

TACD

TRANS ATLANTIC DIALOGUE TRANSATLANTIQUE
CONSUMER DIALOGUE DES CONSOMMATEURS

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Trade Working Group Recommendations on Trade in Services

The WTO Service negotiations raise serious concerns for consumers. Any agreement must establish the rights of governments to maintain and improve consumer protections and other regulatory measures based on valid public policies, and competition policies that assure the new market entrants have the chance to contribute to lower prices, increased choice, better quality and more information.

To this end, TACD recommends the following:

- The right of governments to provide and regulate basic services in the consumer interest should be broadly asserted in a new article included in the body of the agreement.
- The right of governments to provide access to basic services must be recognised in the agreement. The right of governments to assure the provision of critical services - health, education, telecommunications, water and energy utilities - should be protected by revising the governmental exemption in the agreement to make it self-defining. The rights of governments to provide universal access and affordability should be assured.
- The imposition through the GATS of “necessity tests” or requirements to only implement measures that are “the least trade restrictive” should be rejected. Existing WTO regulatory disciplines are sufficient. The EU principle of proportionality may not be appropriate in the WTO context.
- The GATS articles on market access and national treatment should be amended to clearly state that they do not apply to non-discriminatory domestic regulations.
- Key GATS documents should be made public. Consumer groups and other civil society groups need to be consulted on a regular basis on the

GATS, particularly in regards to the negotiations on domestic regulation and professional standards.

- The “bottom up” architecture of the GATS should be maintained and the needs of developing countries should be given special consideration in the negotiations. For example, the US and EU should provide funding for capacity building.
- US and EU governments should support a full, complete and independent assessment of the impacts of the current GATS regime and the implications of the proposed GATS 2000 rules on domestic social, environmental and economic laws, policies and programs drawing on the expertise of citizens groups in member countries.