

Contents

<i>About the author</i>	viii
<i>Acknowledgements</i>	ix
Introduction	1
1 Trade and regulatory autonomy	1
2 Trade in services and regulatory autonomy	6
3 A case study approach: the European Union and three EU RTAs	12
4 Summary and outline of the book	16
1 Interpretation of GATS and the selected EU RTAs	18
1 The multilateral level	18
1.1 Treaty interpretation in the WTO	18
1.2 The objectives of GATS	20
2 The preferential level	22
2.1 Treaty interpretation in RTAs	22
2.2 The objectives of the selected EU RTAs	36
2 Structure of GATS and the selected EU RTAs	39
1 The structural flexibility of GATS and the EU's use thereof	39
1.1 Flexibility in the structure of obligations	39
1.2 Flexibility in scheduling specific commitments	40
1.3 The EU's extensive use of the structural flexibility	48
2 The structural flexibility of EU RTAs	53
2.1 Flexibility in the structure of obligations	53
2.2 Schedules of specific commitments	54
2.3 A complex structure that is not more flexible	56
3 The scope of GATS and the selected EU RTAs	58
1 The scope of GATS	58
1.1 A wide scope	58
1.2 Exemptions from the scope	69
2 The scope of the selected EU RTAs for trade in services	87
2.1 A wider scope	87
2.2 Exemptions from the scope	94

4	Non-discrimination	103
1	Non-discrimination obligations in GATS	103
1.1	The national treatment obligation	103
1.2	The Most-Favoured-Nation obligation	138
2	Non-discrimination obligations in the selected EU RTAs	158
2.1	National treatment obligations, and one Most-Favoured-Nation obligation, for establishment	158
2.2	National treatment and a wide non-discrimination obligation for cross-border supply of services	175
2.3	Non-discrimination for temporary presence of natural persons for business purposes	176
2.4	Constraints on regulatory autonomy	179
3	Overview: non-discrimination obligations	181
5	Market access	183
1	The market access obligation in GATS	183
1.1	Paragraph 1 of the market access obligation	183
1.2	Paragraph 2 of the market access obligation: six types of prohibited measures	184
1.3	Constraints on regulatory autonomy	200
1.4	The relationship between market access and national treatment	203
2	Market access obligations in the selected EU RTAs	207
2.1	Market access for establishment	207
2.2	Market access for cross-border supply of services	211
2.3	Market access for temporary presence of natural persons for business purposes	214
2.4	Constraints on regulatory autonomy	216
2.5	The relationship between market access and national treatment	217
6	Domestic regulation	218
1	Domestic regulation obligations in GATS	218
1.1	Licensing and qualification requirements and technical standards	219
1.2	Substantive obligations of paragraph 5 (and 4) GATS	221
1.3	Constraints on regulatory autonomy	227
1.4	The relationship between the 'triad' of market access, national treatment and domestic regulation	229
2	Domestic regulation obligations in the selected EU RTAs	233
2.1	The Article VI:5 GATS-like approach in the EU-C&P RTA	233

2.2	More elaborate domestic regulation disciplines in the EU-Singapore and EU-Georgia RTAs	234
2.3	Constraints on regulatory autonomy	238
2.4	The relationship between the ‘triad’ of market access, national treatment and domestic regulation	238
3	Overview: current domestic regulation disciplines	240
7	Transparency	242
1	The principle of transparency in GATS and the selected EU RTAs	242
2	Transparency obligations in GATS and the selected EU RTAs	243
8	Exceptions	251
1	Exceptions in GATS	251
1.1	General exceptions	254
2	Exceptions in the selected EU RTAs	294
2.1	General exceptions	296
2.2	Security exceptions	312
2.3	Exceptions related to taxation	312
3	Overview: exceptions	316
	Concluding remarks	318
	<i>Selected bibliography</i>	327
	<i>Index</i>	333