

ENERGY TRANSPORTATION UNDER THE GATS

MIREILLE COSSY, WTO

Workshop on the Role of
Intergovernmental Agreements
in Energy Policy

WTO, 29 April 2013

THE GATS COVERS VARIOUS MEANS OF TRANSPORTING ENERGY

- ◉ The GATS covers various means of transportation of energy products (maritime, road and railway)
- ◉ It also covers related services, such as storage of liquids and gases
- ◉ Moreover, the W/120 and the CPC identify two means of transportation specific to energy:
 - Services incidental to energy distribution
 - Transportation of fuels via pipeline

WHAT IS AN ENERGY TRANSPORTATION SERVICE?

- ◉ The GATS applies to trade in **services**
- ◉ Who qualifies as supplier of an energy transportation **service** under the GATS?
 - Firms transporting their own fuels (“in-house” operations) vs. firms transporting fuels owned by other entities

WHAT IS THE SCOPE OF GATS COMMITMENTS?

- ◉ Do GATS commitments give the right to build new facilities?
- ◉ What about the right to access transportation facilities, such as pipelines?
 - For transporting my own fuels?
 - For providing transportation services?
- ◉ GATS and transit of goods
 - Can GATS obligations, e.g. specific commitments, “complement” GATT transit disciplines?

COMPETITION RULES FOR NETWORK TRANSPORTATION OF ENERGY PRODUCTS

- ◉ The GATS contains rules regarding monopolies and exclusive service suppliers
- ◉ Should Members specifically address anti-competitive practices affecting energy transportation networks, in particular with respect to access and use by third parties?

ENERGY TRANSPORTATION SERVICES IN WTO NEGOTIATIONS

- ◉ Few GATS commitments have been undertaken so far on energy transportation services
- ◉ These sectors have also remained on the sidelines of the energy services negotiations.