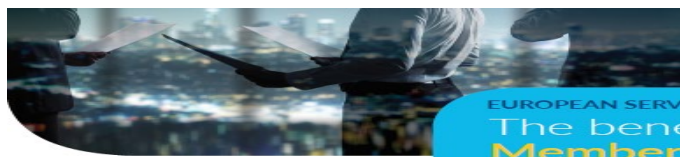


## ESF Structure

- I. **ESF Membership** (see attached below) is composed as follows:
  - European Services Sector specific associations (24)
  - National Confederation of Industries of EU Countries + BusinessEurope (6)
  - National Services sector specific associations (when agreed by European association of that sector) (3)
  - Multinational companies from services sectors (18)
  
- II. ESF internal rules are governed by two funding documents (see attached below), adopted at the inception of the European Services Forum in 1999 and revised in 2008:
  - ESF Set of Principles, which expresses the ambition of the Forum in international trade negotiations.
  - ESF Memorandum of Understanding (MoU), which fixes the objectives, the main activities, the structure and the financing of the organisation. It also establishes the decision-making process of the policy of the Forum, which states that a member that does not agree with the whole substance of Position can dissociate itself but cannot hold the process.
  
- III. All major decisions of the Forum are taken by the members in the **Policy Committee**, which include:
  - Adoption of strategic plan and work programme,
  - Adoption of Position Papers per countries or per issues,
  - Adoption of the budget.
  
- IV. The small Secretariat is run by a Managing Director, which manage the daily activities of the office and report to the ESF Executive Board.
  
- V. As of October 2020, **ESF Executive Board** is composed as follows:
  - ESF Chair – **Annette Meijer**, Vice President European Affairs & Deputy Head Brussels Corporate Representation at Deutsche Post DHL Group (DPDHL)
  - ESF former Chairman - **Noel Clehane**, Global Head of Regulatory & Public Policy Affairs, BDO
  - ESF Policy Chairman – **David Wästberg** – Director of European affairs – Almega/SN – Confederation of Swedish Enterprises
  - ESF Policy Vice-Chairman – **John Cooke**, Chairman of LOTIS Committee of TheCityUK
  - Chair of ESF Digital Trade Task Force – **Amelie Coulet**, Senior Manager, IBM Europe
  - Director of EU and International Affairs **Pat Ivory**, IBEC (Irish Business & Employers Confederation)
  - ESF Managing Director – **Pascal Kerneis**

## PRACTICAL INFORMATION ON ESF FUNCTIONING

- ESF main active body is the **ESF Policy Committee**:
  - ⇒ It gathers the members' representatives in charge of trade and investment/public and government affairs.
  - ⇒ It takes the policy decision of the organisation and adopts the budget.
  - ⇒ It meets 3 or 4 times/year.
  - ⇒ The ESF Policy Committee meets twice a year with the European Council Trade Policy Committee on Services & Investment, providing exclusive access to national experts.
- Furthermore, we have created a "Task Force on EU-UK Future Relationship", as well as a "Digital Trade Taskforce". They meet 2 or 3 times/year, depending on the actuality.
- ESF members receive approximately per year:
  - ⇒ 50 circulating letters on specific issues, with consultation of members on various trade and investment issues;
  - ⇒ 30 News Flashes on information related to ESF activities but that do not require any action.
- ESF daily activities are managed by the Executive Board composed of the ESF Chairman, the ESF Policy Committee Chairman and two vice chairpersons, and the ESF Director.
- ESF office is located in BUSINESSEUROPE's building and works closely with its International Relations Department, allowing strong synergies. Most of SF meetings take place at BusinessEurope building, but can also be hosted in other ESF members' premises.
- ESF Secretariat is committed to remain small and efficient. This allows Membership fees to remain low. Contact Secretariat for further information.



January 2022

## LIST OF ESF MEMBERS

1. Amfori
2. Apple
3. Architects' Council of Europe –ACE
4. British Telecom Plc
5. BDO
6. Bureau International des Producteurs et Intermédiaires d'Assurances – BIPAR
7. BUSINESSEUROPE
8. BUSINESSEUROPE WTO Working Group
9. Business Software Alliance - BSA
10. Conseil des barreaux de la Communauté Européenne – CCBE
11. Danish Shipping
12. Deutsche Post DHL
13. DI – Confederation of Danish Industries
14. Digital Europe
15. EK - Confederation of Finnish Industries
16. EuroCommerce
17. European Banking Federation – FBE
18. European Broadcasting Union - EBU
19. European Community Shipowners' Associations – ECSA
20. European Express Association – EEA
21. European Federation of Engineering and Consultancy Associations – EFCA
22. European Public Telecom Network – ETNO
23. Fédération de l'Industrie Européenne de la Construction – FIEC
24. FratiniVergano European Lawyers
25. General Council of the Bar of England & Wales
26. Google
27. Huawei Europe
28. IBM Europe, Middle East & Africa
29. Institute of Chartered Accountants in England and Wales (ICAEW)
30. Insurance Europe
31. Irish Business and Employers' Confederation - IBEC
32. Law Society of England & Wales
33. Le Groupe La Poste
34. Microsoft Corporation Europe
35. Mouvement des entreprises de France – MEDEF
36. Orange
37. PostEurop
38. Prudential Plc.
39. Svenskt Näringsliv (Confederation of Swedish Enterprise)
40. TechUK
41. Telenor Group
42. TheCityUK
43. UPS
44. Vodafone
45. Zurich Insurance

26 January 1999

## EUROPEAN SERVICES FORUM

### SET OF PRINCIPLES

A new round of multilateral negotiations on services (GATS 2000) will be launched at the Ministerial Meeting of the World Trade Organization (WTO) in November 1999. Both the European Commission and the Member States have made clear they would welcome more contributions from business, as was successfully done during the WTO negotiations for specific services in 1997.

On September 28, 1998 Mr Andrew Buxton, Chairman of Barclays Bank PLC, announced that he was forming, with the support of leading European firms, European services industry federations and UNICE, the **EUROPEAN SERVICES FORUM (ESF)** to provide business input for these negotiations and to work closely with the European negotiators as well as with similar counterparts in other countries which share the same objectives.

The European Services Forum (ESF) which has started working is a network of high-level representatives from the European services sector committed to actively promoting the interests of European services and the liberalisation of services markets throughout the world in connection with the GATS 2000 negotiations.

ESF is set up for a period covering the preparation and subsequent conduct of the GATS 2000 negotiations which are anticipated in the period from now up to and including December 2003. Should the timetable for the negotiations change the operational timeframe for ESF will be reviewed.

World trade in commercial services, measured on a balance of payments basis, accounted for around one fifth of world exports of goods and services, which reached \$ 7 trillion in 1998. Services account for 60%, or \$ 210 billion of annual flows of direct foreign investment. The services sector is a major source of innovation, especially in electronic commerce, and provides essential infrastructure and value-added investment for trade in goods. Services are also essential to improving economies of both industrialised and developing countries.

The European Union, which is the world's largest exporter of commercial services, accounting for 26% of total global services' transactions, has a key interest in playing a major part in the new round of multilateral negotiations. But all other trading partners must be convinced that they have an equal interest in going along the same lines.

ESF is determined to support and encourage the movement to liberalise service markets throughout the world and to remove trade and investment barriers for the European services sector, in particular in the fields of market access and national treatment.

Part of GATS 2000 will consist of further scheduling of commitments by WTO members in specific service sectors, including those represented in ESF. But the new round will also be a chance to improve GATS as a whole and to strengthen the place of services in the WTO structure. These general issues should logically be taken up before the negotiations on schedules start, since they will influence how scheduling is done.

Accordingly, the members of the European Services Forum have agreed that:

1. In the coming decades, issues related to international trade in services will present challenges to the multilateral trading system that at least equal, in importance and difficulty, tariff and non-tariff barriers to the development of trade in goods.
2. While bilateral and regional agreements and initiatives, including the Transatlantic Economic Partnership, can play a useful supportive role, a firm and widely supported multilateral agreement remains the ultimate goal of services negotiations within the WTO.
3. Services and other services-related issues (such as investment and electronic commerce) should be combined in a new comprehensive round which should be concluded by a single undertaking. The new round should be of limited duration, lasting no more than three years.
4. The Services 2000 negotiations should create much improved opportunities for profitable international business. To that end, they should:
  - be ambitious in their goals for real liberalisation,
  - achieve a broad and deep coverage of services sectors in WTO members and acceding countries,
  - obtain the widest possible standstill commitments,
  - go well beyond these standstills, which characterised the Uruguay Round to a large extent, in order to remove barriers to trade and investment.

Remaining impediments to substantially full market access and national treatment should be liberalised progressively on an agreed transition schedule. Particular attention should be paid to those services where, contrary to the original aim, not enough progress has been made since the conclusion of the Marrakech agreements.

5. The cross-border delivery of services in electronic form is of growing importance for many services sectors. Therefore, specific attention needs to be paid in the GATS 2000 negotiations to improving commitments which facilitate the use of electronic commerce for all services sectors, including those on the leading edge of e-commerce. As a first step the work programme included in the declaration on electronic commerce adopted by the June 1998 WTO ministerial conference has to be fully implemented.
6. The GATS 2000 negotiations should ensure the development of GATS rules and disciplines regarding government procurement of services, subsidies and emergency safeguard measures. They should also improve the method of scheduling, to achieve greater liberalisation in all four modes: cross-border supply, consumption abroad, commercial presence and presence of natural persons. Possible negotiations on competition need to be carefully prepared.
7. Close monitoring of countries' ratification and implementation at all relevant levels will be necessary for both the sector agreements already signed (for financial services and telecommunications in 1997) and the new agreements which will be negotiated in the GATS 2000.

8. Countries to accede to the WTO must make strong and comprehensive commitments to services liberalisation as part of their accession process.
9. Among the goals which should be reflected in the commitments made in national schedules the following are of major importance:
  - a) The right to establish and operate competitively;
  - b) Foreign investors should have the same access to domestic markets as domestic companies;
  - c) Freedom to provide cross-border services in highly international-oriented sectors;
  - d) Removal of barriers (nationality, residence requirements, etc.) to the posting of key personnel;
  - e) Exceptions to commitments should be precise, transparent, temporary and limited to the minimum required for their purpose;
  - f) Existing investments should be grandfathered;
  - g) Standstill on duties on electronic transmissions and definition of an appropriate framework for an open-trade regime for electronic commerce.
10. Pro-competitive principles to rule-making should be developed, while preserving appropriate regulatory frameworks.
11. Political and public support for trade liberalisation will require greater understanding of the benefits of trade liberalisation, and the negotiating processes by which liberalisation is achieved.

This set of principles may be reviewed and updated in the light of the discussions in Geneva and elsewhere.

The European Services Forum is determined to work closely with the European institutions and their negotiators and to meet with services business representatives and officials from other trading partners with the view to building growing support for liberalisation of world trade in services. It will make regular assessments about the state of negotiations and will take its positions after comprehensive reports from the Commission.

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## Memorandum of Understanding

### 1. Definition

The European Services Forum (ESF) is a network of representatives from the European services sector committed to actively promoting the interests of European services and the liberalisation of services markets throughout the world in connection with the GATS 2000 negotiations.

It is set up for a period covering the preparation and subsequent conduct of the GATS 2000 negotiations, which should be concluded in December 2003. Should the timetable for the negotiations change the operational timeframe for ESF will be reviewed accordingly.

### 2. Objectives

The objectives of ESF are:

- to liberalise services markets throughout the world and to remove trade and investment barriers for the European services sector, in particular in the fields of market access and national treatment, through:
  - active preparation of and substantial input in the GATS 2000 negotiations;
  - substantiated contributions on services aspects of WTO accession negotiations (China, Russia etc.);
  - specific actions, when appropriate, during the WTO preparatory/negotiating process.
- to state and advocate the business case for a successful outcome to the GATS 2000 negotiations.
- to develop a partnership with the EU institutions regarding positions to be taken by the EU in the GATS 2000 negotiations.
- to be a forum for discussion of GATS-related issues for the European services sector.
- to be a contact point for the services sector of third countries.

### 3. Main activities

In order to implement its objectives, set out under (2) above, the European Services Forum shall in particular:

- develop and promote, on behalf of European services sector, the case for a successful outcome to the GATS 2000 negotiations;
- deal with GATS 2000-related issues of common interest and develop, where appropriate, common positions on such issues, while avoiding actions which would replace, override or otherwise interfere with sectoral discussions or positions on sector-specific matters;



- organise timely communication with the European Commission and other EU and international institutions on GATS 2000-related matters;
- maintain contacts with the services sector of third countries, where appropriate, to identify issues of common interest and create synergies.

#### 4. Structure

- To be operational ESF is supported by a light and flexible structure.
- The structure of ESF shall consist of the following three inter-related components:
  - the European Service Leaders Group, composed of some 30-40 CEOs from across the European services sector and chaired by Sir Iain Vallance, ESF Chairman, to give the services sector a high public profile in the GATS 2000 services negotiations and to intervene on behalf of the sector at high level at critical moments of the negotiations;
  - a Policy Committee, based on the previous European Tradable Services Network (ETSN), and composed of the interested European sectoral services organisations, UNICE's "WTO/Services" Working Group, and the personal representatives ("sherpas") nominated by the members of the European Service Leaders Group, to discuss GATS-related issues, to implement the objectives and carry out the activities of ESF on an ongoing basis and to give input to the European Service Leaders Group. Close liaison with the European Service Leaders Group will be ensured notably by the Policy Committee chairman;
  - a small permanent Secretariat, composed of one professional, to serve both the European Service Leaders Group and the Policy Committee, to organise and co-ordinate the ESF work such as communication of information/documents, co-ordination of consultation, preparation of papers/briefings, organisation of meetings, and to establish the appropriate contacts.

In this context it is further understood that:

- most of the contacts/work, within ESF, will be by "electronic mail";
- official views and positions on behalf of the European services forum shall be prepared by the Policy Committee which shall act in such a way that individual members which disagree with such views or positions shall be allowed to dissociate themselves therefrom;
- after the first year of operation, the structure of ESF will be reviewed and, if necessary, adapted to meet the requirements of the European services sector for proper representation of its interests in connection with the GATS 2000 negotiations.

#### 5. Financing

- The ESF budget will cover essentially the costs of the secretariat.
  - These costs will be covered by contributions of the members of the European Service Leaders Group and flat rate subscriptions of the members of the Policy Committee (refer to budget).
  - Financing of occasional events in the ESF framework will be examined on a case by case basis.
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