

Canada-EU Free Trade negotiations: Trading away Public Services?

- 7 November 2011: [Seminar of the Pitfalls and Prospects for the Protection of Public Services in Bilateral Free Trade Agreements->art8045], draft agenda and participation form - Public services in the Draft Canada-European Union Economic and Trade Agreement (CETA)

Study by Prof. Dr. Markus Krajewski, University of Erlangen-Nürnberg

- [PS in the CETA](#)

(Brussels, 8 October 2011) Latest EU Draft Offer dilutes protection standards for Public Services – Study puts new provisions under scrutiny.

The study {“Public services in the Draft Canada-European Union Economic and Trade Agreement (CETA)”,} from Markus Krajewski University of Erlangen-Nürnberg is an interim paper published as part of broader research into public services and trade agreement being carried for EPSU and AK Austria.

The study, published in the run up to the next round of EU Canada trade negotiations shows how the EU's Draft Offer:

- introduces a new negotiation model for opening up service markets that may limit (future) policy space to organise, finance and provide public services. Unlike in the GATS and all other free trade agreements ratified by the EU, liberalisation obligations themselves are not listed explicitly in the “Schedule of Commitments”. On the contrary, without the inclusion of appropriate exemptions, liberalisation obligations apply automatically. This shift from a so called “positive” to a “negative list” approach facilitates liberalisation “through the backdoor” as any “omission” of an exemption results in a liberalisation commitment (“list it or lose it”). - deviates in the proposed treatment of public services from the established standard of protecting public services in EU trade agreements. The introduction of a “negative list” approach means that comprehensive and high level protection standards for public services even more important, but the latest EC proposal reduces this level. Indeed, the formulations in the EU Draft Offer raise serious concerns over legal

certainty and the limitation of existing provisions.

Both of these developments give serious concerns that need to be carefully addressed by all actors: Member States, local authorities, the European Parliament and civil society.

The conclusion of the study puts forward a number of specific “building blocks” to provide a basis for safeguarding public services in the CETA negotiations.

The EU Draft Offer to Canada for Cross-Border Services and Investment on the basis of a negative list will be finalized by September 30th and put on the table of the next (9th) negotiation round of the CETA. The latter is scheduled to take place in Ottawa in October (17-21).

The final research on public services and trade agreements and the issues raised will be discussed at a seminar on 7 November in Brussels.

For more details about the study or the seminar on 7 November please contact Penny Clarke ([pclarke@epsu.org->mailto:pclarke@epsu.org]), EPSU Head of EU policy.

For more information see also [EU Trade and public services-><http://www.epsu.org/a/7619>]

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