99	01-Mar-98	X	X	X
118.	India – Singapore <sup>2</sup>	03-May-07	01-Aug-05	X	X	X
119.	Japan – Malaysia <sup>2</sup>	12-Jul-06	13-Jul-06	X	X	X
120.	Korea, Republic of– Turkey <sup>2</sup>	30-Apr-13	01-May-13	X	X	X
121.	Switzerland - Faroe Islands <sup>1</sup>	12-Feb-96	01-Mar-95	X	X	X
<b>III - RTAs BETWEEN NON-GPA PARTIES WITH GOVERNMENT PROCUREMENT PROVISIONS</b>						
122.	Australia – Chile <sup>2</sup>	03-Mar-09	06-Mar-09	✓	X	✓
123.	Central America – Dominican Republic <sup>3</sup>	06-Jan-12	04-Oct-01	✓	X	✓
124.	Chile – Colombia <sup>3</sup>	14-Aug-09	08-May-09	✓	X	✓
125.	Chile - Costa Rica (Central America) <sup>3</sup>	16-Apr-02	15-Feb-02	✓	X	✓
126.	Chile - El Salvador (Central America) <sup>3</sup>	29-Jan-04	01-Jun-02	✓	X	✓
127.	Chile – Guatemala (Central America) <sup>3</sup>	30-Mar-2012	23-Mar-2010	✓	X	✓
128.	Chile – Honduras (Central America) <sup>3</sup>	28-Nov-2011	19-Jul-2008	✓	X	✓
129.	Chile – Nicaragua (Central America) <sup>3</sup>	14-Jun-2013	19-Oct-2012	✓	X	✓
130.	Colombia – Northern Triangle <sup>xviii, 3</sup>	31-Aug-12	12-Nov-09	✓	X	✓
131.	Costa Rica – Peru <sup>3</sup>	05-Jun-13	20-Sep-2012	✓	X	✓
132.	Mexico – Chile <sup>3</sup>	21-Feb-01	01-Aug-99	✓	X	✓
133.	Mexico – Colombia <sup>3</sup>	12-Sep-10	1-Jan-95	✓	X	✓
134.	Mexico - Costa Rica <sup>3</sup>	17-Jul-06	01-Jan-95	✓	X	✓
135.	Mexico – Nicaragua <sup>3</sup>	17-Oct-05	01-Jul-98	✓	X	✓
136.	Panama - Costa Rica (Central America) <sup>3</sup>	07-Apr-09	23-Nov-08	✓	X	✓
137.	Panama - El Salvador (Central America) <sup>3</sup>	24-Feb-05	11-Apr-03	✓	X	✓
138.	Panama - Guatemala (Central America) <sup>3</sup>	22-Apr-13	20-Jun-09	✓	X	✓
139.	Panama - Honduras (Central America) <sup>3</sup>	16-Dec-09	09-Sep-09	✓	X	✓
140.	Panama – Nicaragua (Central America) <sup>3</sup>	25-Feb-13	21-Nov-09	✓	X	✓
141.	Panama - Peru <sup>iii</sup>	23-Apr-12	01-May-12	✓	X	✓
142.	Australia - New Zealand (S) <sup>1</sup>	22-Nov-95	01-Jan-89	X	✓ <sup>xix</sup>	X
143.	CARICOM (S) <sup>3</sup>	19-Feb-03	01-Jul-97	X	✓ <sup>xx</sup>	X
144.	Central European Free Trade Agreement (CEFTA) 2006 <sup>2</sup>	26-Jul-07	01-May-07	X	✓ <sup>xxi</sup>	X
145.	Chile – China <sup>3</sup>	20-Jun-07	01-Oct-06	X	✓ <sup>xxii</sup>	X
146.	Commonwealth of Independent States (CIS) <sup>xxiii, 3</sup>	06-Jun-13	20-Sep-2012	X	✓ <sup>xxiv</sup>	X
147.	East African Community (EAC) <sup>3</sup>	09-Oct-00	07-Jul-00	X	?	X
148.	EAC – Accession of Burundi and Rwanda <sup>3</sup>	01-Aug-12	01-Jul-07	X	?	X
149.	MERCOSUR (Services) <sup>1</sup>	05-Dec-06	07-Dec-05	X	✓ <sup>xxv</sup>	X
150.	Mexico - El Salvador <sup>3</sup>	23-May-06	15-Mar-01	X	✓ <sup>xxvi</sup>	X
151.	Mexico – Guatemala <sup>3</sup>	03-Jul-06	15-Mar-01	X	✓ <sup>xxvi</sup>	X
152.	Mexico - Honduras (Goods/Services) <sup>3</sup>	10-Jul-06/ 20-Jun-06	01-Jun-01/ 01-Jun-01	X	✓ <sup>xxvi</sup>	X
153.	Mexico – Peru <sup>3</sup>	22-Feb-12	01-Mar-12	X	✓ <sup>xxvii</sup>	X
154.	Mexico – Uruguay <sup>3</sup>	28-Jun-2013	15-Jul-04	X	✓ <sup>xxviii</sup>	X
155.	Pacific Island Countries Trade Agreement (PICTA) <sup>xxix, 3</sup>	28-Aug-08	13-Apr-03	X	✓	X
156.	Peru – China <sup>3</sup>	03-Mar-10	01-Mar-10	X	✓ <sup>xxx</sup>	X
157.	Thailand – Australia <sup>2</sup>	27-Dec-04	01-Jan-05	X	✓ <sup>xxxi</sup>	X
158.	Thailand - New Zealand <sup>2</sup>	01-Dec-05	01-Jul-05	X	✓ <sup>xxxii</sup>	X
159.	Turkey – Egypt <sup>3</sup>	05-Oct-07	01-Mar-07	X	✓	X
160.	Turkey – Albania <sup>3</sup>	09-May-08	01-May-08	X	✓	X
161.	Turkey - Bosnia and Herzegovina <sup>3</sup>	29-Aug-03	01-Jul-03	X	✓	X
162.	Turkey – Croatia <sup>3</sup>	02-Sep-03	01-Jul-03	X	✓	X
163.	Turkey - Former Yugoslav Republic of Macedonia <sup>3</sup>	05-Jan-01	01-Sep-00	X	✓	X
164.	Turkey – Georgia <sup>3</sup>	18-Feb-09	01-Nov-08	X	✓	X
165.	Turkey – Montenegro <sup>3</sup>	12-Mar-10	01-Mar-10	X	✓	X
166.	Turkey – Morocco <sup>3</sup>	10-Feb-06	01-Jan-06	X	✓	X

No	AGREEMENT	NOTIFICATION DATE TO THE WTO	DATE OF ENTRY INTO FORCE	PROCEDURAL PROVISIONS ANALOGOUS TO THE GPA	LIBERALIZATION ONLY AS GENERAL OBJECTIVE	COVERAGE COMMITMENTS
167.	Turkey - Palestinian Authority <sup>3</sup>	01-Sep-05	01-Jun-05	X	✓	X
168.	Turkey – Syria <sup>3</sup>	15-Feb-07	01-Jan-07	X	✓	X
169.	Turkey – Tunisia <sup>3</sup>	01-Sep-05	01-Jul-05	X	✓	X
170.	Turkey – Serbia <sup>3</sup>	10-Aug-10	01-Sep-10	X	✓	X
171.	Ukraine - Former Yugoslav Republic of Macedonia <sup>3</sup>	18-Aug-08	05-Jul-01	X	✓	X
172.	Ukraine – Moldova <sup>3</sup>	18-Aug-08	19-May-05	X	✓	X
<b>WITHOUT GOVERNMENT PROCUREMENT PROVISIONS</b>						
173.	Andean Community (CAN) <sup>3</sup>	01-Oct-90	25-May-88	X	X	X
174.	Armenia - Kyrgyz Republic <sup>3</sup>	12-Dec-00	27-Oct-95	X	X	X
175.	Armenia – Kazakhstan <sup>3</sup>	17-Jun-04	25-Dec-01	X	X	X
176.	Armenia – Moldova <sup>3</sup>	17-Jun-04	21-Dec-95	X	X	X
177.	Armenia - Russian Federation <sup>3</sup>	17-Jun-04	25-Mar-93	X	X	X
178.	Armenia – Turkmenistan <sup>3</sup>	17-Jun-04	07-Jul-96	X	X	X
179.	Armenia – Ukraine <sup>3</sup>	17-Jun-04	18-Dec-96	X	X	X
180.	ASEAN - Australia - New Zealand <sup>3</sup>	08-Apr-10	01-Jan-10	X	X	X
181.	ASEAN - China (Goods/Services) <sup>3</sup>	24-Nov-04/ 26-Jun-08	01-Jul-03/ 01-Jul-07	X	X	X
182.	ASEAN – India <sup>3</sup>	19-Aug-10	01-Jan-10	X	X	X
183.	ASEAN Free Trade Area (AFTA) <sup>3</sup>	30-Oct-92	28-Jan-92	X	X	X
184.	Asia Pacific Trade Agreement (APTA) (Goods) <sup>3</sup>	02-Nov-76	17-Jun-76	X	X	X
185.	Asia Pacific Trade Agreement (APTA) - Accession of China <sup>3</sup>	30-Apr-04	01-Jan-02	X	X	X
186.	Australia – New Zealand (G) <sup>1</sup>	14-Apr-83	01-Jan-83	X	X	X
187.	Australia - Papua New Guinea (PATCRA) <sup>2</sup>	20-Dec-76	01-Feb-77	X	X	X
188.	Central American Common Market (CACM) <sup>3</sup>	24-Feb-61	04-Jun-61	X	X	X
189.	Chile – India <sup>3</sup>	13-Jan-09	17-Aug-07	X	X	X
190.	Chile – Malaysia <sup>3</sup>	12-Feb-13	21-Nov-09	X	X	X
191.	China – Costa Rica <sup>3</sup>	27-Feb-12	01-Aug-11	X	X	X
192.	China - Macao, China <sup>3</sup>	27-Dec-03	01-Jan-04	X	X	X
193.	China - New Zealand <sup>2</sup>	21-Apr-09	01-Oct-08	X	X	X
194.	Common Economic Zone <sup>3</sup>	18-Aug-08	20-May-04	X	X	X
195.	Common Market for Eastern and Southern Africa (COMESA) <sup>3</sup>	04-May-95	08-Dec-94	X	X	X
196.	Economic Community of West African States (ECOWAS) <sup>3</sup>	06-Jul-05	24-Jul-93	X	X	X
197.	Economic and Monetary Community of Central Africa (CEMAC) <sup>3</sup>	21-Jul-99	24-Jun-99	X	X	X
198.	Eurasian Economic Community (EAEC) <sup>3</sup>	21-Apr-99	08-Oct-97	X	X	X
199.	Georgia – Armenia <sup>3</sup>	08-Feb-01	11-Nov-98	X	X	X
200.	Georgia – Azerbaijan <sup>3</sup>	08-Feb-01	10-Jul-96	X	X	X
201.	Georgia – Kazakhstan <sup>3</sup>	08-Feb-01	16-Jul-99	X	X	X
202.	Georgia - Russian Federation <sup>3</sup>	08-Feb-01	10-May-94	X	X	X
203.	Georgia – Turkmenistan <sup>3</sup>	08-Feb-01	01-Jan-00	X	X	X
204.	Georgia – Ukraine <sup>3</sup>	08-Feb-01	04-Jun-96	X	X	X
205.	Gulf Cooperation Council (GCC) <sup>3</sup>	19-Nov-07	01-Jan-03	X	X	X
206.	India – Afghanistan <sup>3</sup>	08-Mar-10	13-May-03	X	X	X
207.	India – Bhutan <sup>3</sup>	30-Jun-08	29-Jul-06	X	X	X
208.	India – Malaysia <sup>3</sup>	06-Sep-11	01-Jul-11	X	X	X
209.	India – Nepal <sup>3</sup>	02-Aug-10	27-Oct-09	X	X	X
210.	India - Sri Lanka <sup>3</sup>	17-Jun-02	15-Dec-01	X	X	X
211.	Kyrgyz Republic - Kazakhstan (G) <sup>3</sup>	29-Jun-99	11-Nov-95	X	X	X
212.	Kyrgyz Republic - Moldova (G) <sup>3</sup>	15-Jun-99	21-Nov-96	X	X	X
213.	Kyrgyz Republic - Russian Federation (G) <sup>3</sup>	15-Jun-99	24-Apr-93	X	X	X

No	AGREEMENT	NOTIFICATION DATE TO THE WTO	DATE OF ENTRY INTO FORCE	PROCEDURAL PROVISIONS ANALOGOUS TO THE GPA	LIBERALIZATION ONLY AS GENERAL OBJECTIVE	COVERAGE COMMITMENTS
214.	Kyrgyz Republic - Ukraine (G) <sup>3</sup>	15-Jun-99	19-Jan-98	X	X	X
215.	Kyrgyz Republic - Uzbekistan (G) <sup>3</sup>	15-Jun-99	20-Mar-98	X	X	X
216.	Lao People's Democratic Republic - Thailand <sup>3</sup>	26-Nov-91	20-Jun-91	X	X	X
217.	New Zealand - Malaysia <sup>2</sup>	07-Feb-12	01-Aug-12	X	X	X
218.	Malaysia - Australia <sup>2</sup>	13-May-13	01-Jan-13	X	X	X
219.	Melanesian Spearhead Group (MSG) <sup>3</sup>	03-Aug-99	01-Jan-94	X	X	X
220.	MERCOSUR - India <sup>3</sup>	23-Feb-10	01-Jun-09	X	X	X
221.	Pakistan - China <sup>3</sup>	18-Jan-08	01-Jul-07	X	X	X
222.	Pakistan - Malaysia <sup>3</sup>	19-Feb-08	01-Jan-08	X	X	X
223.	Pakistan - Sri Lanka <sup>3</sup>	11-Jun-08	12-Jun-05	X	X	X
224.	Panama - Chile <sup>3</sup>	17-Apr-08	07-Mar-08	X	X	X
225.	Pan-Arab Free Trade Area (PAFTA) <sup>3</sup>	03-Oct-06	01-Jan-98	X	X	X
226.	Russian Federation - Azerbaijan <sup>3</sup>	13-Sep-12	17-Feb-93	X	X	X
227.	Russian Federation - Belarus <sup>3</sup>	13-Sep-12	17-Feb-93	X	X	X
228.	Russian Federation - Belarus - Kazakhstan <sup>3</sup>	21-Dec-12	03-Dec-97	X	X	X
229.	Russian Federation - Kazakhstan <sup>3</sup>	13-Sep-12	07-Jun-93	X	X	X
230.	Russian Federation - Moldova <sup>3</sup>	13-Sep-12	30-Mar-93	X	X	X
231.	Russian Federation - Serbia <sup>3</sup>	21-Dec-12	03-Jun-06	X	X	X
232.	Russian Federation - Uzbekistan <sup>3</sup>	18-Jan-13	06-Apr-93	X	X	X
233.	Russian Federation - Tajikistan <sup>3</sup>	13-Sep-12	12-Nov-09	X	X	X
234.	Russian Federation - Turkmenistan <sup>3</sup>	18-Jan-13	25-Mar-93	X	X	X
235.	South Asian Free Trade Agreement (SAFTA) <sup>3</sup>	21-Apr-08	01-Jan-06	X	X <sup>xxxiii</sup>	X
236.	Southern African Customs Union (SACU) <sup>3</sup>	25-Jun-07	15-Jul-04	X	X	X
237.	Southern African Development Community (SADC) <sup>3</sup>	02-Aug-04	01-Sep-00	X	X	X
238.	South Asian Preferential Trade Arrangement (SAPTA) <sup>3</sup>	21-Apr-97	07-Dec-95	X	X	X
239.	Turkey-Chile <sup>3</sup>	25-Feb-11	01-Mar-11	X	X	X
240.	Turkey-Jordan <sup>3</sup>	07-Mar-11	01-Mar-11	X	X	X
241.	Turkey - Mauritius <sup>3</sup>	30-May-13	01-Jun-13	X	X	X
242.	Ukraine - Azerbaijan <sup>3</sup>	18-Aug-08	02-Sep-96	X	X	X
243.	Ukraine - Belarus <sup>3</sup>	18-Aug-08	11-Nov-06	X	X	X
244.	Ukraine - Kazakhstan <sup>3</sup>	18-Aug-08	19-Oct-98	X	X	X
245.	Ukraine - Montenegro <sup>3</sup>	25-Apr-13	01-May-13	X	X	X
246.	Ukraine - Russian Federation <sup>3</sup>	18-Aug-08	21-Feb-94	X	X	X
247.	Ukraine - Tajikistan <sup>3</sup>	18-Aug-08	11-Jul-02	X	X	X
248.	Ukraine - Uzbekistan <sup>3</sup>	18-Aug-08	01-Jan-96	X	X	X
249.	Ukraine - Turkmenistan <sup>3</sup>	18-Aug-08	04-Nov-95	X	X	X
250.	West African Economic and Monetary Union (WAEMU) <sup>3</sup>	27-Oct-99	01-Jan-00	X	X	X

<sup>i</sup> By reference to or incorporation of the GPA.

<sup>ii</sup> The Parties reaffirm their rights and obligations under the GPA and broaden the scope of their commitments under the GPA.

<sup>iii</sup> Coverage beyond GPA levels desired.

<sup>iv</sup> EU procurement regime applies to EU member states.

<sup>v</sup> See also European Economic Area.

<sup>vi</sup> By reference to the GPA for EFTA and to NAFTA for Mexico.

<sup>vii</sup> In this Agreement, Central America includes: (i) Costa Rica; (ii) El Salvador; (iii) Guatemala; (iv) Honduras; (v) Nicaragua; and (vi) Panama.

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<sup>viii</sup> By reference to the GPA for the EU and to NAFTA for Mexico. Some additional provisions are incorporated by reference. Article 29.

<sup>ix</sup> Japan uses GPA annexes.

<sup>x</sup> By reference to the GPA for EFTA and to NAFTA for Mexico.

<sup>xi</sup> IPR protection Art. 9, Indigenous peoples and industrial development.

<sup>xii</sup> Exemptions in Art. 8.19.

<sup>xiii</sup> Exclusions Art. 1.3.

<sup>xiv</sup> Chile has no General Notes.

<sup>xv</sup> Building on the Cotonou Agreement and taking account of the progress made in the negotiations of a comprehensive EPA, the Parties agree to continue negotiations with a view to concluding a full and comprehensive EPA covering government procurement (Article 53).

<sup>xvi</sup> Binding commitment: Any discrimination relating to public procurement, in law or in fact, shall be prohibited.

<sup>xvii</sup> Parties shall enter into negotiations with regard to Jordan's accession to the GPA.

<sup>xviii</sup> The Northern Triangle comprises El Salvador, Guatemala, and Honduras.

<sup>xix</sup> Binding but limited non-discrimination obligations.

<sup>xx</sup> The Member States undertake to elaborate a Protocol relating, *inter alia*, to: (a) electronic commerce, (b) government procurement.

<sup>xxi</sup> By virtue of the application of the relevant provisions of CEFTA 1992.

<sup>xxii</sup> Parties will encourage provision of information.

<sup>xxiii</sup> The current signatories are: (i) Armenia; (ii) Belarus; (iii) Kazakhstan; (iv) Kyrgyz Republic; (v) Moldova, Republic of; (vi) Russian Federation; (vii) Tajikistan; and (viii) Ukraine.

<sup>xxiv</sup> With respect to goods originating from any other Party and its related suppliers, each of the Parties shall grant a not less favourable treatment than the one which is granted to: (i) domestic goods and suppliers; and (ii) goods originating from the territory of any other Party and its suppliers (Article 6). Article 6.3 of the agreement provides for future negotiations of a Protocol on government procurement.

<sup>xxv</sup> Los Estados Partes acuerdan que se aplicarán las disciplinas comunes que en materia de compras gubernamentales en general serán establecidas en el MERCOSUR.

<sup>xxvi</sup> Article 21-01 of the agreement provides for future negotiations of a government procurement chapter, including comprehensive coverage and national treatment.

<sup>xxvii</sup> Article 19-4 of the agreement provides for future negotiations of a government procurement chapter.

<sup>xxviii</sup> Article 20-04 of the agreement provides for future negotiations of a government procurement chapter.

<sup>xxix</sup> Objective of liberalizing government procurement - the Parties agreed to conclude arrangements for detailed rules on government procurement and include them as a protocol of the article 15 on government procurement.

<sup>xxx</sup> The Parties will encourage and facilitate, as appropriate, the following activities, including, but not limited to: (f) establishing and developing mechanisms for providing information and identifying opportunities for business cooperation, trade in goods and services, investment, and government procurement.

<sup>xxxi</sup> See Article 1501: The Parties recognise the importance of government procurement to their economies and the importance of covering government procurement in this Agreement at the earliest opportunity.

<sup>xxxii</sup> Chapter 13 of the Agreement.

<sup>xxxiii</sup> However, see Article 11 (c): "Contracting States shall also consider, where practical, taking direct trade measures with a view to enhancing sustainable exports from Least Developed Contracting States, such as long and medium-term contracts containing import and supply commitments in respect of ... government and public procurement."

Appendix Table 2 - Overview of the Coverage of Services and Construction Services under the Revised GPA<sup>i,ii</sup>

SECTORAL CLASSIFICATION OF SERVICES (MTN.GNS/W/120) <sup>iii</sup>		Armenia	Canada <sup>iv</sup>	European Union	Hong Kong, China	Iceland	Israel	Japan	Korea	Liechtenstein	Aruba	Norway	Singapore	Switzerland	Chinese Taipei	United States
SECTORS AND SUB-SECTORS	CPC <sup>v</sup>															
<b>1. BUSINESS SERVICES</b>		F	P	P	P	P	P	P	P	P	P	P	P	P	P	P
A. Professional services		F	P	P	-	P	P	P	P	P	P	P	P	P	P	F
B. Computer and related services	84	F	F	F	P	F	F	F	F	F	P	F	P	F	F	F
C. Research and development services	85	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-
D. Real estate services	82	F	F	P	-	P	F	-	-	P	F	P	-	P	P	P
E. Rental/leasing services without operators	83	F	P	-	P	-	P	P	P	-	-	-	-	P	P	F
F. Other business services		F	P	P	P	P	P	P	P	P	P	P	P	P	P	F
<b>2. COMMUNICATION SERVICES</b>		F	P	P	P	P	P	P	P	P	P	P	P	P	P	P
A. Postal services	7511	F	-	-	-	-	-	-	-	-	-	-	-	-	-	F <sup>vi</sup>
B. Courier services	7512	F	F	F	-	F	F	P	-	F	F	F	F	F	P	F
C. Telecommunication services	[752, 843]	F	P <sup>vii</sup>	F	F <sup>viii</sup>	F	F	P	P	F	F	F	P	F	F <sup>ix</sup>	P <sup>x</sup>
D. Audiovisual services		F	-	-	-	-	P	P	P	-	-	-	P	-	P	F
E. Other		F	-	-	-	-	-	-	-	-	-	-	-	-	-	F
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>	51	F	F <sup>xi</sup>	F	F	F	F	F	F	F	F	F	F	F	F	F
<b>4. DISTRIBUTION SERVICES</b>		F	-	-	-	-	-	-	-	-	P	-	-	-	-	F
<b>5. EDUCATIONAL SERVICES</b>	92	F	-	-	-	-	P	P	-	-	P	-	-	-	-	F
<b>6. ENVIRONMENTAL SERVICES</b>		F	F	F	P	F	F	F	P	F	-	F	-	F	P	F
<b>7. FINANCIAL SERVICES</b>		F <sup>xii</sup>	-	P	P	P	P	-	-	P	F	P	-	P	F <sup>xiii</sup>	F
A. All insurance and insurance-related services	812 <sup>xiv</sup> , 814	F	-	F	P	F	F	-	-	F	F <sup>xv</sup>	F	-	F	F	F
B. Banking and other financial services (excluding insurance)	811, 813 <sup>xvi</sup>	F	-	P <sup>xvii</sup>	P	P <sup>xvii</sup>	-	-	-	P <sup>xvii</sup>	F	P <sup>xvii</sup>	-	P <sup>xvii</sup>	F	F
a. Financial leasing	8112	F	-	-	F	-	-	-	-	-	F	-	-	-	F	F
b. All payment and money transmission services	81339	F	-	-	-	-	-	-	-	-	F	-	-	-	F	F
c. Guarantees and commitments	81199	F	-	-	F	-	-	-	-	-	F	-	-	-	F	F
C. Other	81339	F	-	-	-	-	-	-	-	-	F	-	-	-	F	F

SECTORAL CLASSIFICATION OF SERVICES (MTN.GNS/W/120) <sup>iii</sup>		Armenia	Canada <sup>iv</sup>	European Union	Hong Kong, China	Iceland	Israel	Japan	Korea	Liechtenstein	Aruba	Norway	Singapore	Switzerland	Chinese Taipei	United States
SECTORS AND SUB-SECTORS	CPC <sup>v</sup>															
8. <u>HEALTH RELATED AND SOCIAL SERVICES (other than those listed under 1.A.h-i.)</u>		F	-	-	-	-	-	-	-	-	-	-	-	-	-	F
9. <u>TOURISM AND TRAVEL RELATED SERVICES</u>		F	P	-	-	-	P	P	P	-	P	-	F	P	P	F
10. <u>RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)</u>		F	-	-	-	-	-	-	-	-	P	-	P	-	-	F
<b>11. <u>TRANSPORT SERVICES</u></b>		F	-	P	P	P	P	P	P	P	P	P	-	P	P	-
A. Maritime transport services		F	-	P	-	P	P	P	P	P	P	P	-	P	-	-
B. Internal waterways transport		F	-	P	-	P	P	P	P	P	X <sup>xviii</sup>	P	-	P	-	-
C. Air transport services		F	-	P	P	P	P	P	-	P	-	P	-	P	P	-
D. Space transport	733	F	-	F	-	F	F	F	-	F	-	F	-	F	-	-
E. Rail transport services		F	-	P	-	P	P	P	-	P	-	P	-	P	P	-
F. Road transport services		F	-	P	P	P	F	P	P	P	P	P	-	P	P	-
G. Pipeline transport	713	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-
H. Services auxiliary to all modes of transport		F	-	-	-	-	-	P	P	-	P	-	-	-	-	-
I. Other transport services		F	-	-	-	-	-	-	F <sup>xix</sup>	-	-	-	-	-	-	-
12. <u>OTHER SERVICES NOT INCLUDED ELSEWHERE</u>	95,97,98,99	F	-	-	-	-	-	-	-	-	-	-	F	-	-	F

<sup>i</sup> This table was drawn up by the authors solely for the purposes of illustration and has no official status. The exact content of the Parties' commitments, including derogations and other relevant specifications, should be verified in the light of the Parties' Annexes to Appendix I to the revised GPA. See, GPA/113, online: WTO <<http://docsonline.wto.org>> (viewed on: 14 October 2013). Adapted from Pelletier (forthcoming 2014).

<sup>ii</sup> The symbols "P", "F" and "-" have been used, respectively, to indicate whether a Party's coverage of a services sector is "partial", "Full" or "inexistent". It should be noted that nine Parties have based their commitments on mutual reciprocity by indicating that the GPA concerns the services and construction services specified in respect of a given Party only to the extent that this Party has granted reciprocal access to the service concerned. The nine Parties are the following: (i) Canada; (ii) the European Union; (iii) Iceland; (iv) Korea, Republic of; (v) Liechtenstein; (vi) Norway; (vii) Switzerland; (viii) Chinese Taipei; and (ix) the United States.

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<sup>iii</sup> In all but three cases, the coverage of the service categories mentioned in Annex 5 is defined by reference to the CPCprov, as defined in an informal note by the WTO Secretariat. See GATT, Uruguay Round, Negotiating Group on Services, Note by the Secretariat, Services sectoral classification list, MTN.GNS/W/120, (1991), online: WTO <http://docsonline.wto.org> (viewed on: 19 December 2012). Canada, Japan and the United States defined their services coverage by reference to the CPCprov, without reference to the informal note by the Secretariat.

<sup>iv</sup> For the purposes of implementation of the GPA by Federal entities and enterprises, Canada uses the "Common classification system".

<sup>v</sup> These services are designated in accordance with the CPCprov.

<sup>vi</sup> The United States does not exclude postal services, but the US Postal Service (the entity) is not covered and, therefore, from a practical standpoint, postal services are not covered.

<sup>vii</sup> In the area of telecommunication, Canada's offer is limited to enhanced or value added services for the supply of which the underlying telecommunication facilities are leased from suppliers of public telecommunication transport networks.

<sup>viii</sup> Operators of telecommunication and related services may require licensing under the Telecommunication Ordinance. Operators applying for the licences are required to be established in Hong Kong under the Companies Ordinance, Note 1 to Annex 5. Hong Kong, China is not obliged to permit the supply of these services according to the following modes: cross-border, or through commercial presence or the presence of natural persons (general note 2).

<sup>ix</sup> The telecommunication offer is limited to enhanced or value added services for the supply of which the underlying telecommunication facilities are leased from suppliers of public telecommunication transport networks (Note 3 to Annex 4).

<sup>x</sup> The following services are excluded: public utility services, including telecommunication services and related ADP services, with the exception of value added telecommunication services.

<sup>xi</sup> The GPA does not cover procurement of: (i) dredging services; and (ii) construction services under contracts awarded by the Federal Ministry of Transport or on its behalf.

<sup>xii</sup> The coverage of banking and investment services does not include the following services by the Central Bank of the Republic of Armenia: services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities (note 2 to Annex 1).

<sup>xiii</sup> The coverage of banking and investment services does not include the following services: procurement of financial services related to the issue, sale, redemption or transfer of securities or other financial instruments, and central bank services (note 4 to Annex 5).

<sup>xiv</sup> The services specified only form part of the range of activities covered by the CPC correspondence.

<sup>xv</sup> Offered separately under CPC 812 and 814.

<sup>xvi</sup> It should be noted that banking and other financial services in the document on sectoral classification of services (MTN.GNS/W/120) exclude the codes CPC 81111 to 81114, which essentially concern services incidental to central banks. The majority of Parties which cover banking services have indicated in a note that such services are excluded. Consequently, it is possible for a Party to offer complete coverage according to the sectoral classification of services document by indicating CPC 811, even if it includes the aforementioned exclusion.

<sup>xvii</sup> Banking and investment services, except for financial services contracts related to the issue, sale, redemption or transfer of securities or other financial instruments and central bank services.

<sup>xviii</sup> This is not explicitly excluded from the commitments of the Kingdom of the Netherlands with respect to Aruba, but it should be noted that Aruba does not have any internal waterways.

<sup>xix</sup> Freight transport by rail.

**Appendix Table 3 - The listing of covered "services", including "construction services" in RTAs, as compared to the GPA<sup>1</sup>**

No	Agreement/ entry into force	Party	Services	Construction Services
<b>I – RTAs BETWEEN GPA PARTIES</b>				
1.	Canada - EFTA/ 01.07.2009	Canada	<p><b>Positive list of covered services</b>, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i>, in two different categories (for purposes domestic implementation, Canada uses the Common Classification System)<sup>1</sup> (by reference to the GPA).</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds; (ii) architecture and engineering services related to airfield, communications and missile facilities; (iii) operation of government owned facilities; (iv) public utilities; and (v) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services"); (vi) coin minting; (vii) printing and publishing services.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) service in support of military forces overseas; (ii) all services with links to the excluded defence-related goods (for defence purposes); (iii) procurement of transportation services that form a part of, or are incidental to, a procurement contract; (iv) shipbuilding and repair and related architectural and engineering services.</p>	<p><b>Negative list of covered construction services</b> (by reference to the GPA).</p> <p>Coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>). Positive list of excluded services include: (i) dredging services; and (ii) construction services by or on behalf of the Department of Transport.</p>
		EFTA	<p><b>Positive list of covered services</b>, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i> (by reference to the GPA).</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) financial services.</p>	<p><b>Positive list of covered construction services</b> (by reference to the GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
2.	Canada – Israel/ 01.01.1997	Canada	<p><b>Positive list of covered services</b>, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i>, in two different categories (for purposes domestic implementation, Canada uses the Common Classification System)<sup>1</sup> (by reference to the GPA).</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds; (ii) architecture and engineering services related to airfield, communications and missile facilities; (iii) operation of government owned facilities; (iv) public utilities; and (v) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services"); (vi) coin minting; (vii) printing and publishing services.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) service in support of military forces overseas; (ii) all services with links to the excluded defence-related goods (for defence purposes); (iii) procurement of transportation services that form a part of, or are incidental to, a procurement contract; (iv) shipbuilding and repair and related architectural and engineering services.</p>	<p><b>Negative list of covered construction services</b> (by reference to the GPA).</p> <p>Coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>). Positive list of excluded services include: (i) dredging services; and (ii) construction services by or on behalf of the Department of Transport.</p>
		Israel	<p><b>Positive list of covered services</b>, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i> (by reference to the GPA).</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and Repair Services CPC 6112, 6122, 633, 886; (ii) Computer and related services CPC 841-3; (iii) Market research and public opinion CPC 864; (iv) Management consulting CPC 865-6; (v) Architectural services CPC 8671; (vi) Engineering services CPC 8672-3; (vii) Urban Planning CPC 8674; (viii) Advertising services CPC 871; (ix) Building – cleaning services &amp; Property Management Services CPC 874, 82201-82206; (x) Publishing &amp; Printing services on a fee or contract basis CPC 88442; and (xi) Environmental services CPC 9401-5.</p>	<p><b>Positive list of covered construction services</b> (by reference to the GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>

<sup>1</sup> This table was drawn up by the authors solely for the purposes of illustration and has no official status. The exact content of the Parties' commitments, including derogations and other relevant specifications, should be verified in the light of the relevant RTAs and/or the GPA.

No	Agreement/ entry into force	Party	Services	Construction Services
3.	EFTA (S)/ 01.06.2002		<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services.</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC (511-518)</b>).</p>
4.	EFTA-Hong Kong, China/ 01.10.12	EFTA	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) financial services.</p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Hong Kong, China	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Computer and Related Services; (ii) Rental/Leasing Services without Operators; (iii) Other Business Services (e.g. CPC 874, 871); (iv) Courier Services; (v) Telecommunications Services (e.g. CPC 7523, 843, 7521, 7529, 754) (Provisions of certain types of service may require licensing under the Telecommunication Ordinance); (vi) Environmental Services; (vii) Financial Services (ex 81); and (viii) some Transport Services (e.g. Air transportation services (CPC 731, 732, 734) (excluding transportation of mail) and Road transport services (CPC 712, 6112, 8867)).</p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
5.	EFTA - Korea, Republic of <sup>ii</sup> / 01.09.2006	EFTA	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) financial services.</p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Korea	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).<sup>iii</sup></b></p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>), except one services sector (CPC 518).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
6.	EFTA – Singapore/ 01.01.2003	EFTA	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) financial services.</p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Singapore	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include : (i) 862 Accounting, Auditing and Book-keeping Services; (ii) 8671 Architectural Services; (iii) 865 Management Consulting Services; (iv) 874 Building-Cleaning Services; (v) 641-643 Hotels and Restaurants (incl. catering); (vi) 74710 Travel Agencies and Tour Operators; (vii) 7472 Tourist Guide Services; (viii) 843 Data Processing Services; (ix) 844 Database Services; (x) 932 Veterinary Services; (xi) 84100 Consultancy Services Related to the Installation of Computer Hardware; (xii) 84210 Systems and Software Consulting Services; (xiii) 87905 Translation and Interpretation Services; (xiv) 7523 Electronic Mail; (xv) 7523 Voice Mail; (xvi) 7523 On-Line Information and Database Retrieval; (xvii) 7523 Electronic Data Interchange; (xviii) 96112 Motion Picture or Video Tape Production Services; (xix) 96113 Motion Picture or Video Tape Distribution Services; (xx) 96121 Motion Picture Projection Services; (xxi) 96122 Video Tape Projection Services; (xxii) 96311 Library Services; (xxiii) 8672 Engineering Services; (xxiv) 7512 Courier Services; (xxv) Biotechnology Services Exhibition Services; (xxvi) Commercial Market Research; (xxvii) Interior Design Services, Excluding Architecture; (xxviii) Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services.</p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (as defined in the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b> (CPC 51)).</p>
7.	EU-Korea <sup>iv</sup> / 01.07.2011	EU	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94); and (xv) (parts of) Financial services (CPC 81).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&amp;Ds.</p>	<p><b>Positive list of covered construction services (by reference to the GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>), with, <i>inter alia</i>, the following exceptions: (i) dredging services.</p>
		Korea	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120) (by reference to the GPA).<sup>iii</sup></b></p>	<p><b>Positive list of covered construction (by reference to the GPA).</b></p> <p>Coverage of all construction services (as defined in Division 51 of the CPC), except one services sector (CPC 518).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
8.	Japan - Singapore <sup>v</sup> / 30.11.2002	Japan	<p><b>Positive list of covered services, based on the CPCprov 1991, with references to the document the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Construction work CPC 51; (ii) Maintenance and repair services of motor vehicles CPC 6112; (iii) Maintenance and repair services of motorcycles and snowmobiles CPC 6122; (iv) Other land transport services (except 71235 Mail transportation by land) CPC 712; (v) Rental services of sea-going vessels with operator CPC 7213; (vi) Rental services of non-sea-going vessels with operator CPC 7223; (vii) Air transport services (except 73210 Mail transportation by air) CPC 73; (viii) Freight transport agency services CPC 748; (ix) Courier services CPC 7512; (x) Telecommunications services (parts of 752, as defined in MTN.GNS/W/120); Computer and related services CPC 84; (xi) Market research and public opinion polling services CPC 864; (xii) Architectural, engineering and other technical services CPC 867; (xiii) Advertising services CPC 871; (xiv) Armoured car services CPC 87304; (xv) Building-cleaning services CPC 874; (xvi) Publishing and printing services CPC 88442; (xvii) Repair services incidental to metal products, machinery and equipment CPC 886; (xviii) Sewage and refuse disposal, sanitation and other environmental protection services CPC 94.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) parts of maintenance and repair services; (ii) courier services of letters; (iii) some architectural, engineering and other technical services related to construction services; and (iv) publishing and printing services of materials containing confidential information.</p>	Not covered
		Singapore	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include : (i) 862 Accounting, Auditing and Book-keeping Services; (ii) 8671 Architectural Services; (iii) 865 Management Consulting Services; (iv) 874 Building-Cleaning Services; (v) 641-643 Hotels and Restaurants (incl. catering); (vi) 74710 Travel Agencies and Tour Operators; (vii) 7472 Tourist Guide Services; (viii) 843 Data Processing Services; (ix) 844 Database Services; (x) 932 Veterinary Services; (xi) 84100 Consultancy Services Related to the Installation of Computer Hardware; (xii) 84210 Systems and Software Consulting Services; (xiii) 87905 Translation and Interpretation Services; (xiv) 7523 Electronic Mail; (xv) 7523 Voice Mail; (xvi) 7523 On-Line Information and Database Retrieval; (xvii) 7523 Electronic Data Interchange; (xviii) 96112 Motion Picture or Video Tape Production Services; (xix) 96113 Motion Picture or Video Tape Distribution Services; (xx) 96121 Motion Picture Projection Services; (xxi) 96122 Video Tape Projection Services; (xxii) 96311 Library Services; (xxiii) 8672 Engineering Services; (xxiv) 7512 Courier Services; (xxv) Biotechnology Services Exhibition Services; (xxvi) Commercial Market Research; (xxvii) Interior Design Services, Excluding Architecture; (xxviii) Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services.</p>	Not covered
9.	Japan – Switzerland/ 01.09.2009	Japan	<p><b>Positive list of covered services, based on the CPCprov 1991, with references to the document the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Construction work CPC 51; (ii) Maintenance and repair services of motor vehicles CPC 6112; (iii) Maintenance and repair services of motorcycles and snowmobiles CPC 6122; (iv) Other land transport services (except 71235 Mail transportation by land) CPC 712; (v) Rental services of sea-going vessels with operator CPC 7213; (vi) Rental services of non-sea-going vessels with operator CPC 7223; (vii) Air transport services (except 73210 Mail transportation by air) CPC 73; (viii) Freight transport agency services CPC 748; (ix) Courier services CPC 7512; (x) Telecommunications services (parts of 752, as defined in MTN.GNS/W/120); Computer and related services CPC 84; (xi) Market research and public opinion polling services CPC 864; (xii) Architectural, engineering and other technical services CPC 867; (xiii) Advertising services CPC 871; (xiv) Armoured car services CPC 87304; (xv) Building-cleaning services CPC 874; (xvi) Publishing and printing services CPC 88442; (xvii) Repair services incidental to metal products, machinery and equipment CPC 886; (xviii) Sewage and refuse disposal, sanitation and other environmental protection services CPC 94.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) parts of maintenance and repair services; (ii) courier services of letters; (iii) some architectural, engineering and other technical services related to construction services; and (iv) publishing and printing services of materials containing confidential information.</p>	<p>Positive list of covered construction services (by reference to the GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Switzerland	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) financial services.</p>	<p>Positive list of covered construction services (by reference to the GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
10.	Korea, Republic of – Singapore/ 02.03.2006	Korea	Positive list of covered services, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA). <sup>iii</sup>	Positive list of covered construction (as in the revised GPA).  Coverage of all construction services (as defined in CPC 51), except one services sector (CPC 518).
		Singapore	Positive list of covered services, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA).  Covered services include : (i) 862 Accounting, Auditing and Book-keeping Services; (ii) 8671 Architectural Services; (iii) 865 Management Consulting Services; (iv) 874 Building-Cleaning Services; (v) 641-643 Hotels and Restaurants (incl. catering); (vi) 74710 Travel Agencies and Tour Operators; (vii) 7472 Tourist Guide Services; (viii) 843 Data Processing Services; (ix) 844 Database Services; (x) 932 Veterinary Services; (xi) 84100 Consultancy Services Related to the Installation of Computer Hardware; (xii) 84210 Systems and Software Consulting Services; (xiii) 87905 Translation and Interpretation Services; (xiv) 7523 Electronic Mail; (xv) 7523 Voice Mail; (xvi) 7523 On-Line Information and Database Retrieval; (xvii) 7523 Electronic Data Interchange; (xviii) 96112 Motion Picture or Video Tape Production Services; (xix) 96113 Motion Picture or Video Tape Distribution Services; (xx) 96121 Motion Picture Projection Services; (xxi) 96122 Video Tape Projection Services; (xxii) 96311 Library Services; (xxiii) 8672 Engineering Services; (xxiv) 7512 Courier Services; (xxv) Biotechnology Services Exhibition Services; (xxvi) Commercial Market Research; (xxvii) Interior Design Services, Excluding Architecture; (xxviii) Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services.	Positive list of covered construction (as in the revised GPA).  Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120 (CPC 51)).
11.	US-Korea, Republic of <sup>vi</sup> / 15.03.2012	US	<b>Negative list of covered services (by reference to the GPA).</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the CPCprov, and textual definition.  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) R&Ds; (ii) certain information processing and related telecommunication services (ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services"); (iii) operation of government owned facilities; (iv) public utilities; (v) transportation services, including launching services (CPC 71, 72, 73, 74, 8859, 8868).  <b>General exclusions</b> include, <i>inter alia</i> : (i) services in support of military forces overseas.	<b>Negative list of covered construction services (by reference to the GPA).</b>  Except otherwise specified, coverage of <b>all construction services</b> , based on the <b>Division 51 of the CPCprov</b> , with, <i>inter alia</i> , the following exceptions: (i) dredging services.
		Korea	Positive list of covered services, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120) (by reference to the GPA). <sup>iii</sup>	Positive list of covered construction services (by reference to the GPA).  Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b> ), except one services sector (CPC 518).
12.	US – Singapore/ 01.01.2004	US	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> contains in the Universal List of Services, as contained in the Document <b>MTN.GNS/W/120 (based on the CPCprov)</b> . Positive list of excluded services, based on the <b>MTN.GNS/W/120 (based on the CPCprov)</b> , and textual definition.  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) all transportation services, including Launching Services (CPC Categories 71, 72, 73, 74, 8859, 8868); (ii) dredging; (iii) management and operation contracts of certain government or privately owned facilities used for government purposes, including federally funded research and development centers (FFRDCs); (iv) public utilities services; (v) basic telecommunications network and services listed in paragraph 2C(a) to (g) of document MTN.GNS/W/120 of the WTO, such as public voice and data services. This exclusion does not include information services, as defined in 47 U.S.C. 153 (20); and (vi) research and Development;  <b>General exclusions</b> include, <i>inter alia</i> : (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) services in support of military forces overseas; (iii) printing services at the state level.	<b>Negative list of covered construction services (by reference to the GPA).</b>  Except otherwise specified, coverage of <b>all construction services</b> , based on the <b>Division 51 of the CPCprov</b> , with, <i>inter alia</i> , the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.
		Singapore	<b>Negative list of covered services</b> (approach adopted different than in the GPA).  Except otherwise specified, coverage of <b>all services</b> contains in the Universal List of Services, as contained in the <b>1991 Services sectoral classification list (MTN.GNS/W/120) (based on the CPCprov)</b> . Positive list of excluded services.  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (1) research and development services; (2) police, public order, public safety and security services and compulsory social security services; (3) radio and television services, including transmission services; (4) exam Services;(5) asset management and other financial services procured by MOF (Ministry of Finance) and MAS (Monetary Authority of Singapore) for the purpose of managing official foreign reserves and other foreign assets of the Government of Singapore; (6) urban planning and landscape architectural services; (7) real estate services (excluding consultancy services, agency services, auction and valuation services); (8) supply of potable water for human consumption; (9) social services; (10) printing of Government legislation and gazette; and (11) sale and distribution services for government debt.	Positive list of covered construction (by reference to the GPA).  Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120 (CPC 51)).

No	Agreement/ entry into force	Party	Services	Construction Services
<b>II - RTAs BETWEEN GPA PARTIES AND NON-PARTIES</b>				
13.	Canada – Chile/ 05.07.1997	Canada	<p><b>Negative list of covered services</b> (approach adopted different than in the GPA).</p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>, in two different categories.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) other types of studies and analysis (B); (iii) architecture and engineering services (c); (iv) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (v) natural resources and conversation services (E); (vi) Health and social services (G); (vii) Financial services (L); (viii) operation of government owned facilities (M); (ix) professional administrative and management services (e.g. legal services) (R); (x) utilities (S); (xi) communications services (T); and (xii) transportation services (V).</p> <p><b>General exclusion</b> for shipbuilding and repair.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the <b>CCS</b>). Positive list of excluded services include: (i) dredging services; (ii) construction services by or on behalf of the Department of Transport; and (iii) oil and gas mining (CPC 5115).</p> <p>Definition of "coverage services" (which appears to include <b>BOTs/public work concessions</b>).</p>
		Chile	<p><b>Negative list of covered services.</b></p> <p><b>Coverage of all services</b> (no classification system), with, <i>inter alia</i>, the following exclusions: (i) <b>financial services</b>.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (no classification system).</p> <p>Definition of "coverage services" (which appears to include <b>BOTs/public work concessions</b>).</p>
14.	Canada-Colombia/ 15.08.2011	Canada	<p><b>Negative list of covered services</b> (approach adopted different than in the GPA).</p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>, in two different categories. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) other types of studies and analysis (B); (iii) architecture and engineering services (c); (iv) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (v) natural resources and conversation services (E); (vi) Health and social services (G); (vii) Financial services (L); (viii) operation of government owned facilities (M); (ix) professional administrative and management services (e.g. legal services) (R); (x) utilities (S); (xi) communications services (T); and (xii) transportation services (V).</p> <p><b>General exclusion</b> for shipbuilding and repair.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the <b>CCS</b>). Positive list of excluded services include: (i) dredging services; (ii) construction services by or on behalf of the Department of Transport; and (iii) (iii) oil and gas mining (CPC 5115).</p> <p>Definition of "coverage services" (which appears to include <b>BOTs/public work concessions</b>).</p>
		Colombia	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>CPC</b>. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (CPC 81); (ii) Engineering and Architectural services (CPC 832-833); (iii) Utilities (e.g. energy distribution (CPC 69), Sewer and refuse disposal and other environmental services (CPC 94), and basic telecommunication services (except value-added telecommunication services)); (iv) social services (e.g., public administration (CPC 91), education services (CPC 92), and human health services (CPC 931)); (v) printing services; and (vi) production of television programs (CPC 96121).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: exclusion for local content requirements for road and highways in rural areas.</p> <p>Definition of "coverage services" (which appears to include <b>BOTs/public work concessions</b>).</p>
15.	Canada-Panama/ 21.11.2013	Canada	<p><b>Negative list of covered services</b> (approach adopted different than in the GPA).</p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>, in two different categories.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) other types of studies and analysis (B); (iii) architecture and engineering services (c); (iv) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (v) natural resources and conversation services (E); (vi) Health and social services (G); (vii) Financial services (L); (viii) operation of government owned facilities (M); (ix) professional administrative and management services (e.g. legal services) (R); (x) utilities (S); (xi) communications services (T); and (xii) transportation services (V).</p> <p><b>General exclusion</b> for shipbuilding and repair.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the <b>CCS</b>). Positive list of excluded services include: (i) dredging services; (ii) construction services by or on behalf of the Department of Transport; and (iii) oil and gas mining (CPC 5115).</p>
		Panama	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.0</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) 64 Land transport services; (ii) 66 Air transport services; (iii) 6751 Bus station services; (iv) 6781 Travel agency and tour operator services; (v) 68111 Postal services related to letters; (vi) 68112 Postal services related to parcels; (vii) 68113 Post office counter services; (viii) 68119 Other postal services; (ix) 6911 Electricity transmission and distribution services;</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exception: dredging services.</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			(x) 692 Water distribution services through mains; (xi) 81 Research and development services; (xii) 91 Public Administration and other Services to the Community as a whole; (xiii) Compulsory Social Security Services; (xiv) 92 Education Services; (xv) 93 Health and Social services; (xvi) 9692 Gambling and Betting Services; and (xvii) Telecommunication Services <sup>vii</sup> .	
16.	Canada – Peru/ 01.08.2009	Canada	<p><b>Negative list of covered services</b> (approach adopted different than in the GPA).</p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>, in two different categories.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) other types of studies and analysis (B); (iii) architecture and engineering services (c); (iv) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services" (D); (v) natural resources and conversation services (E); (vi) Health and social services (G); (vii) Financial services (L); (viii) operation of government owned facilities (M); (ix) professional administrative and management services (e.g. legal services) (R); (x) utilities (S); (xi) communications services (T); and (xii) transportation services (V).</p> <p><b>General exclusion</b> for shipbuilding and repair.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the <b>CCS</b>). Positive list of excluded services include: (i) dredging services; (ii) construction services by or on behalf of the Department of Transport; and (iii) oil and gas mining (CPC 5115).</p> <p>Definition of "coverage services" (which appears to include <b>BOTs/public work concessions</b>).</p>
		Peru	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>CPC Version 1.1</b>. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).</p> <p><b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Definition of "coverage services" (which appears to include <b>BOTs/public work concessions</b>).</p>
17.	EFTA – Chile/ 01.12.2004	EFTA	<p><b>Positive list of covered services</b>, based on the <b>CPC</b>.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) financial services.</p> <p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, all or parts of: (i) financial services; and (ii) telecommunications services (e.g. CPC 7524, 7525, and 7526 and with regard to voice telephony, radiotelephony, paging and satellite services. Altogether, Switzerland covers at least 11 additional services sectors in the revised GPA.<sup>viii</sup></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Chile	<p><b>Negative list of covered services.</b></p> <p>Coverage of all services (no classification system), with, <i>inter alia</i>, the following <b>exclusions</b>: (i) financial services; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
18.	EFTA- Colombia/ 01.07.2011	EFTA	<p><b>Positive list of covered services</b>, based on the <b>CPC</b>.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services.</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			<p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, all or parts of: (i) financial services; and (ii) telecommunications services (e.g. CPC 7524, 7525, and 7526 and with regard to voice telephony, radiotelephony, paging and satellite services. <i>Altogether, Switzerland covers at least 11 additional services sectors in the revised GPA.</i><sup>viii</sup></p>	
		Colombia	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>CPC Version 1.0</b>. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (CPC 81); (ii) Engineering and Architectural services (CPC 832-833); (iii) Utilities (e.g. energy distribution (CPC 69), Sewer and refuse disposal and other environmental services (CPC 94), and basic telecommunication services (except value-added telecommunication services)); (iv) social services (e.g., public administration (CPC 91), education services (CPC 92), and human health services (CPC 931)); (v) printing services; and (vi) production of television programs (CPC 96121).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: exclusion for local content requirements for road and highways in rural areas.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
19.	EFTA – Mexico/ 01.07.2001	EFTA	<p><b>Positive list of covered services</b>, based on the CPC.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94); and (xv) (parts of) Financial services (CPC 81).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services.</p> <p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, all or parts of: (i) <b>financial services</b>; and (ii) <b>telecommunications services</b> (e.g. CPC 7524, 7525, and 7526 and with regard to voice telephony, radiotelephony, paging and satellite services. <i>Altogether, Switzerland covers at least 11 additional services sectors in the revised GPA.</i><sup>viii</sup></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Mexico	<p><b>Positive list of covered services</b>, based on the CPC.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (iii) Real estate services; (iv) Rental/leasing services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) Hotel and restaurants; and (ix) Travel agency and tour operator services.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) Financial services; (ii) R&amp;Ds; and (iii) any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868); (iv) transportation services that form a part of, or are incidental to, a procurement contract; (v) public utility services (including telecommunication, transmission, water and energy services).</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
20.	EFTA-Peru/ 01.07.2011	EFTA	<p><b>Positive list of covered services</b>, based on the CPC.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services.</p> <p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, all or parts of: (i) financial services; and (ii) telecommunications services (e.g. CPC 7524, 7525, and 7526 and with regard to voice telephony, radiotelephony, paging and satellite services. <i>Altogether, Switzerland covers at least 11 additional services sectors in the revised GPA.</i><sup>viii</sup></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Peru	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>CPC Version 1.1</b>. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).  General exclusion for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.	Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).
21.	EFTA-Ukraine/ 01.06.2012	EFTA	<b>Positive list of covered services</b> , based on the CPC.  <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).  <b>General exclusions</b> include, <i>inter alia</i> : (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; and (ii) arbitration and conciliation services.  <b>Coverage of services as in the revised GPA, less a number of services sectors</b> , including, all or parts of: (i) financial services; and (ii) telecommunications services (e.g. CPC 7524, 7525, and 7526 and with regard to voice telephony, radiotelephony, paging and satellite services. Altogether, Switzerland covers at least 11 additional services sectors in the revised GPA. <sup>viii</sup>	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b> ).
		Ukraine	Negative list (no classification)	Negative list (no classification)
22.	EU - CARIFORUM States EPA <sup>ix</sup> / 01.11.2008	EU	<b>Positive list of covered services</b> , based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120).  <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94); and (xv) (parts of) Financial services (CPC 81).  <b>General exclusions</b> include, <i>inter alia</i> : (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&Ds.  <b>Coverage of services as in the revised GPA, less a number of services sectors</b> , including, parts of telecommunications services (e.g. 7524, 7525, 7526 and with regard to voice telephony, radiotelephony, paging and satellite services.	<b>Positive list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b> ), with, <i>inter alia</i> , the following exceptions: (i) dredging services.
		CARIFORUM States EPA <sup>x</sup>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> : (i) activities in the field of energy and the postal sector.  <b>General exclusions</b> include, <i>inter alia</i> : (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&Ds.	<b>Positive list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b> ).
23.	EU-Central America/ 26.02.2013	EU	<b>Positive list of covered services</b> , based on the CPC, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120).  <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94); and (xv) (parts of) Financial services (CPC 81). Full coverage of telecommunication services (CPC 752) for Costa Rica.  <b>General exclusions</b> include, <i>inter alia</i> : (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&Ds.	<b>Positive list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b> ), with, <i>inter alia</i> , the following exceptions: (i) dredging services.

No	Agreement/ entry into force	Party	Services	Construction Services
			<b>Coverage of services as in the revised GPA, less a number of services sectors, including, parts of telecommunications services (e.g. 7524, 7525, 7526 and with regard to voice telephony, radiotelephony, paging and satellite services.</b>	
		<b>Costa Rica;</b>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> .  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) Research and development services 81; (ii) Gambling and Betting Services 9692; (iii) public services (e.g. electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (iv) management of government owned facilities.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services (based on the Division 51 of the CPC)</b> .
		<b>El Salvador</b>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services (based on the Division 51 of the CPC)</b> .
		<b>Guatemala</b>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> .  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) public services (e.g. electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (ii) management of government owned facilities; (iii) Sewage and refuse disposal; sanitation and similar services 94; and (iv) individual professional services.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services (based on the Division 51 of the CPC)</b> .
		<b>Honduras</b>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> .  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) public services (e.g. electricity, gas and water distribution services (CPC 69); (ii) Land Transport Services (CPC 64); and (iii) Air Transport Services (CPC 66).	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services (based on the Division 51 of the CPC)</b> .
		<b>Nicaragua</b>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> .  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) Research and development services 81; (ii) public services (e.g. other professional, scientific and technical services 83, electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (iii) management of government owned facilities.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (no classification system).
		<b>Panama</b>	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> .  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) 64 Land transport services; (ii) 66 Air transport services; (iii) 6751 Bus station services; (iv) 6781 Travel agency and tour operator services; (v) 68111 Postal services related to letters; (vi) 68112 Postal services related to parcels; (vii) 68113 Post office counter services; (viii) 68119 Other postal services; (ix) 6911 Electricity transmission and distribution services; (x) 692 Water distribution services through mains; (xi) 81 Research and development services; (xii) 91 Public Administration and other Services to the Community as a whole; (xiii) Compulsory Social Security Services; (xiv) 92 Education Services; (xv) 93 Health and Social services; (xvi) 9692 Gambling and Betting Services; and (xvii) 84 Telecommunication Services.  <b>General exclusions</b> include, <i>inter alia</i> : (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (no classification system).
24.	<b>EU – Chile/ 10.02.2003</b>	<b>EU</b>	<b>Positive list of covered services, based on the CPC, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120).</b>  <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); and (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94).  <b>General exclusions</b> include, <i>inter alia</i> : (i) the acquisition, development, production or co-production of programme material intended for	<b>Positive list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services (based on the Division 51 of the CPC)</b> , with, <i>inter alia</i> , the following exceptions: (i) dredging services.  Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).

No	Agreement/ entry into force	Party	Services	Construction Services
			<p>broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&amp;Ds.</p> <p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, financial services and parts of telecommunications services (e.g. 7524, 7525, 7526 and with regard to voice telephony, radiotelephony, paging and satellite services).</p> <p><b>Negative list of covered services.</b></p>	
		Chile	<p><b>Coverage of all services</b> (no classification system), with, <i>inter alia</i>, the following <b>exclusions</b>: (i) financial services; (ii) arbitration and conciliation services; (iii) R&amp;Ds; and (iv) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the CPC).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
25.	EU-Colombia and Peru/ 01.03.2013	EU	<p><b>Positive list of covered services</b>, based on the CPC, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120).</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94); and (xv) (parts of) Financial services (CPC 81). Additional coverage of CPC 94 for Peru.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&amp;Ds.</p> <p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, parts of telecommunications services (e.g. 7524, 7525, 7526 and with regard to voice telephony, radiotelephony, paging and satellite services).</p> <p><b>Negative list of covered services.</b></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>), with, <i>inter alia</i>, the following exceptions: (i) dredging services.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Colombia	<p>Positive list of excluded services, based on the <b>CPC Version 1.0</b>. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (CPC 81); (ii) Utilities (e.g. energy distribution (CPC 69), Sewer and refuse disposal and other environmental services (CPC 94), and basic telecommunication services (except value-added telecommunication services)); (iii) social services (e.g., public administration (CPC 91), education services (CPC 92), and human health services (CPC 931)); and (iv) production of television programs (CPC 96121).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: exclusion for local content requirements for road and highways in rural areas.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Peru	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>CPC Version 1.1</b>. Excluded services include, <i>inter alia</i>, all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).</p> <p>General exclusion for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.</p> <p>Transitional measure: phasing-in of the following CPC categories five years after the entry into force of the RTA: CPC 8321, 83334, and 8335.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
26.	EU – Mexico/ 01.07.2000	EU	<p><b>Positive list of covered services</b>, based on the CPC, as contained in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120).</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and repair services (CPC 6112, 6122, 633, 886); (ii) Land transport services, (CPC 712, (except 71235), 7512, 87304); (iii) Air transport services (CPC 73 (except 7321)); (iv) Transport of mail by land, except rail, and by air (CPC 71235, 7321); (v) parts of Telecommunications services (CPC 752 (except 7524, 7525, 7526)); (vi) Computer and related services (CPC 84); (vii) Accounting, auditing and bookkeeping services (CPC 862); (viii) Market research and public opinion polling services (CPC 864); (ix) Management consulting services and related services (CPC 865, 866); (x) Architectural services; engineering services (CPC 867); (xi) Advertising services (CPC 871); (xii) Building-cleaning services and property management services (CPC 874, 82201-82206); (xiii) Publishing and printing services (CPC 88442); (xiv) Sewage and refuse disposal; sanitation and similar services (CPC 94); and (xv) (parts of) Financial services (CPC 81). Full coverage of telecommunication services (CPC 752) for Costa Rica.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time; (ii) arbitration and conciliation services; and (iii) R&amp;Ds.</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>), with, <i>inter alia</i>, the following exceptions: (i) dredging services.</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			<p><b>Coverage of services as in the revised GPA, less a number of services sectors</b>, including, parts of telecommunications services (e.g. 7524, 7525, 7526 and with regard to voice telephony, radiotelephony, paging and satellite services.</p>	
		Mexico	<p><b>Positive list of covered services</b>, based on the CPC.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (iii) Real estate services; (iv) Rental/leasing services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) Hotel and restaurants; and (ix) Travel agency and tour operator services.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) Financial services; (ii) R&amp;Ds; and (iii) any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868); (iv) transportation services that form a part of, or are incidental to, a procurement contract; (v) public utility services (including telecommunication, transmission, water and energy services).</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
27.	Hong Kong, China – New Zealand/ 01.01.2011	Hong Kong, China	<p><b>Positive list of covered services</b>, based on the CPCprov.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of:(i) Computer and Related Services (CPC 843, 844, 845, 849); (ii) Rental/Leasing Services Without Operators (CPC 83103, 83104, 83101+83102+83105, 83106+83109); (iii) Other Business Services (CPC 633+8861-8866, 864, 87304, 874, 871); (iv) Courier Services (7512); (v) Telecommunications Services (CPC 7523, 843, 7521, 7529, 754); (vi) Environmental Services (CPC 9401, 9402); (vii) Financial Services (parts of CPC 81); (viii) Transport Services (CPC 731, 732, 734, 712, 6112, 8867).</p> <p>A note requires the establishment in HKC for telecommunications services suppliers.</p> <p><b>As in the revised GPA, minus six services sectors</b>, including, <i>inter alia</i> with respect to telecommunications services.<sup>xi</sup></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p> <p>Explicit coverage of <b>BOTS/public work concessions</b> (with some exceptions).</p>
		New Zealand	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPCprov</b>, as defined in the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) public health, education and welfare services; (ii) R&amp;Ds (CPC 851-853).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120 (CPC 51)).</p> <p>Explicit coverage of <b>BOTS/public work concessions</b> (with some exceptions).</p>
28.	Israel – Mexico/ 01.07.2000	Israel	<p><b>Positive list of covered services</b>, based on the CPC, as contained in the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b>.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Maintenance and Repair Services CPC 6112, 6122, 633, 886; (ii) Computer and related services CPC 841-3; (iii) Market research and public opinion CPC 864; (iv) Management consulting CPC 865-6; (v) Architectural services CPC 8671; (vi) Engineering services CPC 8672-3; (vii) Urban Planning CPC 8674; (viii) Advertising services CPC 871; (ix) Building – cleaning services &amp; Property Management Services CPC 874, 82201-82206; (x) Publishing &amp; Printing services on a fee or contract basis CPC 88442; and (xi) Environmental services CPC 9401-5.</p> <p><b>As in the revised GPA, minus several services sectors</b> (around 6), including commercial courier services and financial services.<sup>xii</sup></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Mexico	<p><b>Positive list of covered services</b>, based on the CPC.</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (iii) Real estate services; (iv) Rental/leasing services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) Hotel and restaurants; and (ix) Travel agency and tour operator services.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) Financial services; (ii) R&amp;Ds; and (iii) any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868); (iv) transportation services that form a part of, or are incidental to, a procurement contract; (v) public utility services (including telecommunication, transmission, water and energy services).</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
29.	Japan – Chile/ 03.09.2007	Japan	<p><b>Positive list of covered services</b>, based on the <b>CPCprov 1991</b>, with references to the document the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b> (by reference to the GPA).</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Construction work CPC 51; (ii) Maintenance and repair services of motor vehicles CPC 6112; (iii) Maintenance and repair services of motorcycles and snowmobiles CPC 6122; (iv) Other land transport services (except 71235 Mail transportation by land) CPC 712; (v) Rental services of sea-going vessels with operator CPC 7213; (vi) Rental services of non-sea-going vessels with operator CPC 7223; (vii) Air transport services (except 73210 Mail transportation by air) CPC 73; (viii) Freight transport agency services CPC 748; (ix) Courier services CPC 7512; (x) Telecommunications services (parts of 752, as defined in MTN.GNS/W/120); Computer and related services CPC 84; (xi) Market research and public opinion polling services CPC 864; (xii) Architectural, engineering and other</p>	<p><b>Positive list of covered construction services</b> (by reference to the GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			<p>technical services CPC 867; (xiii) Advertising services CPC 871; (xiv) Armoured car services CPC 87304; (xv) Building-cleaning services CPC 874; (xvi) Publishing and printing services CPC 88442; (xvii) Repair services incidental to metal products, machinery and equipment CPC 886; (xviii) Sewage and refuse disposal, sanitation and other environmental protection services CPC 94.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) parts of maintenance and repair services; (ii) courier services of letters; (iii) some architectural, engineering and other technical services related to construction services; and (iv) publishing and printing services of materials containing confidential information.</p> <p><b>As in the revised GPA, minus several services sectors (13 services sectors).</b><sup>xiii</sup></p>	
		Chile	<p><b>Negative list of covered services.</b></p> <p>Coverage of all services (no classification system), with, <i>inter alia</i>, the following exclusions: (i) <b>financial services.</b></p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the CPC).</p>
30.	Japan – Mexico/ 01.04.2005	Japan	<p><b>Positive list of covered services, based on the CPCprov 1991, with references to the 1991 Services sectoral classification list (MTN.GNS/W/120).</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Construction work CPC 51; (ii) Maintenance and repair services of motor vehicles CPC 6112; (iii) Maintenance and repair services of motorcycles and snowmobiles CPC 6122; (iv) Other land transport services (except 71235 Mail transportation by land) CPC 712; (v) Rental services of sea-going vessels with operator CPC 7213; (vi) Rental services of non-sea-going vessels with operator CPC 7223; (vii) Air transport services (except 73210 Mail transportation by air) CPC 73; (viii) Freight transport agency services CPC 748; (ix) Courier services CPC 7512; (x) Telecommunications services (parts of 752, as defined in MTN.GNS/W/120); Computer and related services CPC 84; (xi) Market research and public opinion polling services CPC 864; (xii) Architectural, engineering and other technical services CPC 867; (xiii) Advertising services CPC 871; (xiv) Armoured car services CPC 87304; (xv) Building-cleaning services CPC 874; (xvi) Publishing and printing services CPC 88442; (xvii) Repair services incidental to metal products, machinery and equipment CPC 886; (xviii) Sewage and refuse disposal, sanitation and other environmental protection services CPC 94.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) parts of maintenance and repair services; (ii) courier services of letters; (iii) some architectural, engineering and other technical services related to construction services; and (iv) publishing and printing services of materials containing confidential information.</p> <p><b>As in the revised GPA, minus several services sectors (13 services sectors).</b><sup>xiii</sup></p>	<p><b>Positive list of covered construction services (as in the revised GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>
		Mexico	<p><b>Positive list of covered services, based on the CPC.</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (iii) Real estate services; (iv) Rental/leasing services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) Hotel and restaurants; and (ix) Travel agency and tour operator services.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) Financial services; (ii) R&amp;Ds; and (iii) any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868); (iv) transportation services that form a part of, or are incidental to, a procurement contract; (v) public utility services (including telecommunication, transmission, water and energy services).</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC 1991</b>).</p>
31.	Japan – Peru/ 01.03.2012	Japan	<p><b>Positive list of covered services, based on the CPCprov 1991, with references to the 1991 Services sectoral classification list (MTN.GNS/W/120)</b> (by reference to Japan GPA Annex 4, as of 31 December 2010).</p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Construction work CPC 51; (ii) Maintenance and repair services of motor vehicles CPC 6112; (iii) Maintenance and repair services of motorcycles and snowmobiles CPC 6122; (iv) Other land transport services (except 71235 Mail transportation by land) CPC 712; (v) Rental services of sea-going vessels with operator CPC 7213; (vi) Rental services of non-sea-going vessels with operator CPC 7223; (vii) Air transport services (except 73210 Mail transportation by air) CPC 73; (viii) Freight transport agency services CPC 748; (ix) Courier services CPC 7512; (x) Telecommunications services (parts of 752, as defined in MTN.GNS/W/120); Computer and related services CPC 84; (xi) Market research and public opinion polling services CPC 864; (xii) Architectural, engineering and other technical services CPC 867; (xiii) Advertising services CPC 871; (xiv) Armoured car services CPC 87304; (xv) Building-cleaning services CPC 874; (xvi) Publishing and printing services CPC 88442; (xvii) Repair services incidental to metal products, machinery and equipment CPC 886; (xviii) Sewage and refuse disposal, sanitation and other environmental protection services CPC 94.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) parts of maintenance and repair services; (ii) courier services of letters; (iii) some architectural, engineering and other technical services related to construction services; and (iv) publishing and printing services of materials containing confidential information.</p> <p><b>As in the revised GPA, minus several services sectors (13 services sectors).</b><sup>xiii</sup></p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
		Peru	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, <b>coverage of all services.</b> Positive list of excluded services, based on the <b>CPC Version 1.1. Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).</p> <p><b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.</p>	<p><b>Negative list of covered construction services</b> (as in the revised GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p>
32.	Korea, Republic of – Chile/ 01.04.2004	Korea	<p><b>Negative list of covered services.</b></p> <p>Coverage of all services included in the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b>, with, <i>inter alia</i>, the following exclusions: (i) <b>financial services.</b></p> <p><b>Contrary to the revised GPA</b>, under this RTA, Korea does not cover procurement of services for "other government entities" (Annex 3 type).</p>	<p><b>Negative list of covered construction services</b> (as in the revised GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on CPC).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Chile	<p><b>Negative list of covered services.</b></p> <p>Coverage of <b>all services</b> included in the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b>, with, <i>inter alia</i>, the following exclusions: (i) <b>financial services.</b></p> <p>No coverage of services for the listed under "other" type of entities (Annex 3 level).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
33.	Korea, Republic of – Peru/ 01.08.2011	Korea	<p><b>Negative list of covered services.</b></p> <p>Coverage of <b>all services</b> included in the <b>1991 Services sectoral classification list (MTN.GNS/W/120)</b>, with, <i>inter alia</i>, the following exclusions: (i) <b>financial services.</b></p> <p><b>Contrary to the revised GPA</b>, Korea does not cover procurement of services for "other government entities" (Annex 3 type).</p>	<p><b>Negative list of covered construction services</b> (as in the revised GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> at the sub-central government level (with a definition of BOTs).</p>
		Peru	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services.</b> Positive list of excluded services, based on the <b>CPC Version 1.1. Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).</p> <p><b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC</b>).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> at the sub-central government level (with a definition of BOTs).</p>
34.	NAFTA (Goods/Services)/ 01.01.1994	Canada	<p><b>Negative list of covered services</b> (approach adopted different than in the GPA).</p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>, in two different categories.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) other types of studies and analysis (B); (iii) architecture and engineering services (C); (iv) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (v) natural resources and conversation services (E); (vi) Health and social services (G); (vii) Financial services (L); (viii) operation of government owned facilities (M); (ix) professional administrative and management services (e.g. legal services) (R); (x) utilities (S); (xi) communications services (T); and (xii) transportation services (V).</p> <p><b>General exclusion</b> for shipbuilding and repair.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of all construction services (based on the <b>CCS</b>). Positive list of excluded services include: (i) dredging services; (ii) construction services by or on behalf of the Department of Transport; and (iii) oil and gas mining (CPC 5115).</p>
		Mexico	<p>[Temporary]<b>Positive list of covered services</b>, based on the <b>CPC.</b></p> <p><b>Covered services</b> include, <i>inter alia</i>, all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (iii) Real estate services; (iv) Rental/leasing services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) Hotel and restaurants; and (ix) Travel agency and tour operator services.</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 51 of the CPC 1991</b>).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			<p><b>General exclusions</b> include, <i>inter alia</i>: (i) Financial services; (ii) R&amp;Ds; and (iii) any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868); (iv) transportation services that form a part of, or are incidental to, a procurement contract; (v) public utility services (including telecommunication, transmission, water and energy services).</p>	
		United States	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>, in two different categories.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services" (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusion</b> for: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the Division 51 of the CPC), with, <i>inter alia</i>, the following exceptions: (i) dredging services; and (ii) oil and gas mining.</p>
35.	Singapore – Australia/ 28.07.2003		<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b> (no classification system).</p> <p>Excluded services include, <i>inter alia</i>, all or parts of: (i) asset management and financial advisory services pertaining to reserves held by the Parties (or its entities).</p>	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p>
36.	Singapore - New Zealand/ 01.01.2001		<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b> (no classification system).</p>	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p>
37.	Singapore-Panama/ 24.07.2006	Singapore	<p><b>Positive list of covered services</b>, based on the CPCprov, as contained in the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i>.</p> <p><b>Covered services</b> include : (i) 862 Accounting, Auditing and Book-keeping Services; (ii) 8671 Architectural Services; (iii) 865 Management Consulting Services; (iv) 874 Building-Cleaning Services; (v) 641-643 Hotels and Restaurants (incl. catering); (vi) 74710 Travel Agencies and Tour Operators; (vii) 7472 Tourist Guide Services; (viii) 843 Data Processing Services; (ix) 844 Database Services; (x) 932 Veterinary Services; (xi) 84100 Consultancy Services Related to the Installation of Computer Hardware; (xii) 84210 Systems and Software Consulting Services; (xiii) 87905 Translation and Interpretation Services; (xiv) 7523 Electronic Mail; (xv) 7523 Voice Mail; (xvi) 7523 On-Line Information and Database Retrieval; (xvii) 7523 Electronic Data Interchange; (xviii) 96112 Motion Picture or Video Tape Production Services; (xix) 96113 Motion Picture or Video Tape Distribution Services; (xx) 96121 Motion Picture Projection Services; (xxi) 96122 Video Tape Projection Services; (xxii) 96311 Library Services; (xxiii) 8672 Engineering Services; (xxiv) 7512 Courier Services; (xxv) Biotechnology Services Exhibition Services; (xxvi) Commercial Market Research; (xxvii) Interior Design Services, Excluding Architecture; (xxviii) Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services.</p> <p><b>As in the revised GPA, minus the following services: executive search services (CPC 87201).</b> In addition to the GPA, Singapore covers 8861-8866 (maintenance and repair of equipment).</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: dredging services and election-related services.</p>	<p><b>Positive list of covered construction services</b> (as in the revised GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120 (CPC 51)).</p> <p>Subject to the requirement that engineers/architects be qualified in Singapore/Panama respectively.</p>
		Panama	<p><b>Positive list of covered services</b>, based on the CPC, as contained in the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i>.</p> <p><b>Covered services</b> include : CPC prov : 61111; 7523; 84; 86401; 865; 8672; 8675; 871; 88442; 9404; 9405; 9406; 96112; 96113; 96121; 96122; 96311; And from the 1991 <i>Services sectoral classification list (MTN.GNS/W/120)</i>: 641-643; 862; 7512; 8671; 874; 87909; 8861-8866. Others: (i) Biotechnology Services; (ii) Exhibition Services; (iii) Commercial Market Research; (iv) Interior Design Services, Excluding Architecture; (v) Professional, Advisory and Consulting Services; (vi) Relating to Agriculture, Forestry, Fishing and Mining; (vii) Including Oilfield Services</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: procurement of transportation services that form part of, or are incidental to, a procurement contract.</p>	<p><b>Positive list of covered construction services</b> (as in the revised GPA).</p> <p>Except otherwise specified, coverage of <b>all construction services</b> (based on the Division 51 of the CPCprov).</p> <p>Subject to the requirement that engineers/architects be qualified in Singapore/Panama respectively.</p>

No	Agreement/ entry into force	Party	Services	Construction Services
38.	Singapore – Peru/ 01.08.2009	Singapore	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120).</b></p> <p><b>Covered services include, <i>inter alia</i>, all or parts of:</b> (i) 862 Accounting, Auditing and Book-keeping Services; (ii) 8671 Architectural Services; (iii) 865 Management Consulting Services; (iv) 874 Building-Cleaning Services; (v) 641-643 Hotels and Restaurants (incl. catering); (vi) 74710 Travel Agencies and Tour Operators; (vii)7472 Tourist Guide Services; (viii) 843 Data Processing Services; (ix) 844 Database Services; (x) 932 Veterinary Services; (xi) 84100 Consultancy Services Related to the Installation of Computer Hardware; (xii) 84210 Systems and Software Consulting Services; (xiii) 87905 Translation and Interpretation Services; (xiv) 7523 Electronic Mail; (xv) 7523 Voice Mail; (xvi) 7523 On-Line Information and Database Retrieval; (xvii) 7523 Electronic Data Interchange; (xviii) 96112 Motion Picture or Video Tape Production Services; (xix) 96113 Motion Picture or Video Tape Distribution Services; (xx) 96121 Motion Picture Projection Services; (xxi) 96122 Video Tape Projection Services; (xxii) 96311 Library Services; (xxiii) 8672 Engineering Services; (xxiv) 7512 Courier Services; (xxv) Biotechnology Services Exhibition Services; (xxvi) Commercial Market Research; (xxvii) Interior Design Services, Excluding Architecture; (xxviii) Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services.</p> <p><b>As in the revised GPA, minus the following services: executive search services (CPC 87201).</b></p>	<p><b>Positive list of covered construction services (as in the revised GPA).</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120 (CPC 51)).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Peru	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.1. Excluded services include, <i>inter alia</i>, all or parts of:</b> (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).</p> <p><b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
39.	Trans-Pacific Strategic Economic Partnership (TPP)/ 28.05.2006	Brunei	No coverage of services.	No coverage of construction services.
		Chile	<p><b>Negative list of covered services.</b></p> <p>Coverage of <b>all services</b>, with, <i>inter alia</i>, the following exclusions (based on the CCS): (i) financial services.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		New Zealand	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC, as defined in the 1991 Services sectoral classification list (MTN.GNS/W/120).</b></p> <p><b>Excluded services include, <i>inter alia</i>, all or parts of:</b> (i) public health, education and welfare services; (ii) R&amp;Ds (CPC 851-853).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120), with, <i>inter alia</i>, the following exceptions: (i) contracts for construction, refurbishment or furnishing of chanceries abroad.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Singapore	<p><b>Positive list of covered services, based on the CPCprov, as contained in the 1991 Services sectoral classification list (MTN.GNS/W/120).</b></p> <p><b>Covered services include, <i>inter alia</i>, all or parts of:</b> (i) 862 Accounting, Auditing and Book-keeping Services; (ii) 8671 Architectural Services; (iii) 865 Management Consulting Services; (iv) 874 Building-Cleaning Services; (v) 641-643 Hotels and Restaurants (incl. catering); (vi) 74710 Travel Agencies and Tour Operators; (vii)7472 Tourist Guide Services; (viii) 843 Data Processing Services; (ix) 844 Database Services; (x) 932 Veterinary Services; (xi) 84100 Consultancy Services Related to the Installation of Computer Hardware; (xii) 84210 Systems and Software Consulting Services; (xiii) 87905 Translation and Interpretation Services; (xiv) 7523 Electronic Mail; (xv) 7523 Voice Mail; (xvi) 7523 On-Line Information and Database Retrieval; (xvii) 7523 Electronic Data Interchange; (xviii) 96112 Motion Picture or Video Tape Production Services; (xix) 96113 Motion Picture or Video Tape Distribution Services; (xx) 96121 Motion Picture Projection Services; (xxi) 96122 Video Tape Projection Services; (xxii) 96311 Library Services; (xxiii) 8672 Engineering Services; (xxiv) 7512 Courier Services; (xxv) Biotechnology Services Exhibition Services; (xxvi) Commercial Market Research; (xxvii) Interior Design Services, Excluding Architecture; (xxviii) Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services.</p> <p><b>Coverage of services as in the revised GPA, less a number of services sectors, including:</b> (i) executive search services (CPC 87201).</p>	<p><b>Positive list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (as defined in MTN.GNS/W/120 (CPC 51)), with, <i>inter alia</i>, the following exceptions: (i) contracts for construction, refurbishment or furnishing of chanceries abroad.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
40.	US – Australia/ 01.01.2005	US	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of all services. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b></p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction</b></p>

No	Agreement/ entry into force	Party	Services	Construction Services
			<p>and the CPC, as defined in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120).</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) basic telecommunication network and services (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas; (iii) printing services at the state level.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Australia	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds; (ii) plasma fractionation services; and (iii) government advertising services.</p> <p>Positive list of excluded services, based on the <b>Common Classification System (CCS) and the CPCprov, as defined in the 1991 <i>Services sectoral classification list</i> (MTN.GNS/W/120)</b>, for the Department of Defence and Defence Material Organization. Excluded services include, <i>inter alia</i>, all or parts of: (i) services associated with military systems and equipment; (ii) services associated with the management of government owned-facilities; and (iii) space services; and (iv) services in support of military forces overseas.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
41.	US – Bahrain/ 01.08.2006	US	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) service in support of military forces overseas.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; and (ii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Bahrain	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC and textual description</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) Arbitration and Conciliation Services; (ii) Financial Intermediation Services, except Investment Banking, Insurance Services, and Pension Services (CPC 711), and Investment banking services (CPC 712); (iii) services associated with the Management of Government-Owned Facilities; (iv) Printing of revenue stamps, bank notes, and religious material; (v) Research and Development; (vi) Public Utilities; and (vii) Telecommunications and Telecommunications Network Management Services.</p> <p>Also contains a positive list of <b>excluded services</b> (based on CPC) for defence-related purposes. <b>General exclusions</b> include, <i>inter alia</i>: (i) service in support of military forces overseas.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: building for religious purposes (CPC 54129); and CPC 542 by a covered entity on behalf of a non-covered entity.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
42.	US - CAFTA-DR (Dominican Republic - Central America - United States)/ 01.03.2006	US	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas; (iii) printing services at the state level.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
		Costa Rica	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.0</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) Research and development services 81; (ii) Gambling and Betting Services 9692; (iii) public services (e.g. electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (iv) management of government owned facilities.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Dominican Republic	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i); Research and development services 81 (ii) public services (e.g. advertising services 836, electricity, gas and water distribution services 69, Administrative services of compulsory social security schemes 913, Education Services 92); (iii) transportation services (64, 65, 66); (iv) printing services.</p> <p><b>Exclusion</b> of services and goods procured by the Fondo de Desarrollo de las Telecomunicaciones.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, an exclusion for the suppliers of Puerto Rico. <b>Transitional mechanisms</b> for the coverage of construction services.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		El Salvador;	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b> (no classification system).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Guatemala	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.0</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) public services (e.g. electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (ii) management of government owned facilities; (iii) Sewage and refuse disposal; sanitation and similar services 94; and (iv) individual professional services.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Honduras	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.0</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) public services (e.g. electricity, gas and water distribution services (CPC 69); (ii) Land Transport Services (CPC 64); and (iii) Air Transport Services (CPC 66).</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Nicaragua	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.0</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i); individual professional services (ii) public services (e.g. other professional, scientific and technical services 83, electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (iii) management of government owned facilities; (iv) 94 Sewage and Refuse Disposal. And individual professional services.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		43.	US – Chile/ 01.01.2004	United States

No	Agreement/ entry into force	Party	Services	Construction Services
		Chile	<p><b>Negative list of covered services.</b></p> <p>Coverage of <b>all services</b>, with, <i>inter alia</i>, the following exclusions (<b>based on the CCS</b>): (i) financial services.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Coverage of <b>all construction services</b> (no classification system).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
44.	US – Colombia/ 15.05.2012	United States	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services) (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas; (iii) printing services at the state level.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Colombia	<p><b>Negative list of covered services.</b></p> <p>Positive list of excluded services, based on the <b>CPC Version 1.0</b>. <b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (CPC 81); (ii) Engineering and Architectural services (CPC 832-833); (iii) Utilities (e.g. energy distribution (CPC 69), Sewer and refuse disposal and other environmental services (CPC 94), and basic telecommunication services (except value-added telecommunication services)); (iv) social services (e.g., public administration (CPC 91), education services (CPC 92), and human health services (CPC 931)); (v) printing services; and (vi) production of television programs (CPC 96121).</p> <p>Additional <b>exclusions</b>, based on the CPC 1.0, for the Empresa Colombiana de Pretroleos include: CPC 632, 642, 852, 82211, 712, 713, and 715.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: exclusion for local content requirements for road and highways in rural areas.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
45.	US – Morocco/ 01.01.2006	US	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS) and the CPC, as defined in the 1991 Services sectoral classification list (MTN.GNS/W/120)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) basic telecommunication network and services (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas; (iii) printing services at the state level.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Morocco	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on <b>the CPCprov</b>.</p> <p>Excluded services include, <i>inter alia</i>, all or parts of the following services, when those services are incidental to, a procurement contract for construction services: (i) Testing and analytical technique services, including quality control and inspection services CPC 8676; (ii) Geological, geophysical, and other scientific prospecting services CPC 86751; (iii) Delegated utilities management: procurements for water and electricity supply and sanitation only CPC 887 and 940.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b>, with, <i>inter alia</i>, the following exceptions, <b>based on the CPC</b>: civil engineering works (CPC 522); and general construction services of other non-residential building (CPC 54129).</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>

No	Agreement/ entry into force	Party	Services	Construction Services
46.	US – Oman/ 01.01.2009	US	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services" (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; and (ii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Oman	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC 1.1 and textual description</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) arbitration and Conciliation services (CPC 82191); (ii) basic telecommunication network and services (CPC 84110, 84121, 8414, 8415); (iii) Transportation, travel and relocation services (CPC 661, 662); (iv) public utilities (CPC 69); (v) Financial services (CPC 71100); (vi) R&amp;Ds (CPC 81); and (vii) printing of revenue stamps, bank notes, and religious material.</p> <p>General exclusions include, <i>inter alia</i>: (i) procurement of printed material for educational purposes by the Ministry of Education (CPC 32230); (ii) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (iii) the acquisition, development, or production of program distribution services (CPC 84170) by the Ministry of Information.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) buildings for religious purposes (CPC version 1.1 - 54129) by the Ministry of Awgaf and Religious Affairs.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
47.	US – Panama/ 31.10.2012	United States	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services" (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related to the maintenance and repair of ships (J).</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas; (iii) printing services at the state level.</p> <p><b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the "other government entities" level for restrictions attached to Federal funds for airport projects.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
		Panama	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>CPC Version 1.0</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) 64 Land transport services; (ii) 66 Air transport services; (iii) 6751 Bus station services; (iv) 6781 Travel agency and tour operator services; (v) 68111 Postal services related to letters; (vi) 68112 Postal services related to parcels; (vii) 68113 Post office counter services; (viii) 68119 Other postal services; (ix) 6911 Electricity transmission and distribution services; (x) 692 Water distribution services through mains; (xi) 81 Research and development services; (xii) 91 Public Administration and other Services to the Community as a whole; (xiii) Compulsory Social Security Services; (xiv) 92 Education Services; (xv) 93 Health and Social services; (xvi) 9692 Gambling and Betting Services; and (xvii) Telecommunication Services<sup>vii</sup>.</p> <p><b>General exclusions</b> include, <i>inter alia</i>: (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract.</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services.</p> <p>Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).</p>
48.	US – Peru/ 01.02.2009	US	<p><b>Negative list of covered services.</b></p> <p>Except otherwise specified, coverage of <b>all services</b>. Positive list of excluded services, based on the <b>Common Classification System (CCS)</b>.</p> <p><b>Excluded services</b> include, <i>inter alia</i>, all or parts of: (i) R&amp;Ds (B); (ii) certain information processing and related telecommunication services (d304 ADP Telecommunications and transmission services, except those classified as "enhanced or value-added services" (D); (iii) operation of government owned facilities (M); (iv) utilities (S); (v) transportation services (V) (except travel agent services); and (vi) some services related</p>	<p><b>Negative list of covered construction services.</b></p> <p>Except otherwise specified, coverage of <b>all construction services</b> (no classification system), with, <i>inter alia</i>, the following exceptions: (i) dredging services; (ii) exclusion at the state level for restrictions attached to Federal funds for mass transit and highway projects; (iii) exclusion at the</p>

No	Agreement/ entry into force	Party	Services	Construction Services
			to the maintenance and repair of ships (J).  <b>General exclusions</b> include, <i>inter alia</i> : (i) procurement of transportation services that form a part of, or are incidental to, a procurement contract; and (ii) service in support of military forces overseas; (iii) printing services at the state level.  <b>Coverage of services as in the revised GPA, less a number of telecommunication services</b> offered by the Rural Utilities Services Financing.	"other government entities" level for restrictions attached to Federal funds for airport projects.  Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).
		Peru	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.1</b> . <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191).  <b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (no classification system).  Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).
<b>III - RTAs BETWEEN NON-GPA PARTIES</b>				
49.	Australia – Chile/ 06.03.2009	Australia	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) R&Ds; (ii) plasma fractionation services; and (iii) government advertising services; and (iv) financial services.  Positive list of excluded services, based on the <b>CPCprov, as defined in the 1991 Services sectoral classification list (MTN.GNS/W/120)</b> , for the Department of Defence and Defence Material Organization. <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) services associated with military systems and equipment; (ii) services associated with the management of government owned-facilities; and (iii) space services; and (iv) services in support of military forces overseas.  <b>Other exclusions</b> include, <i>inter alia</i> , all or parts of: (A) health and welfare services by: (i) the Health and Ageing Portfolio; and (ii) by the entities in the following sub-central regions: (1) Australian Capital Territory; (2) New South Wales; (3) Queensland; (4) South Australia; and (5) Victoria; (B) education services by the entities in the following sub-central regions : (i) Australian Capital Territory; (ii) New South Wales; (iii) Queensland; and (iv) South Australia; (C) utility services for entities in the Australian Capital Territory; (D) government advertising services by the entities in the following sub-central regions:: (i) Queensland; (ii) South Australia; and (E) Telecommunication services by the Australian War Memorial.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of all construction services (no classification system).  Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).
		Chile	<b>Negative list of covered services.</b>  Except otherwise specified, <b>coverage of all services</b> . <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of all construction services (no classification system), with, <i>inter alia</i> , an exclusion for the Easter Island.  Explicit coverage of <b>BOTs/public work concessions</b> (with a definition of BOTs).
50.	Central America – Dominican Republic/ 04.10.2001		<b>Negative list of covered services.</b>  Except otherwise specified, <b>coverage of all services</b> . List of bilateral exclusions between the Dominican Republic and other central American countries.	No coverage of services (subject to future negotiations).
51.	Chile – Colombia/ 08.05.2009	Chile	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of all construction services (based on <b>Division 54 of CPC 1.0</b> ), with, <i>inter alia</i> , an exclusion for the Easter Island.  Explicit coverage of <b>BOTs/public work</b> .
		Colombia	<b>Negative list of covered services.</b>  Positive list of excluded services, based on the <b>CPC Version 1.0</b> . <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) R&Ds (CPC 81); (ii) Engineering and Architectural services (CPC 832-833); (iii) Utilities (e.g. energy distribution (CPC 69), Sewer and refuse disposal and other environmental services (CPC 94), and basic telecommunication services (except value-added telecommunication services)); (iv) social services (e.g., public administration (CPC 91), education services (CPC 92), and human health services (CPC 931)); (v) printing services; and (vi) production of television programs (CPC 96121).  <b>General exclusion</b> of financial services.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of <b>all construction services</b> (based on the <b>Division 54 of the CPC Version 1.0</b> ), with, <i>inter alia</i> , the following exceptions: exclusion for local content requirements for road and highways in rural areas.  Explicit coverage of <b>BOTs/public work concessions</b> .

No	Agreement/ entry into force	Party	Services	Construction Services
52.	Chile - Costa Rica (Central America)/ 15.02.2002	Chile	<b>Negative list of covered services.</b>	<b>Negative list of covered construction services.</b>
		Costa Rica	Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services; and (ii) services/functions provided by the government, such as social security, social welfare, public education, health and child care/protection.	Except otherwise specified, coverage of <b>all construction services</b> (no classification system).  Explicit coverage of <b>BOTs/public work concessions.</b>
		El Salvador		
		Guatemala		
Honduras				
53.	Chile - El Salvador (Central America)/ 01.06.2002	Chile	<b>Negative list of covered services.</b>	<b>Negative list of covered construction services.</b>
		Costa Rica	Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services; and (ii) services/functions provided by the government, such as social security, social welfare, public education, health and child care/protection.	Except otherwise specified, coverage of all construction services (no classification system).  Explicit coverage of <b>BOTs/public work concessions.</b>
		El Salvador		
		Guatemala		
Honduras				
54.	Chile - Guatemala (Central America)/ 23.03.2010	Chile	<b>Negative list of covered services.</b>	<b>Negative list of covered construction services.</b>
		Costa Rica	Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services; and (ii) services/functions provided by the government, such as social security, social welfare, public education, health and child care/protection.	Except otherwise specified, coverage of all construction services (no classification system).  Explicit coverage of <b>BOTs/public work concessions.</b>
		El Salvador		
		Guatemala		
Honduras				
55.	Chile – Honduras (Central America)/ 19.07.2008	Chile	<b>Negative list of covered services.</b>	<b>Negative list of covered construction services.</b>
		Costa Rica	Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services; and (ii) services/functions provided by the government, such as social security, social welfare, public education, health and child care/protection.	Except otherwise specified, coverage of all construction services (no classification system).  Explicit coverage of <b>BOTs/public work concessions.</b>
		El Salvador		
		Guatemala		
Honduras				
56.	Chile – Nicaragua (Central America)/ 19.10.2012	Chile	<b>Negative list of covered services.</b>	<b>Negative list of covered construction services.</b>
		Costa Rica	Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services; and (ii) services/functions provided by the government, such as social security, social welfare, public education, health and child care/protection.	Except otherwise specified, coverage of all construction services (no classification system).  Explicit coverage of <b>BOTs/public work concessions.</b>
		El Salvador		
		Guatemala		
Honduras				
57.	Colombia – Northern Triangle New (El Salvador, Guatemala, Honduras)/ 12.11.2009	Colombia	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>No coverage of services.</b>
		El Salvador	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>No coverage of services.</b>
		Colombia-	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services (no classification system).
		Guatemala	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services (no classification system).
		Colombia	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services (no classification system), with, <i>inter alia</i> , the exclusion of public concessions.
		Honduras	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services (no classification system).
58.	Costa Rica – Peru/ 20.09.2012	Costa Rica;	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> .  <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) Research and development services 81; (ii) Gambling and Betting Services 9692; (iii) public services (e.g. electricity, gas and water distribution services 69, Public Administration and other Services to the Community as a whole 91, Education Services 92, and Health and Social services 93); (iv) management of government owned facilities; (v) some legal services, including conciliation and arbitration.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of all construction services (based on the Division 51 of the CPC).
		Peru	<b>Negative list of covered services.</b>  Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.1</b> . <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) accounting and auditing services (CPC 8221); and (ii) arbitration and conciliating services (CPC 82191). <b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.	<b>Negative list of covered construction services.</b>  Except otherwise specified, coverage of all construction services (based on the Division 51 of the CPC).

No	Agreement/ entry into force	Party	Services	Construction Services
59.	Mexico – Chile/ 01.08.1999	Chile	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system). <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) financial services.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services ( <b>based on Division 54 of CPC 1.0</b> ), with, <i>inter alia</i> , an exclusion for the Easter Island.
		Mexico	<b>Positive list of covered services</b> , based on the <b>CPC 1991</b> . <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (iii) Real estate services; (iv) Rental/leasing services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) Hotel and restaurants; and (ix) Travel agency and tour operator services. <b>General exclusions</b> include, <i>inter alia</i> : (i) Financial services; (ii) R&Ds; and (iii) any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868); (iv) transportation services that form a part of, or are incidental to, a procurement contract; (v) public utility services (including telecommunication, transmission, water and energy services).	<b>All construction services by reference to CPC 51 (CPC 1991) – positive list</b>
60.	Mexico-Colombia/ 01.01.1995	Mexico	<b>Positive list of covered services.</b> Except otherwise specified, <b>all services</b> are covered. Positive and <b>indicative list of covered services</b> , based on the <b>Common Classification System (CCS)</b> . <b>General exclusion</b> of services link with excluded goods acquired by the Ministry of defense (or related entities), and services in support of military forces overseas.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services (Common Classification System (CCS) definition for construction services, which could be based on <b>Division 51 of the CPC</b> , has to be agreed by the parties).
		Colombia	<b>Positive list of covered services.</b> Except otherwise specified, <b>all services</b> are covered. Positive and <b>indicative list of covered services</b> , based on the <b>Common Classification System (CCS)</b> . <b>General exclusion</b> of services link with excluded goods acquired by the Ministry of defense (or related entities), and services in support of military forces overseas.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services (Common Classification System (CCS) definition for construction services, which could be based on <b>Division 51 of the CPC</b> , has to be agreed by the parties).
61.	Mexico - Costa Rica/ 01.01.1995	Mexico	List of excluded services to be developed in conformity with the rules established under the Chapter on trade in services. Meanwhile, the legislation in force should be applied and no legislation more restrictive can be applied. The Parties should also develop a classification system one year after the entry into force of the Agreement. <b>General exceptions</b> include, <i>inter alia</i> , transportation services that form a part of, or are incidental to, a procurement contract.	List of excluded services to be developed in conformity with the rules established under the Chapter on trade in services. Meanwhile, the legislation in force should be applied and no legislation more restrictive can be applied. The Parties should also develop a classification system one year after the entry into force of the Agreement.
		Costa Rica	List of excluded services to be developed in conformity with the rules established under the Chapter on trade in services. Meanwhile, the legislation in force should be applied and no legislation more restrictive can be applied. The Parties should also develop a classification system one year after the entry into force of the Agreement.	
62.	Mexico - Nicaragua/ 01.07.1998		<b>Positive list of covered services</b> , based on the <b>Common classification system (CCS)</b> . Except otherwise specified, coverage of <b>all services</b> . <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) transportation services. <b>General exclusions</b> include, <i>inter alia</i> : (i) <b>R&amp;Ds</b> ; and (ii) transportation services that form a part of, or are incidental to, a procurement contract.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services ( <b>based on Division 51 of the CPC</b> ).
			<b>Positive list of covered services</b> , based on the <b>Common classification system (CCS)</b> . Except otherwise specified, coverage of <b>all services</b> . <b>Covered services</b> include, <i>inter alia</i> , all or parts of: (i) Architectural and Engineering services; (ii) Computer and Related services; (v) management consulting services; (vi) Related scientific and technical services; (vii) Environmental services; (viii) transportation services. <b>General exclusions</b> include, <i>inter alia</i> : (i) <b>R&amp;Ds</b> ; and (ii) transportation services that form a part of, or are incidental to, a procurement contract.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of all construction services ( <b>based on Division 51 of the CPC</b> ).
63.	Panama - Costa Rica (Central America)/ 23.11.2008		<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services</b> (no classification system).
64.	Panama - El Salvador (Central America)/ 11.04.2003		<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services</b> (no classification system).

No	Agreement/ entry into force	Party	Services	Construction Services
65.	Panama – Guatemala (Central America)/ 20.06.2009		<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services</b> (no classification system).
66.	Panama - Honduras (Central America)/ 09.09.2009		<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services</b> (no classification system).
67.	Panama - Nicaragua (Central America)/ 21.11.2009		<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> (no classification system).	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services</b> (no classification system).
68.	Panama – Peru/ 01.05.2012	Panama	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.0</b> . <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) 64 Land transport services; (ii) 66 Air transport services; (iii) 6751 Bus station services; (iv) 6781 Travel agency and tour operator services; (v) 68111 Postal services related to letters; (vi) 68112 Postal services related to parcels; (vii) 68113 Post office counter services; (viii) 68119 Other postal services; (ix) 6911 Electricity transmission and distribution services; (x) 692 Water distribution services through mains; (xi) 81 Research and development services; (xii) 91 Public Administration and other Services to the Community as a whole; (xiii) Compulsory Social Security Services; (xiv) 92 Education Services; (xv) 93 Health and Social services; (xvi) 9692 Gambling and Betting Services; and (xvii) 84 Telecommunication Services.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services (based on Division 51 of the CPC)</b> , with, <i>inter alia</i> , an exclusion for dredging services.
		Peru	<b>Negative list of covered services.</b> Except otherwise specified, coverage of <b>all services</b> . Positive list of excluded services, based on the <b>CPC Version 1.1</b> . <b>Excluded services</b> include, <i>inter alia</i> , all or parts of: (i) Accounting and auditing services (CPC 8221); (ii) architectural services (CPC 8321); (iii) engineering and design services (CPC 8334); (iv) engineering services during construction and installation phase (CPC 8335); and (v) arbitration and conciliating services (CPC 82191). <b>General exclusion</b> for the Ministry of Economy and Finance of technical, legal, financial, economic, or similar consulting services.	<b>Negative list of covered construction services.</b> Except otherwise specified, coverage of <b>all construction services (based on Division 51 of the CPC)</b> , with, <i>inter alia</i> , an exclusion for dredging services.  Definition of construction services (by reference to Division 51 of the CPC).

<sup>i</sup> For the central, and federal "other" government entities: (i) parts of Legal Services CPC 861; (ii) Accounting, auditing and book keeping services CPC 862; (iii) Taxation Services (excluding legal services) CPC 863; (iv) Architectural services CPC 8671; (v) Engineering services CPC 8672; (vi) parts of Integrated engineering services CPC 8673; and (vii) Marketing management consulting services CPC 86503. For the central, sub-central, and "other" government entities: (i) Urban planning and landscape architectural services CPC 8674; (ii) Consultancy services related to the installation of computer hardware CPC 841; (iii) Software implementation services CPC 842; (iv) Data processing services CPC 843; (v) Data base services CPC 844; (vi) Maintenance and repair services CPC 845; (vii) Other computer services CPC 849; (viii) Real estate services involving own or leased property CPC 821; (ix) Real estate services on a fee or contract basis CPC 822; (x) Leasing or rental services CPC 83106 to 83109 only CPC 83203 to 83209 only; (xi) General management consulting services CPC 86501; (xii) Human resources management consulting services CPC 86504; (xiii) Production management consulting services CPC 86505; (xiv) Services related to management consulting (except 86602 Arbitration and conciliation services) CPC 8660; (xv) Technical testing and analysis services CPC 8676; (xvi) Services incidental to forestry and logging CPC 8814; (xvii) Services incidental to mining, including drilling and field services CPC 883; (xviii) Repair services of personal and household goods CPC 633; (xix) Repair services incidental to metal products, machinery and equipment CPC 8861; (xx) Building cleaning services CPC 874; (xxi) Packaging services CPC 876; (xxii) Commercial courier services (including multi modal) CPC 7512; (xxiii) Electronic mail CPC 7523; (xxiv) Voice mail CPC 7523; (xxv) On line information and data base retrieval CPC 7523;

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(xxvi) Electronic data interchange (EDI) CPC 7523; (xxvii) Enhanced/value added facsimile services CPC 7523; (xxviii) Code and protocol conversion, On line information and/or data processing (including transaction processing) CPC 843; (xxix) Sewage and refuse disposal, sanitation and similar services CPC 940; (xxx) Hotel and similar accommodation services CPC 641; (xxxi) Food and beverage serving services CPC 642/3; (xxxii) Travel agency and tour operator services CPC 7471.

<sup>ii</sup> Article 6.3(1) Future negotiations: Upon conclusion of bilateral negotiations between the Parties on further liberalisation of their respective government procurement markets in the framework of the negotiations aimed at amending the GPA, such liberalisation, including provisions from the agreement amending the main part of the GPA in so far as they are relevant for these additional liberalisations, shall be included in this Agreement. The Joint Committee shall take a decision to this effect within three months after conclusion of these bilateral negotiations. This decision shall be subject to ratification or acceptance by the Parties.

<sup>iii</sup> Covered services include, *inter alia*, all or parts of: (i) Accounting, auditing and bookkeeping services CPC 862; (ii) Taxation services CPC 863; (iii) Architectural services CPC 8671; (iv) Engineering services CPC 8672; (v) Integrated engineering services CPC 8673; (vi) Urban planning and landscape architectural services CPC 8674; (vii) Consultancy services related to the installation of computer hardware CPC 841; (viii) Software implementation services CPC 842; (ix) Data processing services CPC 843; (x) Data base services CPC 844; (xi) Maintenance and repair services of office machinery and equipment (including computers) CPC 845; (xii) Rental/leasing services without operators relating to ships CPC 83103; (xiii) Rental/leasing services without operators relating to aircraft CPC 83104; (xiv) Rental/leasing services without operators relating to other transport equipment (only passenger vehicles for less than fifteen passengers) CPC 83101, 83105\*; (xv) Rental/leasing services without operators relating to other machinery and equipment CPC 83106, 83108, 83109; (xvi) Rental/leasing services without operator relating to construction machinery and equipment CPC 83107; (xvii) Advertising agency services CPC 8711, 8719; (xviii) Market research and public opinion polling services CPC 864; (xix) Management consulting services CPC 865; (xx) Project management services CPC 86601; (xxi) Composition and purity testing and analysis services (only inspection, testing and analysis services of air, water, noise level and vibration level) CPC 86761\*; (xii) Technical inspection services CPC 86764; (xxiii) Consulting services relating to agriculture and animal husbandry CPC 8811\*, 8812\*; (xxiv) Services incidental to forestry (excluding aerial fire fighting and disinfection) CPC 8814\*; (xxv) Consulting services relating to fishing CPC 882\*; Consulting services relating to mining CPC 883\*; (xxvi) Related scientific and technical consulting services CPC 86751, 86752; (xxvii) Maintenance and repair of equipment CPC 633, 8861; CPC 8862, 8863; 8864, 8865; 8866;(xxviii) Photographic services CPC 875; (xxix) Packaging services CPC 876; (xxx) Printing (screen printing, gravure printing, and services relating to printing) CPC 88442\* and ) Stenography services CPC 87909\*, Convention agency services); (xxxi) Translation and interpretation services CPC 87905; (xxxii) On-line information and data-base retrieval CPC 7523\*; (xxxiii) Electronic data interchange CPC 7523\*; (xxxiv) Enhanced/value-added facsimile services including store and forward, store and retrieve CPC 7523\*; (xxxv) Code and protocol conversion; (xxxvi) On-line information and/or data processing (including transaction processing) CPC 843\*; (xxxvii) Motion picture and video tape production and distribution services (excluding those services for cable TV broadcasting) CPC 96112\*, 96113\*; (xxxviii) Record production and distribution services (sound recording); (xxxix) Refuse water disposal services (only collection and treatment services of industrial waste water) CPC 9401\*; (xxxx) Industrial refuse disposal services (only collection, transport, and disposal services of industrial refuse) CPC 9402\*; (xxxxi) Cleaning services of exhaust gases and noise abatement services (services other than construction work services) CPC 9404\*, 9405\*; (xxxxii) Environmental testing and assessment services (only environmental impact assessment services) CPC 9406\*, 9409\*; (xxxxiii) International transport, excluding cabotage CPC 7212\*; (xxxxiv) Maintenance and repair of vessels CPC 8868\*; (xxxxv) Transportation of containerized freight, excluding cabotage CPC 71233\*; (xxxxvi) Freight transport agency services CPC 748\*; (xxxxvii) Freight forwarding for rail transport.

<sup>iv</sup> Article 9.2 - The procurement covered by this Chapter shall be all procurement covered by each Party's Annexes to the GPA 1994 and any note attached thereto, including their amendments or replacements. Article 9.2(4): For all procurement covered by this Chapter, the Parties shall apply the provisionally agreed revised GPA text.

<sup>v</sup> Article 130(2): If the GPA is amended or is superseded by another agreement, "the GPA", for the purposes of this Chapter, shall refer to the GPA as amended or such other agreement, as of the date on which such amendment or other agreement enters into force for both Parties.

<sup>vi</sup> Article 17.3: if the GPA is further amended or is superseded by another agreement, the Parties shall, amend this Chapter as appropriate, after consultation.

<sup>vii</sup> D304 ADP Telecommunications and Transmission Services, except for those services classified as "enhanced or value-added services". For the purposes of this provision, the procurement of "ADP Telecommunications and Transmission Services" does not include the ownership or furnishing of facilities for the transmission of voice or data; D305 Teleprocessing and Timesharing Services; D316 Telecommunications Network Management Services; D317 Automated News Services, Data Services or Other Information Services; D399 Other ADP and Telecommunications Services; M Operation of Government-Owned Facilities.

<sup>viii</sup> These are: (i) Services d'hôtellerie et autres services d'hébergement analogue (CPC 641); (ii) Services de restauration et de vente de boissons à consommer sur place (CPC 642, 643); (iii) Services d'agences de voyages et d'organismes touristiques (CPC 7471); (iv) Services de télécommunications (FULL) (CPC 7524, 7525,

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7526); (v) Services immobiliers à forfait ou sous contrat (CPC 822); (vi) Services de location simple ou en crédit-bail de machines et de matériel, sans opérateur (CPC 83106-83109); (vii) Services de location simple ou en crédit-bail d'articles personnels et domestiques (partie de CPC 832); (viii) Services de conseils en matière de droit du pays d'origine et de droit international public (partie de CPC 861); (ix) Services de conseil fiscal (CPC 863); (x) Services de conditionnement (CPC 876); and (xi) Services de conseil annexes à la sylviculture (partie de CPC 8814).

<sup>ix</sup> Implementing period: 2 years for the more advanced countries and 5 years for Haiti, St. Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.

<sup>x</sup> Antigua and Barbuda; Barbados; the Bahamas; Belize; Dominica; Dominican Republic; Grenada; Guyana; Haiti; Jamaica; Saint-Christopher and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Suriname; Trinidad and Tobago.

<sup>xi</sup> These are: (i) four sub-sectors of telecommunication services (CPC 752); (ii) services incidental to forestry and logging (CPC 8814); (iii) services incidental to mining (CPC 883); (iv) sanitation and similar services (CPC 9403); (v) cleaning services of exhaust gases (CPC 9404); and (vi) nature and landscape protection services (CPC 9406).

<sup>xii</sup> These are: (i) commercial courier services (including multi-modal) (CPC 7512); (ii) financial services (insurance, banking and investment services) (CPC 812 and 814); (iii) armoured car services (CPC 87304); (iv) adult education services (CPC 924); (v) other education services (CPC 929); and (vi) sewage and refuse disposal and sanitation and similar services (CPC 94).

<sup>xiii</sup> These are: (i) repair and servicing of personal and household goods (CPC 633); (ii) services incidental to forestry and logging, including forest management (CPC 8814); (iii) some education services (CPC 921, 922, 923, and 924); (iv) motion picture services (except motion picture videogame production services (CPC 9611)). In addition, the following services with respect to central government entities: (i) Food serving services (CPC 642); (ii) Beverage serving services (CPC 643); (iii) Management consulting services (CPC 865); (iv) Services related to management consulting (except 86602 Arbitration and conciliation services) (CPC 866); (v) Packaging services (CPC 876); (vi) Leasing or rental services concerning agricultural machinery and equipment without operator (CPC 83106 to 83108); (vii) Leasing or rental services concerning furniture and other household appliances (CPC 83203); (viii) Leasing or rental services concerning pleasure and leisure equipment (CPC 83204); and (ix) Leasing or rental services concerning other personal or household goods (CPC 83209).

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