

# PUBLIC SERVICES

## GATS (1995)

### Positive listing

- Public services carveout: justice, police, etc.
- Public utilities clause: for monopolies only!
- ‘Publicly-funded’ health and education; water: fully out.
- No standstill, no ratchet

## CETA (2014)

### Negative listing

- Carveout and public utilities clause apply, but...
- ... If it's not out, it's in!
- Ratchet and standstill , unless ‘Annex II’ reservation
- “*Services receiving public funding or state support in any form*” reserved
- UK: private hospitals are in
- ISDS!

## TTIP/TiSA

### Hybrid listing ?

- Positive for MA, negative for NT?
- Time to strengthen carveout/public utilities clause
- What's public? The Scandinavian approach
- Exempting the future: e-services (mode 1)

## EU law!

- Non Economic Services (SGI): no limitations
- Economic services (SGEI): subject to Competition rules (no state aid, no subsidy), but exemption possible
- Sectoral legislation: Liberalisation of telecom and postal services fully locked in, partial ratchet on electricity and railway (but not passenger services)