

30 April 2013

***Really Good Friends – Meeting of 29 April to 3 May 2013*****Agreement on Trade in Services (TISA)****Submission by Switzerland:****Provisions on Scheduling of Commitments****Objective**

The objective of this proposal is to develop a set of provisions on the issue of scheduling of commitments taking into account previous proposals circulated by members of the *Really Good Friends* and opinions expressed during the debates. Such set of provisions is to be included, for example, in an Understanding of the Parties to the “TISA”. In substance, the objective of this proposal is to develop a text that is not too much prescriptive regarding scheduling details, such as where the agreed inscriptions should be located in a member’s schedule, or the exact date of reference for the new category of commitments introduced by the Understanding (i.e. standstill and ratchet). More significantly, the text of the proposal is flexible enough to accommodate the different needs of members in relation to undertaking standstill and ratchet commitments on an opting-in vs an opting-out method.

The last provision of the proposal aims at reflecting the shared view of members to express clearly which measures are inconsistent with both Market Access and National Treatment using a technique that is more conform to the one selected by GATS-Members in their Scheduling Guidelines (SN/L/29, of 28 March 2001, paragraph 18).

**Proposed Provisions**

1. In scheduling commitments pursuant to Article I-4 (National Treatment), the Parties agree to inscribe in Part I of their Schedule of Specific Commitments a horizontal commitment to provide National Treatment to services and service suppliers covered by this Agreement, subject to paragraph 3.
2. Such horizontal commitment shall provide that:
  - (a) the conditions, limitations and qualifications referred to in Article I-4:1 shall be limited to measures that the Party maintains by a defined date, or the continuation or prompt renewal of any such measures, as indicated in Part I and in Part II of the Party's Schedule of Specific Commitments;

- (b) if the Party amends a measure relating to the conditions, limitations and qualifications referred to in Article I-4:1 in a way that reduces or eliminates the inconsistency of that measure with Article I-4, the Party may not subsequently amend that measure in a way that increases the inconsistency with Article I-4.
- 3. Parties shall indicate in their Schedule which sectors, sub-sectors or activities are excluded from or covered by the commitments in paragraph 2.
- 4. When measures inconsistent with both Articles I-3 (Market Access) and I-4 (National Treatment) are inscribed in the column relating to Article I-3 (Market Access), Parties shall indicate that this is the case by stating “also limits national treatment” in the market access column.