

Experience of Trade in Services: EU Member's perspective

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EU Trade agreements: WHO negotiates?

- ▶ Trade Policy is an exclusive power of the European Union, managed through the EU's trade and investment policy.
- ▶ The European Union negotiates international trade agreements with the **European Commission** negotiating with EU-trading partners **on behalf of the EU Member States**.
- ▶ **Close cooperation** between **Council** (EU Member States) - **Commission** - European **Parliament**.



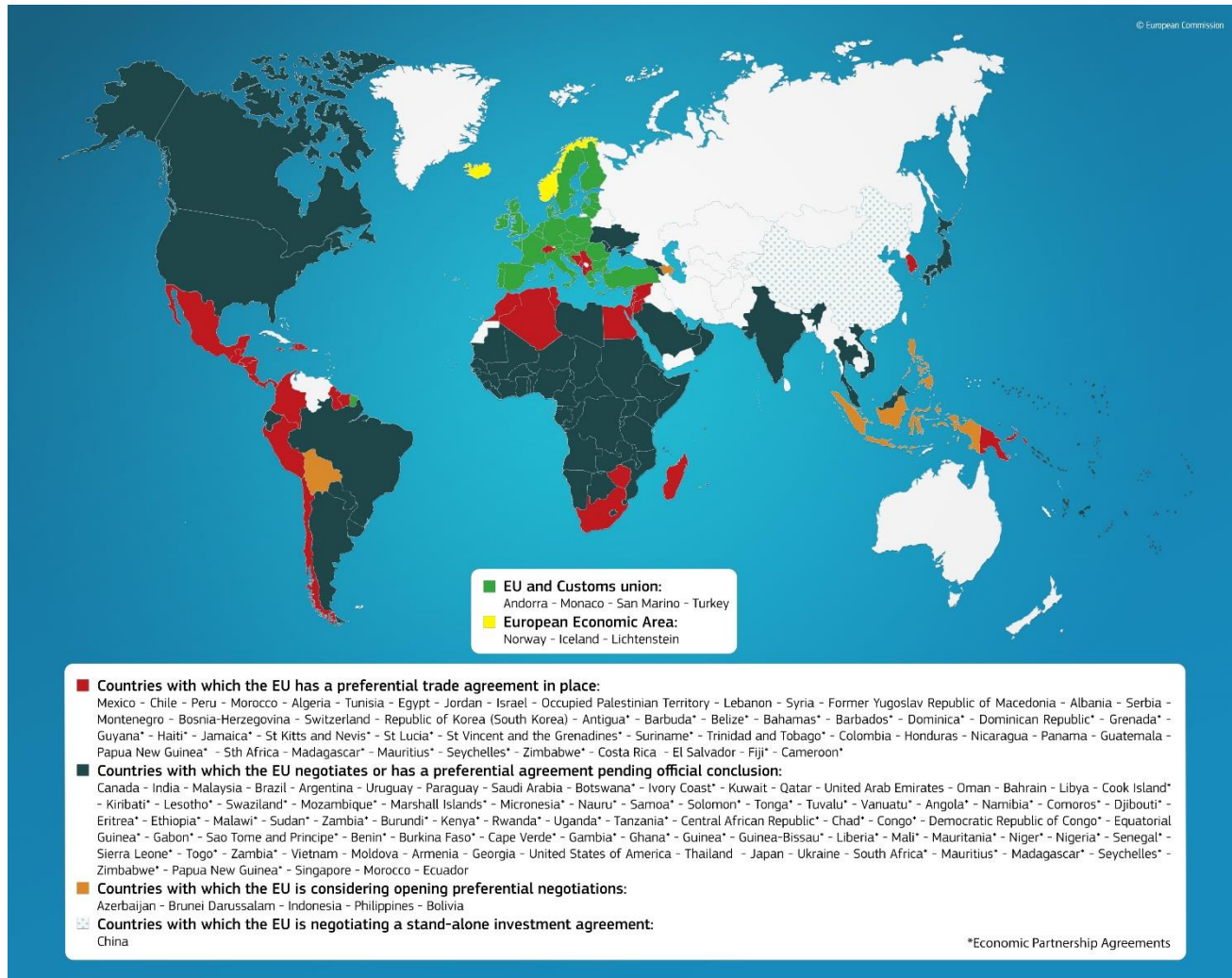
EU Trade agreements: WHO negotiates?

- ▶ The Commission is **authorized** to negotiate a trade agreement by the Council, which sets out the general objectives to be achieved.
- ▶ After completion of negotiations, the commission presents the deal to the **Council** and the **European Parliament**.
- ▶ Formal agreement of the outcome as well as signature and ratification of the trade deal.
- ▶ The trade agreement **enters into force** once it is fully ratified but parts of the agreement can be provisionally applied if the Member States agree to do so.

See: <http://ec.europa.eu/trade/policy/countries-and-regions/agreements/>



The EU Trade Map



Steps to an EU Trade agreement: The Mandate

1. Scoping Exercise: Public consultation on the content and options for any free trade agreement held by the Commission + impact assessment.
2. Negotiating directives “the mandate”: The Commission requests formal authorization from the Council to open negotiations, setting out the general objectives to be achieved.
3. Sharing the Commission’s request with the **European Parliament**.
4. After positive internal discussion, the **Council adopts** the negotiating directives and **authorizes** the Commission to negotiate on behalf of the EU.



Steps to an EU Trade agreement:

Technical work

- ▶ Regular work in preparing the EU's negotiation position in the various steps of negotiation as well as debriefings on the state of play is done by the **Trade Policy Committee Services and Investment (TPC)** (every 2 weeks).
 - ▶ Political support by the **Trade Policy Committee in Full Members** (usually General Directors/Head of Trade Divisions in the relevant Ministries of EU Member States) every month.
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Steps after finalizing a deal: Initialling the text

When negotiations are technically concluded and legal scrubbing is completed, both parties **initial** the English text of the proposed agreement.

EU-internal procedural steps:

- ▶ The Council and the European Parliament are **informed** as soon as the agreement is initialled and **provided** with the text.
- ▶ After initialling, the Commission can decide to **publish** the text on the internet with a **clear disclaimer** that it is not yet binding as a matter of international law.
- ▶ The agreement is **translated** into all official languages of the EU.



After finalising a deal: Signature

- ▶ The Council decides on the signature and conclusion of the agreement following a proposal of the Commission.
- ▶ The Council gives the authorization to sign the agreement.
- ▶ The Presidency on behalf of the EU Member States designates a person to sign (often the European Commissioner for trade) on behalf of the EU.
- ▶ Where the agreement covers topics that are the responsibility of the Member States (and not shared at EU level), all Member States need to sign as well.
- ▶ After signature by both sides, the Council transmits the agreement together with the draft decision to conclude to the European Parliament for consent.
- ▶ Where the agreement contains provisions that fall under Member State responsibility ("mixed agreement"), individual Member States also have to ratify the agreement alongside the EU according to their national ratification procedures.
- ▶ After consent of the European Parliament and ratification by Member States, the Council adopts the final decision to conclude the agreement and the agreement is published in the Official Journal.

See: <http://ec.europa.eu/trade/policy/countries-and-regions/agreements/>

Interministerial & interinstitutional Coordination

Sustained and effective policy consultation including all relevant stakeholders is crucial.

Also with regard to developing an EU Member State's negotiation position in the whole negotiation process objecting for an EU Trade deal:



Interministerial & interinstitutional Coordination in Austria

- ▶ The fundamental Austrian Position on its Trade Policy was drawn up in 2008 throughout an in-depth discussion process during several months (*“Austrian external trade policy statement”*)
- ▶ The Austrian Position on all issues regarding EU Trade Policy is developed through interministerial coordination lead by the Ministry of Science, Research and Economy.
- ▶ In preparing the meetings of the EU Trade Policy Committee (TPC), preparatory meetings usually take place once a week.



Interministerial & interinstitutional Coordination in Austria

- ▶ All Ministries for which trade is relevant as well as social partners (such as Chamber of Commerce, Chamber of Labor, Chamber of Agriculture, Trade Unions, Association of the Austrian Industry) take part in these coordination meetings.
- ▶ Their right of information is also anchored in the Austrian constitution.
- ▶ Besides that, information events with NGOs are organized on a regular basis where recent developments in trade policy and the Austrian position are discussed on a broader level.



Thank you for your attention!

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