

CHECKLIST OF QUESTIONS FOR THE ANALYSIS OF REVISED OFFERS

TABLE OF CONTENTS

I. INTRODUCTION	1
II. CHECKLIST OF QUESTIONS	2
A. Factual Questions Relating to Revised Offers	2
B. Analytical Questions Relating to Revised Offers	2
C. Questions Relating to the Value of the Offers for Individual Members	3
III. Other Issues to Take into Account	3

CHECKLIST OF QUESTIONS FOR THE ANALYSIS OF REVISED OFFERS

I. INTRODUCTION

1. As the May deadline has passed, Members are in the process of submitting their revised offers within the context of current GATS negotiations. At the time of writing this note, the US, Canada, EC and Australia had submitted their revised offers.
2. During the early phase of submission of initial offers, South Centre had previously prepared a Checklist of Questions for the Analysis of Initial Offers (SC/TADP/AN/SV/2) to assist developing countries in assessing what was being offered and how meaningful the commitments were.
3. For this phase of revised offers in the negotiations, whilst some of the checklist questions will remain relevant, analysis of revised offers will require slightly different questions in order to gauge what is being offered (building on the initial offer) and assessing the value and implications of such commitments.
4. Therefore, the main purpose of the questions is to enable developing countries to ascertain what has changed from the initial offer to the revised offer under horizontal commitments and specific sub-sectors and modes; identify the type of change being offered (ie. improvement of an existing commitment or addition of a new sub-sector or mode and the nature of that commitment or technical refinement); specifically assess whether new or improved commitments are being offered in mode 4; identify whether additional new

classifications are being used; assess whether the revised offer presents additional liberalisation commitments; assess whether the revised offer constitutes a meaningful improvement from the initial offer based on whether additional sectors have been committed; whether commitments are deeper; and whether commitments are in sub-sectors and modes of interest to developing countries, thereby taking into account development aspects as specified in Article IV of the GATS.

5. As before, the questions remain categorized in three main groups: factual, analytical and individual members specific. Under 'other issues to take into account', these include the need to take into consideration other relevant elements to the revised offer process, such as rules and MFN exemptions and what implications they may have for commitments.

II CHECKLIST OF QUESTIONS

A. Factual Questions Relating to Revised Offers

1. Is the revised offer conditional? If conditions were attached to the initial offer, have these changed?
2. What is being further offered as a horizontal commitment? Is the imbalance between modes addressed?
3. Are new sectors/sub-sectors/specific services being offered?
4. In which existing sub-sectors are there new commitments?
5. Have any additional commitments changed? Are new additional commitments being made in the form of annexes, reference papers, etc?
6. Are further commitments being made in mode 4 both in specific sectors and/or horizontal commitments?
7. Are additional new classifications being used? Are these in sectors where there is no multilateral agreement?
8. Are additional MFN exemptions or extensions being sought?

B. Analytical Questions Relating to Revised Offers

1. Does the revised offer present new and/or further liberalisation commitments or does it aim to bind existing liberalisation?
2. Are any sectors fully liberalized as a result of commitments made in the revised offer?
3. Does the revised offer go back on previous commitments or the initial offer?
4. Can the revised offer be considered a meaningful improvement from the initial offer?
5. To what extent are development aspects taken into account if at all?

C. Questions Relating to the Value of the Offers for Individual Members

1. Is the revised offer in a sector of economic importance?
2. Are improvements in the revised offer in provinces/states/Member States¹ of economic interest?
3. Is the revised offer responding to requests?

III. OTHER ISSUES TO TAKE INTO ACCOUNT

1. Rules aspect of negotiations (eg. there is still no agreement on disciplines for domestic regulation or subsidies).
 2. MFN Exemptions (whilst this is being dealt with separately, it is presented in the request-offer process).
 3. Withdrawal and/or modification of previous commitments
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¹ Given commitments tend to be province/state/Member state based for countries such Canada, US, Australia and EC.