

# WORLD TRADE ORGANIZATION

RESTRICTED  
S/CSC/W/22  
19 July 1999

(99-2976)

---

## Committee on Specific Commitments

### CONSOLIDATED SCHEDULES OF COMMITMENTS IN ELECTRONIC FORM DRAFT FORMAT AND SUGGESTED PROCEDURES

#### Note by the Secretariat

1. At its 14 June 1999 meeting, the Committee on Specific Commitments requested the Secretariat to provide a draft example of a schedule of commitments in electronic form, explain the differences from the treaty copies, and suggest procedures for the verification of those schedules. This note has been prepared in response to that request.

2. Annex 1 contains an imaginary country schedule in the format of a treaty copy, produced in WordPerfect/Word, while Annex 2 features the proposed electronic version in Sybase format.

3. The Secretariat considers Sybase to be well suited for this particular task. The use of Word or WordPerfect and their enhanced word processing capabilities would have required the complete retyping of all schedules (more than 4,000 pages) as the spacing and use of tabulations had been made by delegation in a non-harmonized manner. Without complete reprocessing, no proper searches would be possible. In addition, searches in Word and WordPerfect (only for key words) are not as rich and structured as those allowed by Sybase.<sup>1</sup> Finally, the availability of the Sybase data base, in which large parts of the relevant material had already been aggregated, helped to limit the time and resource requirements involved in the consolidation of schedules. This applies in particular to the necessary checking and updating of data. Changes to other systems would have resulted in delays of at least one year and cause additional cost.

3. However, while Sybase proved the most advantageous option, in the view of the Secretariat, its use is not without constraints.<sup>2</sup> Sybase exists only in English, and its word processing abilities are not as comprehensive as those of WordPerfect or Word. Since Sybase is mainly a data base software, its use required the following adjustments to the presentation of the original schedules:

- footnotes are presented in a fifth column;
- footnote numbers could not be inserted next to mode numbers, but had to be moved to the beginning of the following text;
- footnote numbers after headings such as "Horizontal Commitments" and "Sector Specific Commitments" had to be moved to the end of the following heading (for example, "All sectors included in this schedule#1");

---

<sup>1</sup> See Annex 3 for examples of possible searches using Sybase.

<sup>2</sup> The use of the database software, and the pros and cons involved, have been explained by the Secretariat in previous documents; see S/CSC/W/5 (30 May 1997) and S/CSC/W/8 (10 October 1997).

- some characters (for example, §), italics and underlines could not be reproduced and had to be dropped;
- headings are indicated through capitalized first letters of the relevant text;
- the alignment of text had to be modified in some cases;
- full brackets around mode numbers – for example, (1) – had to be replaced by one bracket; and
- headnotes which were inserted at the end of the Horizontal Section in the original documents (for example, the definition of the coverage of mode 4 commitments) had to be moved to the beginning of the Horizontal Section.

10. Contrary to the Secretariat's initial intentions, it is no longer envisaged to assign a date to commitments. This is mainly because of legal uncertainties surrounding commitments which have been changed over time. A Secretariat Note, document S/CSC/ W/14, dated 26 March 1998, explains such uncertainties in the context of the three-year "freeze" provided for the modification of schedules under Article XXI.

11. Finally concerning the verification of the electronic schedules, the Secretariat envisages proceeding as described in document S/CSC/W8, dated 10 October 1997 (para. 10): a draft aggregated schedule would be circulated to the delegation concerned for approval or, if need be, modification; failing comments within sixty days, the aggregated schedule would be circulated to all delegations. Since there would be no collective verification, Members would be free at any time to raise questions in the Committee on Specific Commitments concerning the content of the electronic schedules. As noted on various occasions, these schedules have no legal value.

## ANNEX 1

### - RURITANIA - SCHEDULE OF SPECIFIC COMMITMENTS (WordPerfect/Word format)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>HORIZONTAL COMMITMENTS<sup>3</sup></b>			
ALL SECTORS LISTED IN THIS SCHEDULE	(3) Investments subject to authorization <sup>4</sup> by the Ministry of Trade and Commerce ( <i>MTC</i> )  (4) Unbound except for intra corporate transferees and managers	(3) Purchases of real estate by non resident subject authorization  (4) Subsidies to natural persons reserved by nationals	
<b>Definitions:</b>  <b>"Intra-corporate transferee":</b> A natural person working within a juridical person, other than a non-profit making organization, established in the territory of a WTO Member, and being temporarily transferred in the context of the provision of a service through commercial presence in the national territory.  <b>"Manager":</b> Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from the board of directors of the business, including directing the services supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee or having the authority to hire or fire or recommend such or other personnel actions.			

<sup>3</sup> A non-discriminatory system of foreign exchange allocation applies to direct investment abroad.

<sup>4</sup> The relevant criteria include: creation of new jobs, introduction of new technology, and organization of training programmes for nationals.

**RURITANIA** (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>II SECTOR SPECIFIC COMMITMENTS</b>			
1. <u>Business Services:</u> A. <u>Professional Services:</u> a. <u>Legal services</u>	(1) <sup>5</sup> None (2) Unbound (3) None (4) Unbound except as provided in the horizontal commitments	(1) None (2) Unbound (3) None (4) Unbound except as provided in the horizontal commitments	

---

<sup>5</sup>Trade under this mode is understood to include the delivery of a service following active solicitation.

## ANNEX 2

### HORIZONTAL COMMITMENTS RURITANIA

WTO Services Database Output  
Page 1 of 1

Modes of Supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Horizontal Measure	Limitations on Market Access		Limitations on National Treatment		Additional Commitments	Notes
HORIZONTAL COMMITMENTS#1						
"Intra-corporate transferee": A natural person working within a juridical person, other than a non-profit making organization, established in the territory of a WTO Member, and being temporarily transferred in the context of the provision of a service through commercial presence in the national territory.						
"Manager": Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from the board of directors of the business, including directing the services supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee or having the authority to hire or fire or recommend such or other personnel actions.						
ALL SECTORS LISTED IN THIS SCHEDULE	3)	Investments subject to authorization by the Ministry of Trade and Commerce (MTC)	3)	Purchases of real estate by non resident subject authorization		#1 A non-discriminatory system of foreign exchange allocation applies to direct investment abroad.
	4)	Unbound except for intra corporate transferees and managers	4)	Subsidies to natural persons reserved by nationals		#2 The relevant criteria include: creation of new jobs, introduction of new technology, and organization of training programmes for nationals

**SECTOR-SPECIFIC COMMITMENTS**  
**RURITANIA**WTO Services Database Output  
Page 1 of 1

Modes of Supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments	Notes
1. BUSINESS SERVICES						
A. Professional Services						
a) Legal Services	1)	None#3	1)	None		#3 Trade under this mode is understood to include the delivery of a service following active solicitation.
	2)	Unbound	2)	Unbound		
	3)	None	3)	None		
	4)	Unbound except as provided in the horizontal commitments	4)	Unbound except as provided in the horizontal commitments		

### ANNEX 3

#### SEARCHES IN SYBASE

## I. CONDUCTING A SEARCH AMONG HORIZONTAL COMMITMENTS

### A. STARTING POINT

As a starting-point, let us assume that a researcher or negotiator is interested in the structure of horizontal limitations, whether on market access or national treatment, contained in current schedules. The search criteria he may use in this case are: domain, level of development, country group, and mode of supply. Sybase allows him to specify these criteria within the following window:

**Horizontal Commitments Criteria**

**Domain :** [Empty Box]

**Level of Development :** [Empty Box]

**Country Group :** [Empty Box]

**Columns**

☒ Market Access      ☒ Either Or

☒ National Treatment

☒ Apply to Screens

**Modes of Supply**

☒ 1) Cross-border Supply

☒ 2) Consumption Abroad

☒ 3) Commercial Presence

☒ 4) Presence of Natural Persons

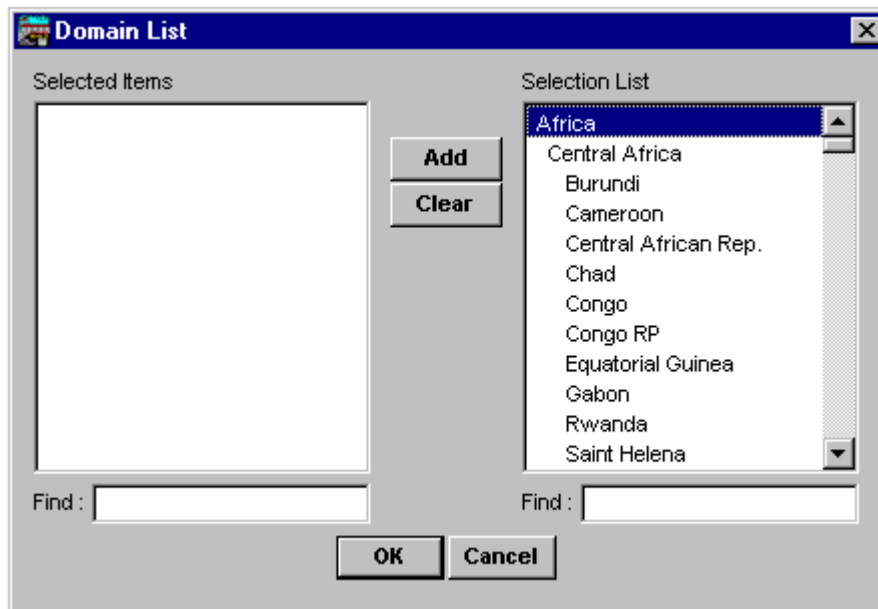
**OK   Reset   Cancel**

Alternatively, the search may be confined to market access or national treatment limitations alone, in which case the relevant category needs to be identified in the *Columns* Box. If both categories and *Either Or* are selected, any country with a horizontal limitation will be included. If *Either Or* is deselected, the search will be limited to cases where both market access and national treatment limitations have been scheduled.

The *Modes of Supply* Box may be used to include/exclude limitations on any of the four modes.

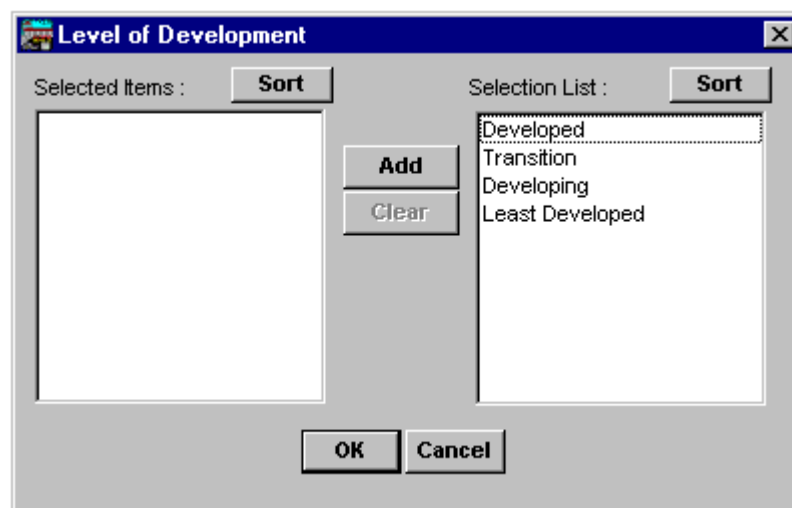
## B. DOMAIN CRITERIA

The *Domain Box* allows for the specification of countries to be included in the search. The system groups countries into continents and regions. The countries/regions/continents chosen from the *Selection List* will be included in the search and are shown under *Selected Items* (left side of the domain box).



## C. LEVEL OF DEVELOPMENT CRITERIA

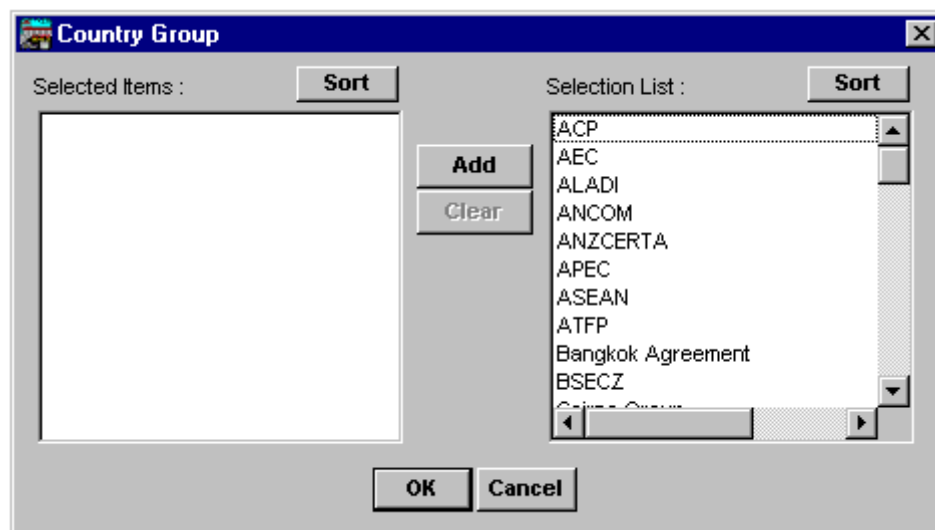
If the *Level of Development Box* is activated, the following window appears. The user may then opt for any combination of four country classifications (see below). Again, the relevant classification(s) to be included in the search must be identified in the *Selection List*.





## D. COUNTRY GROUP CRITERIA

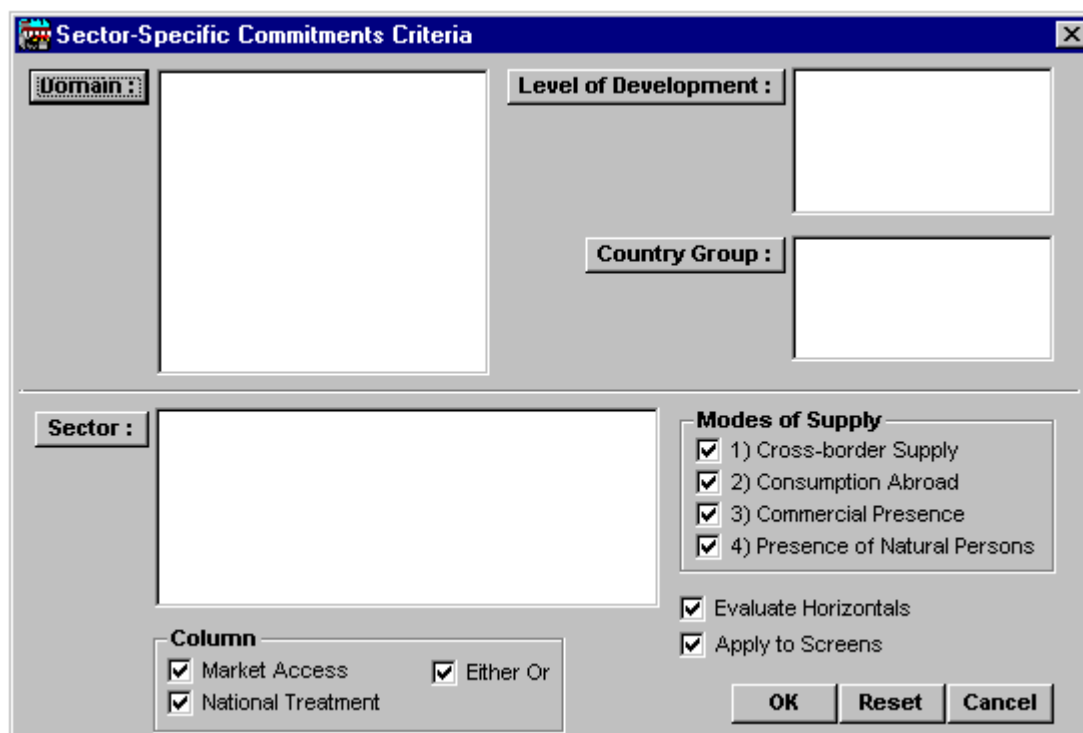
If the *Country Group* button is clicked on, Sybase displays the following window. In this case, the *Selection List* offers a wide range of different country groupings for inclusion.



## II. CONDUCTING A SEARCH AMONG SECTOR-SPECIFIC COMMITMENTS

### A. STARTING POINT

Let us now assume, that a user's interest focuses on the number or the names of countries which have undertaken commitments in a particular service sector. He has to decide among five search criteria: domain, level of development, country group, service sector, and mode of supply. The following window allows him to specify these criteria:



As described above, the Sybase user is free to include market access and/or national treatment limitations and any combination of modes of supply in his search.

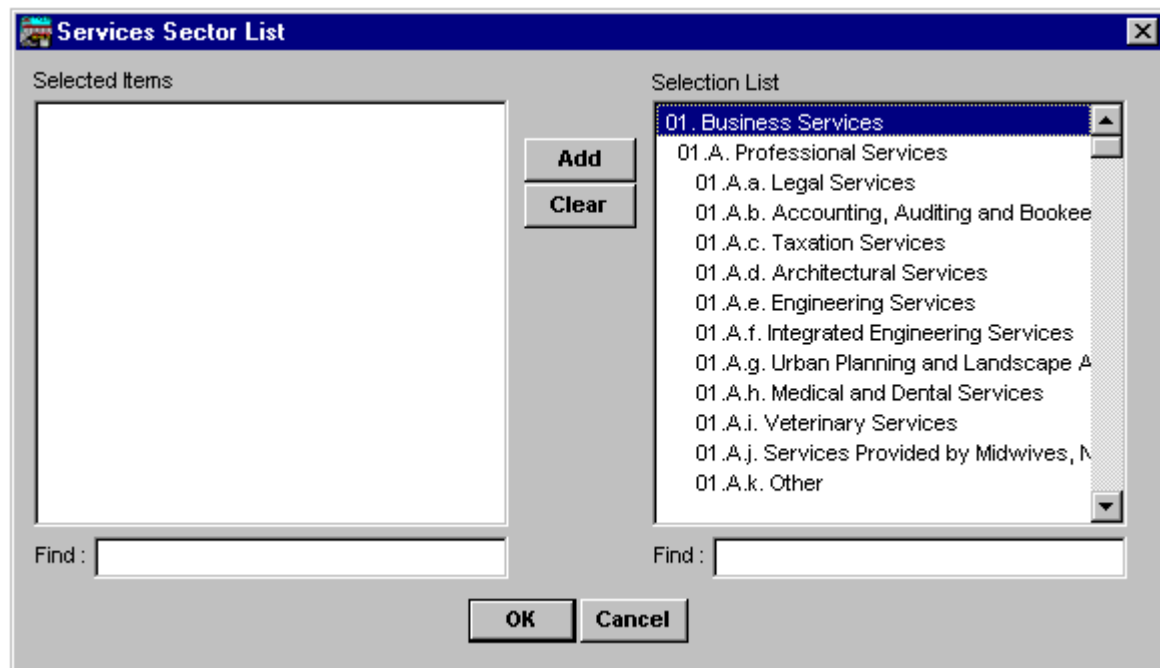
In addition, since limitations under Horizontal Commitments apply to sector-specific commitments as well, the user may also want to search within the former section. If he activates the *Evaluate Horizontals* button, all relevant horizontal limitations will be included.

B. DOMAIN, LEVEL OF DEVELOPMENT AND COUNTRY GROUP CRITERIA

The *Domain, Level of Development and Country Group* Boxes are structured and may be used in the same way as described above.

C. SERVICE SECTOR CRITERIA

If the *Sector* Box is activated, the following window is displayed. The user may include any service sector, or combination thereof, from the *Selection List*. The selected sectors are shown on the left side of the window.



### III. CONDUCTING A SEARCH AMONG MFN EXEMPTIONS

Users interested in MFN exemptions have the following window at their disposal:



The screenshot shows a window titled "MFN Exemption List Criteria". It features three input fields: "Domain" (with a dropdown arrow), "Country Group", and "Level of Development". At the bottom left, there is a checked checkbox labeled "Apply to Screens". At the bottom right, there are three buttons: "OK", "Reset", and "Cancel".

The window does not include a sector criterion. Ascribing MFN exemptions to sectors would have been misleading, even impossible in many cases, as MFN exemptions are not structured in the same way as commitments. Most exemptions are without CPC reference and the sector descriptions, if any, provided by the Members concerned often refer to terms used in national legislation. (Negotiators felt that such references might help to reduce the sectoral scope of MFN exemptions.) Given the uncertainties involved, and in view of the potential legal implications, the Secretariat did not attempt to fill such gaps. In the context of the electronic loose-leaf schedules, currently in preparation, a full text-search mechanism will allow for searches by key-word. This function is not currently available for Sybase.

The *Domain*, *Level of Development* and *Country Group* Boxes are structured and may be used in the same way as described above.

---