THE GENERAL AGREEMENT ON TRADE IN SERVICES (GATS) AND EDUCATION SERVICES

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GATS Architecture

Common to all
- Short text of Articles - the "Framework"
  + Annexes

Individual
- Schedules of Commitments
- MFN Exemptions (only at outset & if needed)
GATS: 4 modes of supply

**MODE**

Cross-border Trade (1)

Consumption Abroad (2)

Commercial Presence (3)

Movement of Natural Persons (4)

**EXAMPLE (Education)**

Distance-learning programme from country A relayed in B

B’s resident attends a post-graduate course in A

University from A operates a training center in B

Professor from A gives courses in B
GATS: IMPLICATIONS

Three Scenarios:

- **Scenario 1**: Governmental Services – excluded from GATS

- **Scenario 2**: No specific commitment – “unconditional” general obligations apply

- **Scenario 3**: Specific Commitments – “conditional” and “unconditional” general obligations + market access and national treatment
What does a specific commitment imply?

- Market access and national treatment, as defined by the GATS, and subject to any scheduled limitations.
- Very few full commitments scheduled for education services. Most are partial commitments.
- Commitments are bindings and not necessarily the actual trade regime.
Specific Commitments by Sector
(Number of WTO Members)

- Tourism
- Financial
- Business
- Communications
- Transport
- Construction
- Recreation
- Environment
- Medical
- Distribution
- Education
Thank you

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