

**United States-Singapore (Services)
Summary Fact Sheet**

Table 1: Background Information

Parties	United States, Singapore	
Type of Agreement	Economic Integration Agreement	
Date of signature	6 March 2003	
Date of entry into force	1 January 2004	
Review envisaged	None	
Website or contact addresses	The full text of the Agreement, together with the Annexes, is available at: http://www.ustr.gov/Trade_Agreements/Bilateral/Singapore_FTA/Section_Index.html ; and http://www.fta.gov.sg/	
List of related WTO documents	S/C/N/263 WT/REG161/1 WT/REG161/4 WT/REG161/M/1-2 WT/REG161/5-6	Notification Agreement Standard format (services) Minutes Questions and Replies

Table 2: Scope and general aspects

Scope	Sectors	The Agreement has substantial services sectoral coverage.
	Modes of supply	The Chapter on cross-border trade in services encompasses cross-border supply, consumption abroad and presence of natural persons (Modes 1, 2 and 4) and the Chapter on investment, rights for investors in manufacturing and services, including commercial presence (Mode 3).
Positive/negative list		Negative list approach.
Sector-specific rules		Telecommunication (Chapter 9); Financial services (Chapter 10); Electronic commerce (Chapter 14).
Sectoral exclusions		Financial services; government procurement; aircraft repair and maintenance services; specialty air services; subsidies or grants provided by a Party, including government-supported loans, guarantees and insurance (Art. 8.2.3).

Table 3: Provisions of the Agreement

Provision	Article	Additional information
MFN/National treatment	Art. 8.3; Art. 8.4; Art. 15.4; Art. 15.5; Art. 16.1.3	Each Party accords to service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to its own service suppliers and to service suppliers of a non-Party. Similarly, each Party accords to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to its own investors and to investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory. Each Party must also grant to covered investments treatment in accordance with customary international law, including fair and equitable treatment and full protection and security. In respect of all categories of intellectual property covered in the Agreement, each Party grants to nationals of the other Party treatment no less favourable than it accords to its own nationals with regard to the protection and enjoyment of such intellectual property rights and any benefits derived from such rights.
Market access	Art. 8.5	Parties are not allowed to adopt nor maintain, either on the basis of a regional subdivision or on the basis of its entire territory, measures that limit or restrict the supply of a service or require specific types of legal entity or joint venture through which a service providers may supply a service.
Local presence	Art. 8.6	A Party is prohibited to require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its territory as a condition for the cross-border supply of a service.

Movement of natural persons	Chapter 11 and Annex 11A	Each Party must grant temporary entry to business persons listed in Annex 11A, who are nationals of a Party and are engaged in trade in goods, the provision of services or the conduct of investment activities, otherwise qualified for entry under applicable measures relating to public health and safety and national security. The categories of business persons covered by the Agreement are: business visitors; traders and investors; intra-company transferees; professionals. A Party may refuse to issue an immigration document authorizing employment to a business person where the temporary entry of that person might affect adversely the settlement of any labour dispute that is in progress at the place or intended place of employment; or the employment of any person who is involved in such dispute. Under Art. 11.7, a Temporary Entry Coordinator, which includes officials responsible for immigration measures, is established.
Elimination of discriminatory measures	Art. 8.7; Annex 8A and 8B; Art. 15.12	Provisions on national/MFN treatment, market access, local presence, performance requirements and senior management and boards of directors do not apply to any existing <i>non-conforming measures</i> that is maintained by a Party at the central, regional or local level of government and to their continuation, renewal or modification, as set out by that Party in its Schedule to Annex 8A. Annex 8B specifies sectors, sub-sectors or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with such obligations.
Treatment of third party suppliers	None	
Denial of benefits	Art. 8.11; Art. 15.11	A Party may deny the benefits of the services Chapter to a service supplier of the other Party if: (a) the service is being supplied by an enterprise owned or controlled by nationals of a non-Party and the denying Party: (i) does not maintain diplomatic relations with the non-Party; or (ii) adopts or maintains measures with respect to the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise; or (b) the service is being supplied by an enterprise that has no substantial business activities in the territory of the other Party and it is owned or controlled by persons of a non-Party or the denying Party. The same conditions apply to the investment sector.
Standards/mutual recognition	Art. 8.9; Annex 8C	A Party may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular country, including the other Party and non-Parties. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously. Annex 8C applies to measures by a Party relating to the licensing or certification of professional service suppliers as set out in the provisions of that Annex.
Safeguard mechanisms (intra-trade)		The Agreement contains a Chapter on safeguards but it does not apply to the services and investment sectors.
Domestic regulations	Art. 8.8; Art. 19.3; Art. 19.5	Where a Party requires authorization for the supply of a service, the Party's competent authorities must, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. Both Parties must also ensure that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, by granting that such measures are: (a) based on objective and transparent criteria; (b) not more burdensome than necessary to ensure the quality of the service; and (c) in the case of licensing procedures, not in themselves a restriction on the supply of the service. Each Party

		must also ensure that its laws, regulations, procedures, and administrative rulings of general application respecting any matter covered by the Agreement are promptly published or otherwise made available to the other Party and are administered in a consistent, impartial, and reasonable manner.
Subsidies and state aid	None	
IPR	Chapter 16	In the IPRs field, the Parties are committed to implement the provisions of this Chapter and to accede some international agreements listed in Art. 16.1.2. The categories of IPRs covered are: trademarks, geographical indications, domains name on the internet, copyrights and related rights, encrypted program-carrying satellite signals, patents, certain regulated products. In order to protect and enforce such rights, each Party must ensure that in judicial and administrative proceedings decisions on the merits of a case, that under the law or practice of the Party are of general application, are preferably in writing, state the reasons on which the decisions are based and are published or made publicly available.
Government Procurement	Chapter 13 and Annex 13A	The Parties reaffirm their rights and obligations under the GPA and their interest in further expanding bilateral trading opportunities in each Party's government procurement services market. They will apply the APEC Non-Binding Principles on Government Procurement, as appropriate, outside the scope of the GPA and the Agreement. This Chapter applies to measures adopted or maintained by a Party regarding government procurement by entities listed in a Party's Schedule 1 to Annex 13A, subject to specific thresholds and conditions.
Competition	Chapter 12	Each Party may adopt or maintain measures as well as establish an authority responsible for the enforcement of measures to proscribe anticompetitive business conduct. Under this Chapter, Parties are not prevented from designating monopolies and government enterprises (defined by Art. 12.8), providing that such entities act in a manner that is not inconsistent with the Party's obligations under the Agreement.
Investment	Chapter 15	Under Chapter 15, each Party accords to investors of the Party national and MFN treatment, a minimum standard of treatment and refrain from imposing or enforcing any performance requirements. Neither Party may also require that an enterprise of that Party that is a covered investment appoint to senior management positions individuals of any particular nationality. All these obligations do not apply to the <i>non-conforming measures</i> listed in Annexes 8A and 8B. The Chapter provides also for a discipline on expropriation and freely transfer of covered investments. Section C describes the investor-State dispute settlement mechanism. The provision under this Chapter do not prevent a Party from adopting, maintaining, or enforcing any measure that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.
General reservations	Art. 21.1	GATT 1994 Article XX and its interpretive notes are incorporated into and made part of this Agreement, <i>mutatis mutandis</i> . Parties are also allowed to derogate from the provision of the Agreement for essential security reasons, internal taxation measures, disclosure of information an in favour of anti-corruption measures.
Level of Government	Art. 8.2	Under the services Chapter, "measures by a Party" means measures taken by: (a) central, regional or local governments and authorities; and (b) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities (Art. 8.2.1(c)). For Singapore, "regional level of government" is not applicable, as Singapore has no government at the regional level (Art. 8.1.7).
Accessions	Art. 21.6	Any country or group of countries may accede to this Agreement subject to such terms and conditions as may be agreed between such

		country or countries and the Parties and following approval in accordance with the applicable legal procedures of each country.
Dispute resolution	Chapter 20	Both Party should attempt to resolve any matter that they consider might affect the operation of the Agreement through consultations or other disputes settlement procedures as set out in the Agreement.
Relations with other trade agreements	Art. 1.1	The Parties reaffirm their existing rights and obligations with respect to each other under existing bilateral and multilateral agreements to which both are party, including the WTO Agreement. The Parties reserve the right to adopt or maintain measures that accord preferential treatment pursuant to trade agreements in force or signed prior to entry into force of the FTA.
Institutional provisions	Chapter 20	A Joint Committee, responsible for supervising the implementation of the Agreement and for reviewing the trade relationship between the Parties, is established by Art. 20.1
Other		Both Parties agree to cooperate and improve international labour (Chapter 17) and environmental (Chapter 18) standards.

Table 4.a: United States' services trade with Singapore 1994, 1998-2003
(US\$, billion)

	1994	1998	1999	2000	2001	2002	2003
Balance	1.4	2.0	2.8	3.7	4.0	3.7	4.6
Exports	2.6	3.8	5.1	6.1	5.9	5.8	6.9
Imports	1.2	1.9	2.4	2.4	1.9	2.1	2.3

NOTE: Refers to private services trade not including U.S. military sales, direct defence expenditures, and other miscellaneous government services.

Source: Standard Format.