

Statement by India on DR Disciplines delivered at Working Party on Domestic Regulation (WPDR) meeting held on 4th October 2017

Good morning Madam Chair

We have had very good discussions during the past 3 days

- Service suppliers particularly those of developing country members face numerous difficulties in complying with complex domestic regulations brought out by Developed country members. We also understand there is mandate to develop disciplines on such DRs which fall under the mandate of the GATS Article VI:4, namely LR, LP, QR, QP and TS.
- In this regard we want to particularly emphasize the hurdles faced by natural persons supplying services in foreign jurisdictions.
- We are therefore willing to constructively engage with proponents on development of DR disciplines in accordance with the letter and spirit of the GATS.
- As pointed earlier by India, the DR 2011 text in particular highlighted several clauses as having 'Ad Referendum' agreement among Members. India is still not clear why couldn't discussions be resumed on the basis of the 2011 Chair's Texts on which substantial work was already done?
- Nevertheless, India is prepared to constructively engage on the new approach adopted by proponents.
- India has provided textual proposals together with rationale for the proposed changes which was discussed in a preliminary way during the past 3 days. As emphasized by India, we would once again like to underscore that our engagement on this process is essentially predicated on three key aspects:
 - Clarification on the meaning and scope of the term "Authorisation" as used by the proponents extensively in the consolidated text - the GATS VI:4 mandate is for disciplines on 5 specific elements of QR, QP LR, LP and TS and not on authorisation; we must therefore, abide by the GATS mandate in letter and spirit;
 - DR disciplines must adequately cover disciplines on measures related to Qualification Requirements and procedures (QRP)- an aspect which has not been dealt with in sufficient detail in the current consolidated text; this is particularly imp for NPs supplying services
 - Adequate coverage of principles of Special and Differential treatment for developing countries (and not just for LDCs) again in accordance with the letter and spirit of the WTO in general and the GATS in particular.
- We request proponents as well as all other members to have a careful look at our suggestions. These have largely sourced from the DR texts of 2009 and 2011 and must therefore be quite familiar to all.

- Our Friends from the African Group, Bangladesh and other LDC friends and many other developing countries have raised a number of substantial queries on the consolidated DR proposal, both during the last services cluster meetings in June-July 2017 as well as through their latest communication dated 27 September 2017 (JOB/SERV/269). It is the responsibility of the proponents to address these issues satisfactorily.
- In case we want to see DR disciplines as a deliverable for MC11, active engagement from all players, especially the key players is important.
- And last but not the least, India believes that, while it is important to address behind the border barriers (envisaged through DR disciplines), it is equally, and perhaps more critical, to address border or entry-related measures impeding trade in services. In our view, addressing DR issues in isolation will have little or no impact on trade in services, unless there is an effort to address facilitation right from the point of entry of a service supplier. Accordingly, obligations on 'disciplined' behind the border measures for QRP will not suffice to provide meaningful mode 4 access. Such disciplines will have to be complemented with disciplines on entry of natural persons such as on fees, processing of applications, etc. This is crucial for developing countries and LDCs which have a specific interest in Mode 4. That is why we want to consider addressing the challenges confronting trade in services in a more comprehensive manner with open mindedness.