

## **Collective Request** **Cross Border Supply**

### **Introduction**

"Further to paragraphs 25 through 27 of the Hong Kong Ministerial Declaration, and in accordance with paragraphs 7 and 11 (b) of Annex C of the Hong Kong Ministerial Declaration, the Mission of India is pleased to present the delegation of ... with a collective request in Cross Border Supply on behalf of the following interested Members: Chile, Hong Kong China, India, Mexico, New Zealand, Pakistan, Switzerland, Singapore, The Separate customs Territory of Taiwan, Penghu, Kinmen and Matsu.

This request identifies specific objectives for liberalization of cross border supply, while recognizing the flexibilities provided for individual developing country Members in accordance with Article XIX.2 of the GATS. The aforementioned interested Members are also deemed to be recipients of this request.

In accordance with paragraph 7 of Annex C of the Hong Kong Ministerial Declaration, this collective request is intended to complement, and not supersede, the bilateral request-offer negotiations and the specificity of bilateral requests.

The Mission of India has the further pleasure to invite ... to participate in a plurilateral discussion of this request, which will be organized in Geneva during the Services cluster taking place from 27 March to 7 April, 2006.

Please note that twenty other Members have received this collective request in cross border supply from the aforementioned group of interested Members, and have also been invited to this plurilateral meeting.

The aforementioned interested Members reserve the right to modify the content of this request in the future. Additional interested Members may also be identified in the future.

Any comments regarding this request, including written questions of a technical nature in advance of the plurilateral meeting, may be addressed to:

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## **Objectives**

Cross border supply of services (Modes 1 and 2) constitutes approximately 50% of world services trade. There is growing commercial importance of cross border supply across a wide range of services sectors. Some services which were considered to be previously technologically infeasible are now being traded commercially. This is a dynamic area of growth and new services are also being added continuously. For many services sectors, there may not be actual restrictions on the ground in delivering cross border supply while in some cases restrictions do exist. However, significant gaps exist in current commitments of members and it is desirable to plug the gap between such commitments and commercially meaningful market access opportunities that have arisen.

## **Collective Request in Cross Border Supply**

Para's 1(a) and 1 (b) of Annex C of the Hong Kong Ministerial Declaration call for commitments by members at existing levels of market access on a non-discriminatory basis across sectors of interest to members while making new/improved commitments in Modes 1 and 2. In line with this objective, a list of sectors/sub-sectors of interest to members is enclosed (Annex - I) where gaps in commitments exist in members' schedules. Members are requested to consider taking full market access and national treatment commitments in these sectors/sub-sectors for both Modes 1 and 2. Specifically, members may consider taking full national treatment commitments and removing requirements of commercial presence, citizenship/residency requirements that they maintain in the market access column.

We recognize the need for flexibility while making new/improved commitments in the enclosed list of sectors/sub-sectors. We also note the flexibility for individual developing country members in accordance with Article XIX:2 of the GATS.

Given the uncertainty regarding classification of electronic delivery of certain services as either Mode 1 or Mode 2, a practical way forward has been suggested which is to provide for similar levels of commitments on Mode 2 where commitments on Mode 1 exist or are planned to be offered in the identified sector/sub-sectors. However, we do recognize the possibility of some specific situations where different commitments in Modes 1 and 2 may be warranted. This is also in line with para 1(b) of Annex C of the Hong Kong Ministerial Declaration.

In order to account for rapid technological developments, commitments are suggested at the two digit level for Computer Related Services – CPC 84. Further, use is made of CPC 1.1 for “Other Business Services” since the description in the corresponding provisional CPC- 8790 does not capture emerging and dynamic cross border services like call centers etc. Therefore, we have used CPC 1.1 859 – “Other Support Services” to enable commitments to better reflect commercially meaningful opportunities.

## Annex - I

## List of sectors/sub-sectors for specific commitments in Modes 1 and 2

W/120	Sector/sub-sector	CPC Code
<b>COMMITMENTS</b>		
<b>IA</b>	<b><u>PROFESSIONAL SERVICES</u></b>	
b.	Accounting, auditing and bookkeeping services (excluding statutory auditing)	862
c.	Taxation services	863
d.	Architectural Services	8671
e.	Engineering Services	8672
f.	Integrated Engineering Services	8673
g.	Urban Planning and Landscape Architectural Services	8674
h.	Medical and Dental Services	9312
i.	Veterinary Services	932
<b>B.</b>	<b><u>COMPUTER AND RELATED SERVICES (at two digit level)</u></b>	84
<b>C.</b>	<b><u>RESEARCH AND DEVELOPMENT SERVICES</u></b>	
a.	R and D Services on Natural Sciences	851
b.	R&D services on social sciences and humanities	852
c.	Interdisciplinary R&D services	853
<b>D.</b>	<b><u>REAL ESTATE SERVICES</u></b>	
b.	On a fee or contract basis	822
<b>E.</b>	<b><u>RENTAL/LEASING SERVICES WITHOUT OPERATORS</u></b>	
a.	Relating to Ships	83103
b.	Relating to Air Craft	83104
c.	Relating to other Transport equipment	83101 + 83102 + 83105
d.	Relating to other Machinery and equipment	83106 - 83109
<b>F.</b>	<b><u>"OTHER BUSINESS SERVICES" AS DEFINED AS</u></b>	
b.	Market research / public opinion polling services	864
c.	Management consulting service	865
d.	Services related to management consulting	866
e.	Technical testing and analysis services	8676
h.	Services incidental to mining	883+5115
i.	Services incidental to manufacturing	884+885 (except for 88442)
j.	Service incidental to energy distribution	887
m.	Related scientific / technical consulting services	8675
n.	Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861-8866
k.	Placement and supply services of personnel	872
p.	Photographic services	875
	Plus "OTHER SUPPORT SERVICES"	
	Credit reporting services	CPC 1.1-8591
	Collection agency services	CPC 1.1-8592
	Telephone based support services	
	➤ Telephone call centre services	CPC 1.1-85931
	➤ Other telephone based support services	CPC 1.1-85939
	Duplicating services	CPC 1.1-8594
	Mailing list compilation and mailing services	CPC 1.1-8595
	Trade fair and exhibition organization services	CPC 1.1-8597
	Other support services n.e.c.	CPC 1.1-8599
		(some exclusions possible)
<b>2C.</b>	<b><u>TELECOMMUNICATION SERVICES</u></b>	
f.	Facsimile services	7521**+7523**
h.	Electronic Mail	7522**+7523**
i.	Voice Mail	7523**

<b>W/120</b>	<b>Sector/sub-sector</b>	<b>CPC Code</b>
k.	Electronic data interchange (EDI)	7523**
j.	On-line information and data base retrieval	7523**
l.	Enhanced/value added facsimile services	7523**
n.	On-line information and/or data processing (including transaction processing)	843**
<b>4.</b>	<b><u>DISTRIBUTION SERVICES</u></b>	
<b>A.</b>	Commission agents' services	621
<b>B.</b>	Wholesale trade services	622
<b>D.</b>	Franchising	8929
<b>6.</b>	<b><u>ENVIRONMENTAL SERVICES</u></b>	
<b>A-C</b>	(Only Consultancy )	9401+9402+9403
<b>7.</b>	<b><u>FINANCIAL SERVICES (As per Annex on FS)</u></b>	
<b>A.</b>	<b>ALL INSURANCE AND INSURANCE-RELATED SERVICES</b>	
5(a)(ii)	Reinsurance and retrocession	
5(a)(iv)	Services auxiliary to insurance	
<b>B.</b>	<b><u>BANKING AND OTHER FINANCIAL SERVICES</u></b>	
5(a)(xvi)	Advisory and other auxiliary financial services	
5(a)(xv)	Provision and transfer of financial information and financial data processing and related software by providers of other financial and "Other services auxiliary to financial intermediation"	8133
<b>9.</b>	<b><u>TOURISM AND TRAVEL RELATED SERVICES</u></b>	
<b>A.</b>	Hotels and Restaurants (including catering)	641-643
<b>B.</b>	Travel Agencies and Tour operators	7471
<b>10.</b>	<b><u>RECREATIONAL, CULTURAL AND SPORTING SERVICES</u></b>	
<b>C.</b>	<u>Libraries, archives, museums and other cultural services</u> Library and archive services	9631
<b>11 H.</b>	<b><u>SERVICES AUXILIARY TO ALL MODES OF TRANSPORT</u></b>	
c.	Freight transport agency services	748
d.	Others	749