



Council of the
European Union

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SERVICES 28
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"I/A" ITEM NOTE

From:	Trade Policy Committee (Services and Investment)
To:	Permanent Representatives Committee/Council
No. Cion doc.:	11206/15 WTO 157 SERVICES 25 COMER 104
Subject:	Draft Council Decision establishing the position to be taken on behalf of the European Union within the Council for Trade in Services of the World Trade Organization on the approval of preferential treatment notified by WTO Members, other than the Union and its Member States, as regards services and service suppliers of least-developed country Members, on the application of measures other than those described in Article XVI of the GATS - Adoption

1. On 23 July 2015, the Commission submitted to the Council a proposal for a Council Decision establishing the position to be taken on behalf of the European Union within the Council for Trade in Services of the World Trade Organization on the acceptance of preferences notified by WTO Members (other than the Union and its Member States) as regards services and service suppliers of Least-Developed Countries other than those described in Article XVI of the GATS.
2. On 10 September 2015, the Trade Policy Committee (Services and Investment) after an informal silence consultation endorsed a compromise proposal of the Luxembourg Presidency. In addition, Member States agreed on the need for a separate Decision by the Representatives of the Governments of the Member States meeting within the Council as regards to the matters falling within Member State competence. The Commission considered that such a Decision was not necessary.

3. Subject to confirmation by the Permanent Representatives' Committee,
- the Council is invited to adopt the above-mentioned Decision, as finalised by the legal linguistic experts and set out in document 11213/15 WTO 158 SERVICES 26 COMER 105;
 - the Representatives of the Governments of the Member States meeting within the Council are invited to confirm their common accord as regards to the matters falling within Member State competence;
 - the Representatives of the Governments of the Member States meeting within the Council are invited to adopt the Decision, as set out in Annex I to this note;
 - the Council is invited to enter in its minutes the statements, as set out in Annex II to this note.
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Decision by the Representatives of the Governments of the Member States

meeting within the Council

The position to be taken by the Member States within the Council for Trade in Services of the WTO is to support the approval of the preferential treatment granted by WTO Members other than the EU and its Member States to services and service suppliers of least-developed country Members regarding the application of measures other than those described in Article XVI of the GATS ("Market Access") in accordance with the WTO Ministerial Decision of 7 December 2013 (WT/L/918).

Done at ...,

For the Representatives of the
Governments of the Member States

The President

Statement by the Commission

The Commission welcomes the adoption of the Council Decision establishing the EU position to support the approval of the preferential treatment granted by WTO Members other than the EU and its Member States to services and service suppliers of least developed countries regarding the application of measures other than those described in Article XVI of the GATS ("Market Access") in accordance with the WTO Ministerial Decision of 7 December 2013 (WT/L/918).

The Commission notes that it is proposed that a Decision of the Representatives of the Governments of the Member States meeting within the Council be adopted on this matter by common accord as regards the position of the Member States in the WTO. The Commission considers that a Council Decision would be legally sufficient to support the approval of the preferential treatment granted in this case, and that such separate Decision is unwarranted since trade in transport services falls within the framework of the EU competencies as defined by the Treaty on the Functioning of the European Union.

Statement by Ireland

The provisions relating to the temporary presence of natural persons for business purposes included in the notification authorized by the Council Decision only bind Ireland as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of Ireland and the United Kingdom in respect of the area of Freedom, Security and Justice. Ireland will ensure that the temporary presence of natural persons for business purposes is allowed in accordance with those provisions.