

10 December 2012

***Really Good Friends* – Meeting of 30 January 2013**

Plurilateral Initiative on Trade in Services

Submission by Switzerland:

Provisions on Movement of Natural Persons

Objective

The following submission, dated 10 December 2012, from the delegation of Switzerland is being circulated to the Members of the *Really Good Friends* with the aim of contributing to discussions on “Movement of Natural Persons” in the framework of the Plurilateral Initiative on Trade in Services. This is without prejudice of further proposals of Mode 4 provisions.

In addition to specific commitments reflecting applied regimes and to additional rules related to market access, improved disciplines on transparency regarding the requirements and formalities for movement of natural persons, and obligations aiming at expeditious procedures are essential to facilitate Trade in Services globally. Papers recently submitted by Turkey and Canada contain many interesting suggestions in this respect. Based on papers circulated and on our discussion in the group Switzerland expressed its intention to propose concrete texts in respect of some specific ideas that were supported by Members.

Switzerland proposes to Members to consider the provisions below with a view to find an agreement on Transparency, Expeditious Procedures as well as the establishment of Contact Points. Such provisions could form part of an Annex on Movement of Natural Persons.

Proposed Provisions

Article 1

Scope

This Annex applies to measures by a Member affecting natural persons of other Members covered by its Schedule of specific commitments.

Article 2

General Principles

This Annex reflects the preferential trading relationship between the Members, the common objective to facilitate entry, temporary stay and work of natural persons on a mutually advantageous basis and in accordance with the Members' Schedules of specific commitments, and the need of establishing transparent, secure, effective and comprehensive information and procedures for entry, temporary stay and work.

Article 3

Provision of Information

1. Each Member shall make publicly available, or shall ensure that its competent authorities make publicly available, information necessary for an effective application for the grant of entry, temporary stay and work in its territory. Such information shall be kept updated.
2. Information referred to in paragraph 1 shall include descriptions of, in particular:
 - (a) all categories of visas and work permits relevant to the entry, temporary stay and work of natural persons covered by this Annex;
 - (b) requirements and procedures for application for, and issuance of, first-time entry, temporary stay and, where applicable, work permits, including information on documentation required, conditions to be met and method of filing; and
 - (c) requirements and procedures for application for, and issuance of, renewed temporary stay and, where applicable, work permits.
3. Each Member shall provide the other Members with details of relevant publications or web-sites where information referred to in paragraph 2 is made available.
4. Should the implementation of paragraph 1 prove not to be practicable for a Member, that Member shall provide the information referred to in paragraph 2, as well as any subsequent change therein, directly to the other Members.

Article 4

Contact Points

1. Each Member shall establish contact points to facilitate the access of other Members' service suppliers to the information referred to in Article 3.

2. Upon entry into force of the Agreement each Member shall notify to the other Members the contact details of its contact point.

Article 5

Expeditious Application Procedures

1. The competent authorities of each Member shall process expeditiously applications for granting entry, temporary stay or work permits submitted by service suppliers of other Members, including applications for extensions thereof.

2. If the competent authorities of a Member require additional information from the applicant in order to process its application, they shall notify the applicant without undue delay.

3. Upon request by the applicant, the competent authorities of a Member shall provide, without undue delay, information concerning the status of its application.

4. The competent authorities of each Member shall notify the applicant for entry, temporary stay or work permit of the outcome of its application promptly after a decision has been taken. The notification shall include, if applicable, the period of stay and any other terms and conditions.

5. The competent authorities shall apply the procedures referred to in para 1 to 4 to the same extent whichever the Member of origin of the applicant.
