

CTS Thematic Seminar
“Mode 4 at Work”



Mode 4 in RTAs – An Overview

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Structure

1. Mode 4 in RTAs
2. Improved access
3. Regulatory disciplines



1. Mode 4 in RTAs

- Since 2000, nearly **150 RTAs** covering services trade have been concluded and notified to the WTO
- Around **50** have been agreed just in the last 5 years
- **All** [must] **cover mode 4**, but some also include a separate Chapter/Annex dealing with the “temporary entry of business persons”

2. Mode 4 access in RTAs – An assessment (1/2)*



RTAs provide some **advances** over GATS commitments but, especially if compared to DDA offers, these are **not spectacular**

- Most progress achieved for:
 - “**Business visitors**” → “learning effect”?
 - “**Others**” - e.g. “traders and investors”, “trainees”, “installers”, “spouses and dependants” → “GATS-X”?
- More limited advances on:
 - “**contractual service suppliers**” and
 - “**independent professionals**”

mainly granted by developing countries, especially in RTAs with each other

2. Mode 4 access in RTAs – An assessment (2/2)



However:

- Greater number of sectors bound in RTAs
- Mode 4 categories committed in RTAs often apply economy-wide ← effect of investment chapter?
- Shallower “water” (i.e. bindings much closer to applied regimes than for other modes)?

3. Mode 4 disciplines in RTAs (1/2)

- Over recent years, RTAs* have increasingly included mode 4 “regulatory” disciplines
- Issues most frequently covered are:
 1. Entry fees
 2. Access to dispute settlement
 3. Visa/work permit applications
 4. Transparency
 5. Establishment of Contact Points
 6. Definitions

* Most RTAs concluded between 2009 and 2017
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3. Mode 4 disciplines in RTAs (2/2)



1. Entry fees

- reasonable and in accordance with domestic law(!) // not unjustified impediments // cost-based // not unduly impairing or delaying trade

2. Access to dispute settlement

- only if practice of rejecting applications and after exhaustion of administrative remedies

3. Visa/work permit applications

- applications to be processed expeditiously // within given time-limit (10 to 45 days) // promptly
- applicants to be informed of outcome // status of application [+ within time-limit // reasonable time]

4. Transparency

- relevant material (and any amendments) to be published (and notified) promptly // by entry into force of RTA // within reasonable or given time

5. Establishment of Contact Points

- for governments and/or for applicants



THANK YOU