



Second meeting of the E15 Expert Group on **Services**

24-25 November 2014 – Geneva, Switzerland

Draft Agenda: Rethinking the Role of Services in a Changing World

INVITATION ONLY

Monday, 24 November

9:15-9:45

Welcome: Background on E15 process and role of Services Expert Group

*The session will offer an update of the E15 Initiative more broadly, notably covering E15-specific activities carried out in partnership with the World Economic Forum. It will include brief reflections by the Theme Leader **Patrick Low** (Fung Global Institute) and **Richard Samans** (World Economic Forum). Members of the group will be invited to briefly introduce new trade policy developments in the services area.*

9:45-11:15

Achieving adequate regulatory disciplines for services and prospects for regulatory coherence through new mechanisms

Presentation **Aaditya Mattoo** (World Bank)
Discussion

- *Given the nature of regulation, not only how it is conceived and articulated, but also how it is administered on a day-to-day basis, what can be done to ensure that services regulations are appropriately designed but do not become an obstacle to the contribution of services to growth and development?*
- *How can we ensure that regulations do not harbour undeclared and opaque protectionist intentions, particularly given the reluctance of governments to complete the negotiations on Article VI of the GATS (domestic regulation)? Are there other options or mechanisms to achieve this objective?*
- *With preferential trade agreements continuing to multiply, some of which envisage deep integration, how can these contribute to lessening the costs of regulatory divergence? What are the ways in which these agreements can be inclusive, and not exclusionary for others outside the agreement?*

11:15-11:30

Coffee break

11:30-13:00

Ramification of the “fusion” of goods and services in international output, investment and trade

Presentation by **Jane Drake-Brockman** (ITC) and **Pierre Sauvé** (WTI)
Discussion

- *Can we manage this situation with our current structures for multilateral and preferential trade agreements?*
- *Do the existing rules offer a coherent structure for doing business in a predictable environment?*
- *Are parallel but separate negotiations on different elements of our integrated world of production and trade conducive to clarity and progress?*
- *Is it desirable to redesign some of the structures as well as perhaps the content of trade rules, both at the multilateral and regional levels?*

- *If so, what would be a more relevant framework of rules that encompasses the overlap between goods and services production and trade, e.g. should goods regulation also be within a framework of four modes of trade?*
- *If it does not make sense to try to restructure existing regimes, are there other things that could be done to better align policy and realities in the marketplace?*

13:00-14:00 **Lunch break**

14:00-15:30 **Are services trade agreements equipped to adapt changes in technology and business models that affect services?**

Presentation by **Brian Bieron** (eBay, Inc.)
Discussion

- *How can these pressures be reconciled with an “open” digital environment for trade?*
- *How can privacy and security concerns be addressed without interfering with trade flows?*
- *Is the governance of the Internet in its current form adequate or problematic?*
- *Should trade agreements define what constitutes electronic goods and services?*
- *What role would there be for international rule-making in these areas? What are the initiatives under the large FTAs such as TPP or TTIP to address these issues?*

15:30-15:45 **Coffee Break**

15:45-17:15 **Examining Services SMEs and their Developmental Impact**

Presentation by **Hildegunn Nordås** (OECD)
Discussion

- *What can be done to enhance services SME participation in global value chains and international trade?*
- *Is there a role here for trade policy relating to goods and services, including at the international level?*
- *What other ways are there for international cooperation to support the role of services as a driver of development with a specific focus on SMEs?*

19:00 **Welcome drinks & Dinner**

Tuesday, 25 November

9:00-10:30 **Hard law vs. “soft law” in fostering better Dialogue around Services Trade Liberalization**

Presentation by **Patrick Low** (Fung Global Institute) and **Johannes Bernabe** (Ocampo and Manalo Law Offices)
Discussion

- *Is there a useful intermediating role for more reflective and deliberative exchanges among WTO members in a non-litigious environment, such as through a mechanism like trade policy reviews and various transparency exercises and procedures, including discussion within WTO’s Committees and Councils?*
- *Would the embrace of additional “soft law” approaches weaken or strengthen the WTO as an institution whose purposes include negotiations, making binding rules, and settling disputes?*
- *Is there anything about services that is particularly relevant to this debate?*

- *Do other trade agreements or arrangements do this better? Are there insights emerging from these agreements/negotiations that could be used also in the multilateral system?*

10:30-10:45 **Coffee break**

10:45-12:00 **GATS and XXI century trade challenges**

Presentation by **Gabriel Gari** (Queen Mary University of London)

The WTO GATS was completed prior to the entry into force of the WTO in January 1995. The agreement is now two decades old and has not been modified since it came into force. The GATS faces numerous challenges in terms of its relevance to XXI century services trade. This paper addresses those challenges and sets out suggestions for addressing them. This session will focus in particular on the GATS and International Investment Agreements, as well as on the jurisdictional overlap of the WTO GATS with other legal instances that cover aspects of services trade.

12:00-12:15 **Close of Meeting**

12:15-13:00 **Light Lunch**

Note: The conference on “New Horizons in Services Trade Governance” will begin at the WTO at 14:00. The members of the E15 Expert Group on Services are invited and encouraged to attend.