

Preliminary analysis of some cross-chapter implications of agreeing to the leaked EU market access requests^a

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Introduction

These leaked European Union (EU) requests for sectors where it wants another Trade in Services Agreement (TISA) country to open to service companies from other TISA countries via market access and national treatment commitments¹ have direct implications for local companies competing with them, employment of locals, the ability to reverse privatisation etc as other analyses have highlighted².

In addition, if a TISA country opens the service sector requested by the EU, it can have implications for the scope and impact of TISA rules in other chapters/annexes. This preliminary analysis provides some illustrations of these cross-chapter implications (**using as examples the sectors that the EU has requested be liberalised according to these leaks**) which are important additional factors to consider when deciding whether to agree with an EU request to liberalise a given service sector.

As can be seen in even the preliminary analysis below, agreeing to these EU requests (or proposed TISA rules) can impact many:

- government ministries/departments,
- levels of government,
- laws, regulations,
- stakeholders in various economic and social sectors.

Therefore before agreeing to any of these EU requests (or proposed TISA rules), at a minimum, the TISA countries concerned need to consult all of the above and according to a number of human rights bodies: human rights impact assessments (HRIAs)³ regarding the impact of trade negotiations like TISA should be done.⁴ For example in a statement on the TPP and other FTAs, 10 UN experts recommended that ‘Ex ante and ex post human rights impact assessments should be conducted with regard to existing and proposed BITs and FTAs.’⁵

This analysis only looks at some of the cross-chapter implications of agreeing to these leaked EU market access requests with a few examples. A more comprehensive analysis of the cross-chapter implications, including the impact for each TISA country is needed before any of these EU requests are agreed to.

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Domestic regulation disciplines

Domestic regulation disciplines are restrictions on the ability of TISA governments to regulate services (the requirements that must be met to obtain a licence to supply a service (eg for a hospital), the technical standards that must be met to keep supplying the service and the qualifications that human beings (eg doctors) must have to provide a service). These disciplines restrict even non-discriminatory regulations for example (using sectors the EU wants these disciplines to apply to in other TISA countries based on these leaked requests^b):

- to what extent sewage must be treated before it can be discharged in a river/the sea,
- requirements regarding how cruise ships dispose of their sewage and rubbish
- requirements for airports to do recycling
- requirements for rubbish collection companies to sort recyclables and recycle them and/or have separate ‘green waste’ collection that is then composted
- what materials rubbish collection companies can incinerate^c
- requirements to prevent toxic waste from a toxic waste dump from leaching into the water supply
- requirements for mining companies to assess the impact of a proposed mine on the environment and/or indigenous peoples
- requirements that supermarkets donate leftover food⁶ or stock imperfect fruit and vegetables (rather than rejecting them which leads to waste)⁷
- planning laws which prevent the demolition of a heritage/culturally important/historic building in order to build a shopping mall or supermarket
- governments setting maximum prices that phone companies can charge (eg for landlines or mobile phone roaming fees)
- governments setting maximum amounts that banks can charge for using the ATM of another bank, or other banking fees.^d
- Requirements that television stations show a certain number of public service announcements (eg about the importance of wearing seatbelts,^e recycling,⁸ zika etc⁹) per day, or specifications about the types of advertisements that can be shown during children’s programs (eg that advertisements for toys must make it clear if batteries are required and sold separately¹⁰)

^b Since the EU in the latest leaked Domestic Regulations Disciplines Annex, https://wikileaks.org/tisa/document/20151010_Annex-on-Domestic-Regulation/:

i) has said that it wants these rules to apply to the sectors which have been liberalised (Article 1), and
ii) these are some of the sectors the EU has asked other TISA countries to liberalise in these leaked requests and
iii) appears to support objective, transparent and not more burdensome than necessary criteria (Article 4), it just wants them spelt out. (Text of Article VI.4 GATS is available at https://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm#articleVI).

(As of the time of this leak of the domestic regulation disciplines, the EU is still considering whether technical standards should be covered by these domestic regulation disciplines).

^c Since incineration causes environmental problems, eg see <https://www.foeeurope.org/incineration>.

^d Some TISA countries are proposing that the Domestic Regulation Annex does not apply to measures in the Financial Services Annex, Article X.15.1 <https://ttip-leaks.org/favez/05-financial-services/>. However since not all TISA countries have agreed to this, this analysis includes examples of the proposed domestic regulations disciplines applying to financial services. Furthermore, even if the Domestic Regulation Annex does not apply to financial services, the Financial Services Annex itself includes proposals for similar rules to those in the Domestic Regulation Annex (measures must be based on transparent and objective criteria, procedures must be impartial and licensing fees must be reasonable and not restrict the supply of the service), Article X.15 new paragraph 5 and x-3, <https://ttip-leaks.org/favez/05-financial-services/>.

^e Eg the British government found this was successful in increasing the percentage of seatbelt wearers, http://news.bbc.co.uk/2/hi/uk_news/magazine/4669540.stm.

There are some limited exceptions in TISA, see below.

If the EU itself has, or plans to have, any of the above types of laws and regulations, its proposals are likely to prevent other TISA countries from being able to follow the same development or regulatory pathway.

Some of these disciplines are being proposed in the core text¹¹ and the rest are being proposed in a separate Annex¹².

As the analyses of the various versions of the leaked texts show:¹³

- the proposed domestic regulations disciplines would restrict regulations to those that are not more burdensome than necessary and that are based on objective and transparent criteria. This could mean that:
 - the following would be found more burdensome than necessary:
 - Environmental bonds that mining companies are required to post in case of spills and other environmental disasters. (The same could apply to any bond that a TISA government required a toxic waste dump operator to deposit in case of any leaks that pollute the surrounding water supplies etc).
 - Requirements for services providers (eg mining companies) to be aware of and respect indigenous culture and concerns.
 - Turkey's retail trade law that requires shopping malls to allocate space for non-commercial uses such as baby care, medical emergencies and prayer rooms. The leaked documents show the EU has made requests for Turkey to liberalise retail services which is likely to mean these domestic regulation disciplines would apply to this Turkish retail trade law (if the disciplines are agreed and apply to the sectors liberalised).
 - The following could be found to be not objective (eg because they are subjective/too discretionary/arbitrary (because they are fixed)):
 - Common financial regulations that require applicants for financial institutions to be of good character and fitness etc.
 - Planning laws which:
 - give weight to public opinion (eg when deciding whether to allow a mine or a big box store/shopping mall),
 - which have 'subjective' considerations such as rejecting 'unsightly' building proposals,¹⁴ or
 - which give discretion to the government official making the decision to consider the impact on the surrounding area etc.
 - a government-set maximum price which can be charged to households for essential services such as sewage to make sure they are affordable.¹⁵
 - TISA countries which have stricter than international standards (eg in restricting tobacco sales more than the World Health Organization's Framework Convention on Tobacco Control or in regulating financial institutions more stringently than the Basel standards) may not pass these criteria.¹⁶
- Governments which allow lower licensing fees or other preferences in obtaining a licence to non-profit (or those operated by the disabled etc) rubbish collection companies compared to for-profit ones could be found to violate the proposed requirement to treat applicants for licences impartially.
- The proposed rules push licensing fees to be as low as possible and could prevent TISA governments from using licensing fees to:

- discourage unwanted services such as discount tobacco or alcohol shops or
- raise revenue (eg for local governments to use for paying for street lighting, police, firefighting etc as some TISA local governments do).
- the procedural requirements could mean that moratoria on fracking such as those by some EU member states such as Romania and Germany¹⁷ would not meet these requirements to process applications within a reasonable timeframe. The EU's leaked requests for other TISA countries to liberalise various mining related services, thus subjecting them to these domestic regulation disciplines could therefore prevent other TISA countries from implementing the moratoria that EU member states themselves have been imposing on mining activities such as fracking. This would be another example of the EU's double standards (or 'do as we say, not as we do') in the TISA negotiations.

The question is whether these proposed restrictions on the ability of TISA governments to regulate services would apply to **all** services, or only those which have been liberalised in TISA. Some TISA countries are proposing that a few of the proposed disciplines on domestic regulations would apply to all sectors, most TISA countries are proposing that the substantive domestic regulations disciplines apply only to the sectors liberalised. If any domestic regulations disciplines end up applying only to the sectors liberalised, that means the decision about which (if any) of the leaked EU requests for liberalisation are agreed to will affect which sectors are subject to these restrictions on the ability to regulate. For example agreeing to liberalise the retail sector (including sale of tobacco and alcohol), financial services or mining would mean the domestic regulation disciplines apply to these sectors. The examples above are from sectors that the EU has asked countries to liberalise in the leaked requests and if agreed to, could mean the domestic regulations disciplines apply with consequences including the above.

E-commerce Annex^f

This Annex includes proposals:

- To allow information (including personal information) to be transferred, processed and stored outside the TISA country.¹⁸ This has raised privacy and other concerns.¹⁹
- To prevent TISA governments from requiring access to or transfer of software source code.²⁰
- To prevent a TISA country from requiring service suppliers to use/locate computing facilities in its country.²¹
- To prevent a TISA government from giving more favourable treatment to electronically transmitted content that was made etc in its own country (except for subsidies, grants and broadcasting).²²

Canada is proposing that the above proposed obligations in this Annex do not apply to limitations and conditions etc in a TISA country's schedule. This is important because:

- The privacy exception which has been agreed in TISA's general exceptions²³ is copied from the World Trade Organization's (WTO)²⁴ which has a chapeau and necessity test that is so difficult to pass that governments have failed to pass them 43/44 times²⁵. In addition, TISA's agreed privacy exception can only be used for laws/regulations which are consistent with TISA (which would include a requirement for cross-border data flows under this proposed rule).
- Other potential privacy safeguards in Article 2 of this Ecommerce Annex have 'anti-abuse' provisions ('measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination, or disguised restriction on trade in services') which are basically the chapeau from the exceptions in the goods²⁶ and services²⁷ rules at the WTO which governments

^f This analysis is based on the undated version leaked at <https://ttip-leaks.org/favez/annex-electronic-services/> which is assumed to be more recent than the version at https://wikileaks.org/tisa/document/20151001_Annex-on-Electronic-Commerce/.

have failed to meet in 9 out of 10 cases at the WTO²⁸. If these difficult to meet interpretations are used by any TISA tribunal (something that is more likely if the proposal to: use the same meanings for undefined terms in TISA as at the WTO, including any WTO jurisprudence,²⁹ is agreed to), then these Article 2 proposed privacy safeguards may be unlikely to work.

This would leave the limitations and conditions in a TISA country's schedule as the last line of defence for privacy. Therefore it is important when negotiating the schedule (including agreeing to any EU request) to maintain any limitations and conditions etc which are needed for provisions like the proposed ecommerce rules above.

Financial services

There are many financial services subsectors³⁰ and these leaked EU requests indicate that countries are liberalising some financial services subsectors more than others. Extensive rules on financial services liberalisation and deregulation have been proposed in TISA, however some of them would only apply to the financial subsectors liberalised in TISA according to some proposals.³¹ Eg:

- Some countries are proposing national treatment for new financial services only applies to the subsectors and financial services liberalised in its schedule.³² Therefore when TISA countries are deciding whether to agree to any EU leaked request for liberalisation of financial services, they need to take into account that this could mean that national treatment for new financial services must be allowed in that subsector (eg if a TISA country does not ban a new financial service eg payday lending, even if no local finance companies provide it, it must allow a financial institution from another TISA country to supply it) and carefully consider the implications of this.
- A TISA country is proposing that cross-border data transfer by financial service suppliers can be subject to conditions and limitations in its schedule.³³ The implications of cross-border data transfers for privacy can be seen in the ecommerce analyses referred to above (the attempted privacy exception in this Financial Services Annex has a last phrase (it cannot be used as a means of avoiding the obligation under this Article) that could be seen as self-cancelling). Given the potential ineffectiveness of this privacy exception, if this rule on cross-border data flows is agreed to, the limitations in a TISA country's schedule could be important exceptions, so this needs to be borne in mind when considering whether to agree to a leaked EU request to remove these limitations.
- Some TISA countries are proposing that the provision on allowing financial service companies from other TISA countries 'access to payment and clearing systems operated by public entities, and to official funding and refinancing facilities available in the normal course of ordinary business' be subject to any limitations and conditions in its schedule.³⁴
- Similarly, some TISA countries are proposing that the requirement that self-regulatory organizations comply with national treatment be subject to conditions and reservations in its schedule.³⁵
- Many TISA countries (including the EU) are proposing that the prohibition on requiring local senior managers and local directors of financial service suppliers be subject to exceptions in each TISA country's schedule.³⁶

Therefore the implications for the TISA financial services rules above need to be carefully taken into account when deciding whether to agree to any of the leaked EU requests for financial services liberalisation (such as committing a given financial subsector, or removing conditions and limitations in the schedule).

Payments and transfers

It has already been agreed in TISA that a TISA country cannot restrict international transfers and payments for current transactions relating to its commitments³⁷ (subject to certain exceptions³⁸). This means that in any sectors that a TISA country agrees to liberalise (eg because of a request by the EU),

it must allow international transfers and payments for current transactions relating to that sector (subject to certain exceptions).

While this rule is the same as the WTO rules on this,³⁹ TISA countries will presumably liberalise more service sectors under TISA than they have at the WTO, therefore this requirement for free movement of transfers and payments will apply to more sectors under TISA.

Since this can have a number of implications, particularly for developing countries, this is another factor that needs to be considered before deciding whether to agree to an EU request to liberalise a sector.

Localisation provisions

In the latest leaked version of this text,⁴⁰ it is proposed that all of the proposed rules do not apply to:⁴¹

- limitations/conditions etc in Section B of a TISA country's schedule (which has standstill and ratchet apply to it)
- sectors/activities in Section A of Part I of a TISA country's schedule.

The implications of the proposed localisation rules (such as restrictions on performance requirements beyond those in the WTO rules - for example restrictions on requirements to transfer technology or employ locals) can be seen in various analyses.⁴² Since the proposed localisation rules would significantly reduce policy space and development pathways and the exceptions in the localisation provisions⁴³ and TISA's general exceptions (see below) are limited and difficult to use, it is even more important to be able to exempt sectors and activities from these proposed localisation rules in each TISA country's schedule. However, agreeing to any of these leaked EU market access requests would reduce the sectors that can be exempted from these rules. For example Panama could only require a given percentage of employees of services companies be Panamanians in the sectors it has not liberalised.

Energy and mining related services

The latest leaked text of the proposed Annex on energy and mining related services⁴⁴ seeks market access and national treatment commitments in a variety of energy and mining related services in accordance with a TISA country's schedule.⁴⁵ Australia is also proposing that the following can only be done as listed in each TISA country's schedule:

- any requirements or incentives to use local content⁴⁶
- maximum limits for foreign shareholding⁴⁷
- joint venture requirements⁴⁸

Therefore if the proposed rules above are agreed to in this Annex, then agreeing to the leaked EU requests to liberalise energy and mining related services would mean that the above also cannot be done for the liberalised sectors.

Telecommunications

In the proposed Telecommunications Annex in TISA, two countries (including Costa Rica) are proposing that the whole Annex be subject to terms, limitations and conditions in each TISA country's schedule.⁴⁹ If they succeed in making the TISA Telecommunications Annex subject to each TISA country's schedule, then it is important to carefully consider the implications for each of the rules in the TISA Telecommunications Annex of agreeing to the leaked EU requests in the telecommunications sector (eg to Costa Rica).

Maritime services

In the latest leaked version of TISA's Maritime Services Annex,⁵⁰ some TISA countries are proposing that the whole Annex (eg the ban on cargo-sharing arrangements^g) only apply to the extent each TISA country has liberalised the relevant maritime services in its schedule⁵¹. Others are proposing that some obligations in this Annex including the following are subject to any limitations and conditions in each TISA country's schedule:

- allowing cross-border supply of feeder services and maritime offshore services⁵²
- allowing the repositioning of empty containers/transport equipment between ports in a given TISA country⁵³
- providing national treatment and most-favoured nation treatment regarding access to ports, use of port infrastructure and services and access to maritime auxiliary services etc for feeder services or maritime offshore services.⁵⁴

Therefore when TISA countries are deciding whether to agree to the EU's leaked requests on maritime services, they need to consider the implications for other TISA provisions such as those above.

Government procurement

Government procurement (GP) is the purchasing by government departments/ministries of services and since it can be more than 25% of a country's gross domestic product, if it is directed to local services companies it can boost the local economy, increase employment and improve the trade balance.⁵⁵

However in TISA, the EU and some other TISA countries have proposed extreme opening of this GP⁵⁶ so that TISA countries could no longer reserve GP for local services companies (set asides), or buy from locals even if they were a bit more expensive (price preferences). It is not clear from the proposals in the leaked GP Annex if it opens GP of all services,^h or 'only' on a negative list basis (ie in all the sectors where a TISA country gives national treatment)ⁱ. If it is the latter, then agreeing to leaked EU requests (for example its request to Pakistan for national treatment for construction services) would also mean that Pakistan is forced to open its GP of construction services (which is a significant amount of GP eg for construction of roads, bridges, dams, pipelines, powerlines, schools, hospitals etc) to construction companies from other TISA countries which are present in Pakistan, with implications such as those outlined in the analysis referred to above.

The same implications for GP arise from these leaked EU requests to liberalise other sectors such as environmental services (eg rubbish collection) and even financial services (eg if a government chooses to do its banking with local banks, this can be a significant amount of business for local banks which would then face competition from banks from other TISA countries if a government agrees to an EU request to provide national treatment in the relevant financial services).

^g These are agreements between countries A and B that all or a certain proportion of shipping between their countries will be on A's ships or B's ships, not on some third country's ships, http://unctad.org/en/PublicationsLibrary/osgdp2016d1_en.pdf. This helps ensure more business for A and B's shipping companies, which can be particularly useful at this time of excess shipping capacity, (eg <http://www.cnbc.com/2016/09/12/hanjin-itll-take-more-than-crisis-to-fix-shippings-capacity-problem-expert.html>). Countries may also want to have cargo sharing arrangements because shipping costs can be a significant proportion of the value addition of exports: the purpose of cargo sharing arrangements 'was to ensure that vessels of developing countries had an opportunity to participate in the carriage of their trade', http://unctad.org/en/PublicationsLibrary/osgdp2016d1_en.pdf.

^h for which there is a prior publication of a procurement notice and which is conducted under an open tendering procedure

ⁱ Since paragraph 2 of the proposed GP Annex says 'are accorded national treatment (**pursuant to Article I-4 of the Agreement**) as regards government procurement of services of the Party in its territory' and Article I-4 of the core text requires national treatment on a negative list basis, https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/.

Monopolies

It has been agreed in TISA that any monopoly supplier of a service in a TISA country must comply with that country's commitments (ie the sectors it has liberalised) in its supply of the monopoly service in the relevant market.⁵⁷ Therefore this also needs to be considered when deciding whether to agree to an EU request to liberalise a sector.

General exceptions in TISA

While there are health, environment, tax, some self-cancelling (eg privacy)⁵⁸ and security⁵⁹ exceptions in the TISA core text, they are unlikely to be effective as they have been copied from the World Trade Organization (WTO) general exceptions which have only been successfully used by governments once in 44 attempts.⁶⁰

A prudential defence has also been agreed in TISA,⁶¹ however this has been copied from the WTO⁶² and concerns have frequently been raised⁶³ that the last sentence is self-cancelling and so makes the prudential defence ineffective. The recently concluded Canada-EU Comprehensive Economic and Trade Agreement (CETA) appears to recognise this problem because it deletes the apparently self-cancelling last sentence from its equivalent of the WTO's prudential defence.⁶⁴

There is no general exception in TISA for other considerations such as those in this note, eg culture, heritage, indigenous rights,^j affordability for consumers etc.

^j There is a proposal in the latest leaked version of the TISA core text for an exception for indigenous rights (Treaty of Waitangi Article, https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/) but:

i) it only applies to New Zealand, so other countries cannot use it as an exception for their indigenous peoples,
ii) when the same exception (with the same wording) has been in other free trade agreements (FTAs) it has been criticised by lawyers as being insufficient to adequately protect indigenous rights, eg see <https://tpplegal.files.wordpress.com/2015/12/tpp-te-tiriti.pdf> referring to the same exception in the TPP available in Article 29.6 of the exceptions chapter at <http://tpp.mfat.govt.nz/tpp-text.php> and
iii) it had not yet been agreed to as of the time of the last leak.

¹ Under Article I-3 and I-4, https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/

² <https://wikileaks.org/tisa/>

³ <http://www2.ohchr.org/english/issues/globalization/trade/docs/5WTOMinisterialCancun.pdf> to monitor potential impacts of trade rules on human rights and guide trade rule and policy making, A/HRC/27/55 and is recommended by various human rights treaty bodies: eg see E/C.12/1/Add.100, para. 56; CRC/C/15/Add.232, para. 48; CEDAW/C/COL/CO/6, at para. 29; CEDAW/C/PHI/CO/6, para. 26; CEDAW/C/GUA/CO/6, para. 32.

⁴ <http://www.twn.my/title2/FTAs/General/TPPHumanRights.pdf>

⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16031&LangID=E@>

⁶ Eg France's new law, <http://www.standard.co.uk/news/foodforlondon/food-for-london-how-french-law-requires-supermarkets-to-hand-over-food-a3356136.html>.

⁷ As some supermarkets are starting to do voluntarily, eg http://www.huffingtonpost.co.uk/2016/02/05/wonky-veg-policy-at-supermarkets-tesco-sainsbury-morrisons-co-op-aldi_n_9169362.html

⁸ <http://dnr.mo.gov/ecyclemo/publications.htm>

⁹ Eg Hong Kong's http://www.isd.gov.hk/eng/api_more.htm

¹⁰ Eg Australia's http://www.abc.net.au/mediawatch/transcripts/0736_cti.pdf.

¹¹ Domestic Regulation Article, https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/

¹² https://wikileaks.org/tisa/document/20151010_Annex-on-Domestic-Regulation/

¹³ https://wikileaks.org/tisa/analysis/Analysis-of-20150220_Annex-on-Domestic-Regulation/, https://wikileaks.org/tisa/analysis/Analysis-of-20150423_Annex-on-Domestic-Regulation/, https://wikileaks.org/tisa/analysis/Analysis-of-20151010_Annex-on-Domestic-Regulation/. It is worth reading each of these as they have different examples of the possible implications of these proposed disciplines. While two of these analyses are of earlier versions of the leaked text, these analyses are still relevant because the highlighted proposed domestic regulations disciplines (such as objective and necessary requirements and restrictions on licensing fees) are still in the latest leaked version of these proposed rules. See also <http://us.boell.org/2010/05/25/series-policy-papers-trade-and-investment> which analyse the equivalent provisions when they were proposed at the World Trade Organization (WTO) in negotiations on domestic regulations disciplines for services which have not yet been concluded.

¹⁴ https://www.southcentre.int/wp-content/uploads/2013/08/AN_SV12_The-Draft-GATS-Domestic-Regulation-Disciplines_EN.pdf (analysing the equivalent provisions when they were proposed at the WTO in negotiations on domestic regulations disciplines for services which have not yet been concluded).

¹⁵ https://www.southcentre.int/wp-content/uploads/2013/08/AN_SV12_The-Draft-GATS-Domestic-Regulation-Disciplines_EN.pdf (analysing the equivalent provisions when they were proposed at the WTO in negotiations on domestic regulations disciplines for services which have not yet been concluded).

¹⁶ Since Article 4 of the TISA Annex https://wikileaks.org/tisa/document/20151010_Annex-on-Domestic-Regulation/ proposes that account shall be taken of international standards applied by that country when deciding whether these criteria are met. See also https://www.southcentre.int/wp-content/uploads/2013/08/AN_SV12_The-Draft-GATS-Domestic-Regulation-Disciplines_EN.pdf.

¹⁷ http://europa.eu/european-union/about-eu/countries/member-countries_en

¹⁸ Article 2

¹⁹ Eg see analyses of earlier versions of this leaked Annex (the analyses are still valid as the proposals are still largely the same), <https://wikileaks.org/tisa/document/#september-publication>

²⁰ Article 6

²¹ Article 8

²² Article 11

²³ Article I-9c)ii) https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/

²⁴ https://wikileaks.org/tisa/analysis/201609_TiSA_Analysis-on-Core-Text/

²⁵ <http://www.citizen.org/documents/general-exception.pdf>

²⁶ Article XX https://www.wto.org/english/docs_e/legal_e/gatt47_02_e.htm#articleXX

²⁷ Article XIV https://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm#articleXIV

²⁸ <http://www.citizen.org/documents/general-exception.pdf>

²⁹ Last Article in https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/.

³⁰ <http://unstats.un.org/unsd/cr/registry/regcs.asp?CI=9&Lg=1&Co=81>

³¹ This analysis is based on the latest leaked version at <https://ttip-leaks.org/favez/05-financial-services/>. See also analyses of earlier versions at <https://wikileaks.org/tisa/document/#september-publication>.

³² Article X.9

³³ Article X.10

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- ³⁴ Article X.11
- ³⁵ Article X.12
- ³⁶ Article X.13
- ³⁷ Article I-7.1 https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/.
- ³⁸ Eg see Article I-7.2 and I-8 https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/.
- ³⁹ https://wikileaks.org/tisa/analysis/201609_TiSA_Analysis-on-Core-Text/201609_TiSA_Analysis-on-Core-Text.pdf
- ⁴⁰ <https://ttip-leaks.org/favez/localization-provisions/>
- ⁴¹ Article X.4
- ⁴² Including at <http://bilaterals.org/?tisa-localisation-provisions> and an earlier version referred to in it.
- ⁴³ Eg see analysis at <http://bilaterals.org/?tisa-localisation-provisions>
- ⁴⁴ <https://ttip-leaks.org/favez/energy-annex/>
- ⁴⁵ Articles III and IV of the Annex
- ⁴⁶ Article VIII of the Annex
- ⁴⁷ Article IX of the Annex
- ⁴⁸ Article XI of the Annex
- ⁴⁹ Article 1.1 in the latest leaked text at https://wikileaks.org/tisa/document/20160608_TiSA_Annex-on-Telecommunication/
- ⁵⁰ <https://ttip-leaks.org/favez/maritime-services/>
- ⁵¹ Article 1
- ⁵² Article 2.3
- ⁵³ Article 5
- ⁵⁴ Article 7.2
- ⁵⁵ https://wikileaks.org/tisa/analysis/Analysis-of-201504_Annex-on-Government-Procurement/
- ⁵⁶ https://wikileaks.org/tisa/document/201504_Annex-on-Government-Procurement/
- ⁵⁷ Monopolies Article, https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/
- ⁵⁸ Article I-9, https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/
- ⁵⁹ Article I-10 https://wikileaks.org/tisa/document/20160621_TiSA_Core-Text/
- ⁶⁰ https://wikileaks.org/tisa/analysis/201609_TiSA_Analysis-on-Core-Text/
- ⁶¹ Article X.16 https://wikileaks.org/tisa/document/20150925_Annex-on-Financial-Services/
- ⁶² Paragraph 2 https://www.wto.org/english/docs_e/legal_e/26-gats_02_e.htm#annfin
- ⁶³ Eg <http://www.citizen.org/documents/report-prudential-measures.pdf>
- ⁶⁴ Article 13.16, http://trade.ec.europa.eu/doclib/docs/2016/february/tradoc_154329.pdf