



THE GENERAL AGREEMENT ON TRADE IN SERVICES (GATS)



MAIN ELEMENTS (EDUCATION SERVICES)



Education Services: Sub-sectors

- Primary Education
- Secondary Education
- Higher Education
- Adult Education
- Other Education Services

GATS: Relevance for individual sectors



Three Scenarios:

- Irrelevant: Governmental Services and air traffic rights
- Application of “unconditional” disciplines: All other services
- Full application (“conditional” and “unconditional” disciplines): Services covered by Specific Commitments



Scenario I: Governmental Services

Excluded from coverage are “services provided in the exercise of governmental authority” which, in turn, are defined as services that are supplied “neither on a commercial basis, nor in competition with one or more service suppliers”. (Article I:3)



What are “Governmental Services”?

Typical examples:

Police, fire protection, road construction and maintenance, monetary policy operations, tax and customs administration, ...

... but also public health and education services that meet the relevant definition.

How Schedules of Commitments are structured:

A. The “easy solution”

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
5. EDUCATION SERVICES A. <u>Primary Education Services</u> (CPC 921)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

[Same entries for all other Education Services.]

B. Croatia/Education



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
<p>5. EDUCATIONAL SERVICES</p> <p>B. <u>Secondary Education Services</u> (CPC 922)</p> <p>C. <u>Higher Education Services</u> (CPC 923) <i>[Same commitments for Adult Education; CPC 924]</i></p> <p>E. <u>Other Education Services</u></p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None for legal persons</p> <p>4) Unbound, except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> <p>1) None for correspondence education or education via telecommunications</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None for legal persons</p> <p>4) Unbound, except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> <p>1) None for correspondence education or education via telecommunications</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

C. United States/Education



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
<p>5. EDUCATIONAL SERVICES</p> <p>D. <u>Adult Education</u> (except flying instruction)</p> <p>E. <u>Other Education Services</u></p>	<p>1) None</p> <p>2) None</p> <p>3) The number of licences for cosmetology schools in Kentucky is limited to 48 total licences , with a total of 8 licences allowed for operation of such schools per congressional district</p> <p>4) Unbound, except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1),2),3),4) Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions</p> <p>1),2),3),4) Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions</p>	

D. China/Education



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
<p>5. EDUCATIONAL SERVICES (excluding special education services e.g. military, police, political and party school education)</p> <p>A. <u>Primary Education Services</u> (CPC 921, excluding national compulsory education in CPC 92190))</p> <p><i>[Similar commitments for all other Education Services]</i></p>	<ol style="list-style-type: none"> 1) Unbound 2) None 3) Joint schools will be established, with foreign majority ownership permitted 4) Unbound, except as indicated in Horizontal Commitments and the following: foreign education services suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions. 	<ol style="list-style-type: none"> 1) Unbound 2) None 3) Unbound 4) Qualifications are as follows: possession of Bachelor's degree or above and an appropriate professional title or certificate, with two years' professional experiences. 	

Education Services: Country Pattern of Commitments

(Number of WTO Members, Jan/Feb 2001)

Primary Education	39	(23)*
Secondary Education	42	(23)*
Higher Education	40	(24)*
Adult Education	39	(23)*
Other Education Services	26	(23)*

* Developing and transition economies