

**Council for Trade in Services  
Special Session**

**COMMUNICATION FROM THE UNITED STATES**

Review of Progress in Postal and Courier Services,  
Including Express Delivery Collective Request

The following communication, dated 4 December 2007, from the delegation of the United States as coordinator of a collective request in this sector, is being communicated to Members of the Council for Trade in Services.

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**I. INTRODUCTION**

1. Pursuant to Hong Kong Declaration, Annex C paragraph 7, since February 2006, a number of Members prepared and delivered collective requests to various recipient Members. Six market access clusters and four plurilateral meetings were held between April 2006 and September 2007, during which participants provided responses and indications of how existing commitments and potential offers might relate to the collective requests.

2. Four Members have sponsored the collective request on Postal and Courier Services, including Express Delivery (the European Communities, Japan, New Zealand and the United States) and presented the request to twenty recipient Members. None of the recipients were Least Developed Countries (LDCs). All co-sponsors have also deemed themselves recipients of the request. Additional requests for this sector have been made in the bilateral request part of the negotiations.

3. The United States is circulating this status report as coordinator of the collective request on Postal and Courier Services, Including Express Delivery. The information provided here only represents the general views of the co-sponsors of the request. The co-sponsors appreciate the engagement of recipients and hope that future discussions will allow progress toward meeting the objectives of the plurilateral request.

**II. OVERALL STATUS**

4. During the last two plurilateral meetings, co-sponsors explored possibilities to offer bindings of current market openness or, if necessary, creating new market openness to meet aspects of the request. Some recipients also asked questions of co-sponsors in order to better understand the request and, given that co-sponsors have deemed themselves recipients, to explore the extent to which co-sponsors were prepared to meet aspects of the collective request. Very few of the 20 recipients communicated any clear intention to undertake commitments in response to the objectives of the plurilateral request. Therefore, co-sponsors have expressed dissatisfaction with the nature of responses and in particular with the absence of ambition in most recipients' responses, even on the order of phase-in periods. Several explicitly ruled out any response to the request.

5. Only one recipient has indicated that it will undertake new commitments to reflect current levels of liberalization. Four recipients who have no commitments in this sector have indicated that they do not intend to undertake new commitments in response to the request in their next offer.

An additional seven recipients who have a partial level of commitment in this sector have indicated that they do not intend to make further commitments in response to the request. No recipient has indicated it is prepared to ease or remove a limitation, such as an equity limitation, where one currently exists. With regard specifically to the additional commitment aspects of the request, eleven recipients have indicated they do not intend to respond positively, four recipients have provided indications of possible, but unspecified flexibility, and four recipients did not respond.

6. As deemed recipients, all co-sponsors have confirmed that they meet most aspects of the request. All co-sponsors have tabled offers that provide effective market access for delivery services and clarified the definition of competitive services subject to their commitments (as discussed in TN/S/W/30, "Guidelines for scheduling commitments concerning postal and courier services, including express delivery"). Some co-sponsors have also indicated a willingness to undertake further commitments to address the additional commitments aspect of the request if such willingness is also expressed by the recipients.

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## ATTACHMENT

### Collective Request in Postal and Courier Services, including Express Delivery

**Request:** *New and improved commitments that reflect meaningful progress toward full market access and national treatment for delivery services<sup>1</sup> in the area of Postal and Courier Services, including Express Delivery.*

We recognize that government intervention may be necessary to ensure the universal supply of quality basic postal services, including through direct government-supplied services and the designation of monopolies and exclusive suppliers. Therefore, in making this request, we understand that the extent to which Members may be able to offer commitments on universal postal services will vary from one Member to another. At the same time, we expect Members to be more forthcoming with strong commitments for activities that are carried out under competitive conditions.

In formulating new and improved commitments, we encourage Members to consider the following key objectives.

#### **Key Objectives:**

##### Sector Description

1. Provide a basis to obtain specific commitments covering those activities captured by "Postal Services" and "Courier Services", including Express Delivery Services (CPC 7511 and CPC 7512, respectively), from as many WTO Members as possible.
2. Clarify the scope of application by confirming that the sector description encompasses all competitive service suppliers, including holders of postal monopoly rights if they should compete to supply the scheduled service.
3. Clarify the parameters of covered postal services to ensure that express delivery or other high-value services are distinguished from universal postal services.
4. Provide clear descriptions of covered activities.
5. Achieve the fullest possible coverage of
  - a. Basic delivery of all items (parcels and packages, documents, printed matter, hybrid mail, goods, or other items)
  - b. Express delivery of all items (parcels and packages, documents, printed matter, goods, or other items)

##### Market Access Commitments

Provide substantially unrestricted market access for the supply of Postal and Courier Services, including Express Delivery, that are carried out under competitive conditions.

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<sup>1</sup> For purposes of this request, delivery services include the collection, sorting, transport and delivery of items.

National Treatment Commitments

Provide effective national treatment for the supply of Postal and Courier Services, including Express Delivery, that are carried out under competitive conditions.

Additional Commitments

Undertake additional commitments, where possible, to establish or maintain appropriate measures:

- To address unreasonable practices by dominant suppliers that adversely affect the conditions of competition for postal and courier services, including express delivery (such appropriate measures may include the application of accounting separation and disclosure requirements or rate regulation);
  - Where a specifically committed service is subject to sectoral licensing, to ensure that licensing requirements are transparent and reasonable; and
  - Where a specifically committed service is subject to sectoral regulation, to ensure that the regulatory body is separate from, and not accountable to, any supplier of such a service.
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