Barriers to international trade in modernservices, challenges, and recommendations.

Authors/Collaborators

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This report seeks to identify modern services barriers, and provide policy recommendations to overcome them, promoting Colombia's integration into Global Value Chains (GVC). After a brief introduction including a discussion of the nature and types of the barriers in services trade, it has four sections: i) Right to regulate and services barriers: where the importance of regulation and its related challenges are identified; ii) Services barriers and Trade Agreements: where the relation and the importance of these instruments are described to reduce costs in services` trade, iii) Colombia's barriers in modern services: 4 sources used to identify bottlenecks are explored,[*] iv) Recommendations and conclusions.

Conclusions and Policy Recommendations

1. Colombia should continue implementing and developing good regulatory practices. For this purpose, it is strategic that Colombia actively participates in international forums and exchanges experiences on this matter and continues with regulatory entities' training, promoting conditions of transparency, predictability, and competitiveness in line with international standards and agreements. Besides, it is strategic to develop and deepen joint work agendas about market competition and international trade in services between the Superintendence of Industry and Trade and the Ministry of Trade, Industry, and Tourism. Also, in international cooperation initiatives present in the Pacific Alliance and CAN, among others.
2. Colombia should continue participating actively in plurilateral and bilateral trade negotiations to take advantage of the new standards to promote modern services and establish cooperation agendas. Trade Agreements could also help to discipline barriers by reducing discriminatory and quantitative limitations, promoting regulatory efficiency, transparency, and cooperation building spaces of convergency and interoperability among regulatory frameworks.
3. Colombia should align internal developments in services with a proactive trade policy agenda that feed new developments of standards, boost international cooperation, and promote

[*] The sources of information reviewed are: 1) Growth and Employment Generation Agreements (in Spanish: Pactos por el crecimiento y la generación del empleo); 2) “Plan 100”; 3) International trade barriers identified by Procolombia; 4) Some varied and related literature

Mutual Recognition Agreements (MRAs), ensuring market access and benefit from Colombia's competitive advantages.

4. Colombia should continue promoting the research and identifying barriers systematically between government, private sector, universities, and think tanks. The information found represents a crucial area of study to create the right instruments and policies to boost modern services sectors. Besides, there is much heterogeneity in the characteristics of each sector and consequently in the information available. Therefore, it is recommended to continue with this preliminary approach from a sectoral rather than a transversal perspective. For this task, it is strategic to support institutions such as Colombia Productiva and the Ministries in sectorial issues such as health, ICT, culture, etc.
5. Colombia should expand Double Taxation Agreements to have more favorable tax treatment and encourage service exports. Therefore, it is important to establish a joint work plan with companies to prioritize countries and publish related information accessible to companies.
6. Colombia should continue with strategies to increase bilingualism, and competencies in programming languages, big data, machine learning, among others, to reduce human capital gaps. For this objective, it is relevant to implement methodologies for closing human capital gaps and continue with the homologation and acceptance of certificates in these areas. Also, MRAs should be promoted in professional services related to modern services.
7. Colombia should improve tools in market intelligence. For this purpose, alliances with unions, companies, universities, and research centers are strategic to overcome information asymmetries. Procolombia is a crucial player, and it is necessary to identify and expand financing sources for this objective.
8. Colombia should continue digging into barriers related to the business digitalization and digital infrastructure dimensions to identify and establish a policy agenda to solve them. Also, impact assessments of current programs that promote modern services' internationalization must be carried out to evaluate their relevance and continuity.
9. Colombia should analyze the bottlenecks related to labour flexibility in the employment mission currently being carried out to discuss these limitations in the appropriate spaces and provide better policy guidelines in this field.
10. Bottlenecks could also be seen as an opportunity to improve the regulatory investment attraction environment. This identification exercise could promote specific strategies to advance key issues such as human capital abilities, reduce red tape, and create the right incentives to foster efficiency-seeking investment.

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Services have become the backbone of the global economy and the most dynamic component of international trade (WTO, 2019), however various obstacles continue to hinder trade in services and its potential in promoting economic growth and increasing its share in international trade. Due to their nature, services have been traditionally highly regulated by governments. Even though services trade has more than tripled in the last two decades, some authors posit that the costs resulting from barriers to trade in services are much higher than those for trade in manufactured goods (Benz, 2020).

Several factors affect trade costs in services. Some aspects are related to geography and cultural or institutional differences; others are policy-induced. However, trade policy barriers and regulatory measures can represent a significant share of trade costs in services (WTO, 2019).

The literature about international trade barriers in services is much more limited than in goods; thereby, little is known about policies that affect international trade in services (WTO, 2019).. This limited knowledge and information on trade policies in services contrast with the dynamic and growing importance of services.

Many of the barriers to international trade in services lie in regulatory regimes, not only at borders but behind borders (WTO, 2019). Consequently, barriers in services could be classified into two broad areas: those that are related to the internal environment and relate to the five dimensions studied in the report related to the enabling conditions to foster cross-border services exports (digital infrastructure; human capital; regulatory framework; local competition and digitalization and innovation in companies), and those determined by the limitations, conditions, and qualifications to provide services in foreign markets.

Both dimensions of barriers should be acknowledged from a policy perspective. Firstly, countries must work towards establishing enabling conditions to develop services sectors creating a competitive, regulatory framework. Secondly, countries must take advantage of disciplines established in trade agreements to promote the reduction of discriminatory and quantitative limitations, provide predictability in accessing foreign markets, and benefit from competitive advantages in exporting services.

Right to regulate and services barriers

While unnecessary trade costs in services harm consumers, businesses and reduce domestic welfare, it is important to highlight that some policy measures that could be considered restrictive might be important for countries to achieve specific policy objectives and national priorities. Countries have the right to regulate services, but, in this endeavor, the promotion of a competitive, regulatory framework is essential to foster the benefits and spillovers of the efficient provision of services in any economy.

Barriers to trade in services are typically regulatory barriers, rather than explicit (Philippa Dee, 2003). Based on Alvarez Zarate (Zarate, 1998) some of the reasons that encourage countries to propose or establish barriers are: i) employment; ii) security; iii) sovereignty of nations; iv) cultural sovereignty; v) social equity or development objectives; vi) provision of quality services to citizens; vii) establishment of technological capacity. Furthermore, barriers in services appear in specific laws and different kinds of regulations such as temporary migration legislation (i.e., visa requirements), requirements for professional licenses, and access reservations to priority or strategic sectors (i.e., health, energy distribution, telecommunications) (CEPAL, 2012).

To measure and identify the effect of regulatory measures in services trade, the OECD has developed the Services Trade Restrictiveness Index (STRI) (OCDE, 2020). It is an evidence-based tool that provides information on regulations affecting trade in services in 22 sectors across all OECD member countries and others. The STRI scores are divided into five policy areas: i) restrictions on market entry conditions; ii) restrictions on the movement of people; iii) other discriminatory measures; iv) barriers to competition; v) regulatory transparency.

Governments in pursuit of their policy objectives can create barriers and regulatory divergence, as shown previously. This situation could also result from ignoring international standards and the interconnectedness of our societies and economies (Basedow & Kauffmann, 2016).In consequence, diverging regulations could increase the costs to trade goods and services. However, the impact tends to be more severe in services. According to a recent OECD study, relying on information from the Services Trade Restrictiveness Index (STRI), on average, multilateral services trade costs expressed as percentages of total trade value (ad valorem equivalents), are around 57% for communication services and 54% in business services, around 60% for transport services, around 103% for insurance services, and around 255% for financial services (Benz, 2020).

Moreover, technological progress and the Internet have dramatically changed how we interact and do business, posing new regulatory challenges. For instance, as a relatively new value creation element, the movement of information generates privacy and cybersecurity concerns.

Governments should assess this new reality and find a balance between the right to regulate and the promotion of competition and innovation. In this endeavor, governments must follow international standards to promote well-designed regulations that generate significant social and economic benefits contributing to social well-being (Basedow & Kauffmann, 2016)

Good Regulatory Practices are very important to promote good governance in the regulatory process, transparency, predictability, and accountability (European Comisssion, 2016). They provide governments with tools, processes, and strategic approaches to identify and evaluate their regulatory actions' trade impacts. Also, reducing unnecessary trade costs and frictions from regulations as regulatory divergence can be seen as an important dimension of regulatory quality (Basedow & Kauffmann, 2016).

Colombia has made progress in implementing Good Regulatory Practices, including the use of regulatory impact assessments (RIA), the engagement of different stakeholders in the regulatory process, and ex-post evaluations, among others. However, Colombia faces several challenges in this area.

Therefore, Good Regulatory Practices are essential to eliminate frictions and transaction costs in the services trade. Moreover, it should be complemented with different tools, such as international cooperation and trade agreements.

Services barriers and Trade Agreements

In the early 80s, due to the growing importance of services in the global economy mainly explained by the reduction of information, communication, and transaction costs, multilateral disciplines were developed to promote international services trade. The Uruguay Round of negotiations (1986–1994) produced the WTO General Agreement on Trade in Services (GATS), which entered into force in 1995. For the first time, it provided a definition of, and multilateral rules for, services trade; also, a forum for continuing negotiations for the progressive liberalization of services among WTO members (UNCTAD, 2019).

The GATS defines how services can be tradable due to their intangible nature and provide a conceptual and legal reference to identify and reduce the barriers to services trade. The supply of a service frequently requires the physical proximity between suppliers and consumers and, in some cases, the simultaneity of its supply and consumption (UNCTAD, 2019). As a result, to typify all instances in which services can be supplied, the GATS identifies four different "modes" [1] of trading services.

Furthermore, each of the modes of supply is a way to capture and identify specific barriers governments can impose to services; and the role of disciplines is leveling the playing field to services and services providers when entering foreign markets. In fact, since GATS, disciplines in trade agreements aim to reduce eventual barriers related to regulatory measures providing a common framework of discipline characteristics governing international transactions of services (WTO, 2019).

The first group of disciplines comes from the principle of *Non-Discrimination*. Their objective is to guarantee the same treatment between members of an agreement through the *Most Favored Nation* obligation and ensuring the same conditions to foreign service providers to compete with nationals through the *National Treatment* obligation.

The second group is related to the *Market Access* obligation. It aims to reduce: i) the imposition of quantitative measures (e.g., quotas, transaction limitations, necessity test, etc.); ii) the establishment of a particular type of legal entity or joint venture and iii) the limitations of foreign capital.

The third group of disciplines is related to *Good Governance* provisions that complement the access of services. They include transparency and domestic regulation characteristics, ensuring that all general application measures affecting trade in services be administered in a reasonable, objective, and impartial manner aiming to promote a transparent and competitive regulatory environment.

The GATS provided a conceptual and legal reference to all subsequent bilateral and regional preferential trade agreements covering trade in services (WTO, 2019). However, Regional Trade Agreements (RTAs) deepened some disciplines to promote modern services, their investment, and set regulatory cooperation spaces.

After the development of GATS, new disciplines were included to boost cross border trade in services (especially mode 1) with provisions that aim to reduce the requirements of establishment and residence as a condition for the cross-border supply of a service (*Local Presence*). Also, disciplines to ensure transparency and that measures relating to qualification, procedures, technical standards, and licensing do not constitute unnecessary barriers to trade (Transparency

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[1] In addition to the traditional cross-border supply of services (mode 1), such as consultancy services provided to foreign clients over the phone or internet, the GATS also encompasses instances when a consumer purchases a service abroad (consumption abroad, or mode 2), such as in the case of international tourism, as well as when services are traded through the supplier being present in another country, either via a commercial presence (mode 3), such as establishing an affiliate, or the temporary presence of natural persons (mode 4), such as consultants (WTO, 2019).

and Domestic Regulation). *Mutual Recognition Arrangements (MRAs)* are also promoted in some RTAs to facilitate professional services trade by recognizing foreign qualifications and licenses.

Likewise, mode 3 (commercial presence) gained particular importance in the bilateral investment agreements as services represent a large share of foreign direct investments. Agreements on new standards of protection and disciplines that complement *Market Access* ensure security and protection to investors, guarantee equitable treatment, permit transfers, and reduce the possibility of imposing Performance Requirements. Additionally, disciplines have been developed concerning the appointment of Senior *Management and Boards of Directors*.

Besides, provisions related to cooperation in areas such as e-commerce started to emerge to encourage regulatory convergence and cooperation to boost the development of modern services considering good regulatory practices and interoperability.

Liberalization of trade in services aims to ensure that services and service providers are subject to the disciplines mentioned above, creating predictability and leveling the playing field among services and service providers. However, these disciplines are not designed to be applied in absolute terms because countries usually established specific reservations on sectors and modes of supply. Thus, they must be understood in conjunction with each country's list of commitments. The final objective of trade agreements in services, rather than eliminating regulation, is to reduce the regulatory distortions, provide predictability, and ensure minimum levels of treatment (WTO, 2019).

In that sense, Trade Agreements can help to discipline barriers with the reduction of discriminatory and quantitative limitations, promoting regulatory efficiency, transparency, and cooperation to create scenarios of convergence and interoperability among regulatory frameworks.

Colombia's barriers in modern services

To identify specific sectorial barriers to modern service exports, different sources of information were used, focused on understanding the perspective of the private sector. Colombia's government does not have an exclusive channel or policy instrument to identify such barriers. For this reason, some sectors do not have information about their barriers.

This section's main objective is to identify and organize the current knowledge available regarding barriers to modern services exports, focusing on mode 1.

The information is organized according to the Extended Balance of Payments Services Classification –EBOPS international classification. Most of the information was in different classifications, such as the International Standard Industrial Classification of All Economic

Activities- ISIC. In those cases, a correlative methodology made by the National Administrative Department of Statistics (DANE in Spanish) and the Productivity Agency of Colombia (Colombia Productiva in Spanish) was used.

This exercise is a preliminary approach and, therefore, should not be considered as a definitive one. The information found is very relevant from a policy perspective to identify and classify the private sector's main constraints, but it is not an exhaustive exercise. Further investigations should be encouraged to follow and account for sectorial differences systematically.

Most of the barriers found do not have specific information such as market destinations, the type of regulations, and its recurrence, among others. In some cases, barriers are linked to more than one dimension of the readiness analysis of the report related to the enabling conditions to foster cross-border services exports. This information is handy in guiding future research and conversation between the government and companies to identify and understand bottlenecks that affect Colombian services' internationalization.

The sources of information reviewed are:

- **Growth and Employment Generation Agreements (in Spanish: Pactos por el crecimiento y la generación del empleo):**

It is an initiative led by the government but with the active participation of the private sector. Led by the Republic's Vice Presidency, several public entities, and with the support of companies, business associations, and other private sector participants, the agreements aim to boost the productive sector, generate employment, exports, and economic growth. To date, 22 agreements have been signed, in the agricultural, manufacturing, and services sectors, with 825 actions in charge of the public and private sectors.

The information for this section came from the agreements of the following sectors: Business Process Outsourcing -BPO, Software, Information Technology – IT, and Orange Economy[2].

In particular, the information reviewed came from the responses that some unions and business associations gave to the question: If your entity trades internationally, what are the main trade barriers faced by your sector?

[2] According to UNESCO, the Orange Economy, also known as the Creative Economy, is the bringing together of sectors of the economy "whose main purpose is the production or reproduction, promotion, dissemination and/or the marketing of goods, services and activities that have cultural, artistic or patrimonial content." In Colombia, the National Government established 101 activities related to the orange economy. Audio-visual and related services, Information services Architectural, engineering, scientific, and other technical services are the more representative sectors. For more information: https://www.dane.gov.co/index.php/estadisticas-por-tema/cuentas-nacionales/cuentas-satelite/cuenta-satelite-de-cultura-en-colombia

It is important to note that many answers did not refer to a particular trade barrier. In some cases, the answers were opinions on government strategies, opportunities for international trade, requests for aid, and preferential treatments, among others.

- **"Plan 100"**

It is a strategy developed by the Ministry of Commerce, Industry, and Tourism. Its main objective is to help in the increase in exports in the short term. It seeks to identify, understand, and work on the barriers that prevent the TOP 100 exporting companies from increasing their sales abroad (Ministry of Commerce, Industry and Tourism, 2020).

This strategy is focused on the following sectors: i) Agri-food; ii) Industries 4.0.; iii) Metal mechanics and other industries; iv) Chemical industry and life sciences; v) Fashion system industry.

In this strategy, the Ministry of Commerce, Industry, and Tourism identified some specific non-tariff measures for these sectors and internal barriers that affect national production through personal visits and interviews with the TOP 100 exporting companies. The information reviewed for this section was on Industries 4.0[3].

- **International trade barriers identified by Procolombia**

Procolombia has identified some barriers to the exports of services related to industries 4.0[4]. Additionally, workshops were held with representatives of this institution to complement information about that sector. This information is based on the conversations that Procolombia has had with companies, unions, and business associations, also from some sectorial projects' conclusions.

In some cases, barriers collected by Procolombia do not present specific information such as market destination, recurrence, among others.

- **Some varied and related literature**

In order to complement and identify additional information, some academic databases like Scopus were used. This specific database contains investigations focused on the academic world.
After using the Scopus database, a bibliographic analysis tool was used to select the relevant papers containing obstacles or barriers in trade services.

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[3] Barriers found were about Computer services, Information services, Audio-visual and related services, and Other business services

[4] Barriers found were about sectors such as Computer services, Information services, Audio-visual services, Other business services, and Licenses for reproducing and distributing other products..

The database is Annex 1 of this chapter.

Analysis and results

Based on the information collected, three categories (regulatory framework, human capital, and local competition) of the readiness concentrate 92% of the barriers, as it is shown in the table below:

Table 1. Services barriers related wit categories of readiness

Readiness category	Number of barriers	Percentage
Regulatory Framework	34	39%
Human Capital	28	32%
Local competition	15	17%
Digital infrastructure	6	7%
Business digitalization	4	5%
Total	**87**	**100%**

Source: DNP[5]

The category with more barriers identified is the Regulatory Framework. This situation is in line with the information described in the report related to the enabling conditions to foster cross-border services exports. 26% of this category's bottlenecks relate to taxes treatment and Double Taxation Agreements.

Similarly, Human Capital is the second category with more barriers identified. It is important to note that the gaps in education are mostly related to knowledge to export. Also, bottlenecks about bilingualism represent about a third of this category.

Regarding Local Competition, those related to asymmetric information, bottlenecks on intelligence regarding markets, lack of knowledge of market niches, difficulties in identifying market opportunities, and potential clients abroad represent 18% of this category.

There are very few barriers identified in these databases related to business digitalization and digital infrastructure. It is probably due to the lack of information on this subject as they are newer topics slightly explored. These dimensions analyzed by comparing international indicators in in the report related to the enabling conditions to foster cross-border services exports showed that the country has numerous bottlenecks and low performance compared to international averages.

In specific sectors, labor flexibility barriers appear in the Professional and Management Consulting Services and in Personal, Cultural, and Recreational services. However, this type of barrier most probably affects many other services sectors.

[5] A barrier can be related to more than one category of readiness, counting several times.

Bottlenecks related to human capital gaps in areas such as programming language, big data, machine learning, among others, appear in the Personal, Cultural, and Recreational and Professional and Management Consulting services. They probably affect other sectors because of their growing importance in providing market intelligence and markets research regarding consumer preferences, potential clients abroad, etc.

Conclusions and Policy Recommendations

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3. Colombia should align internal developments in services with a proactive trade policy agenda that feed new developments of standards, boost international cooperation, and promote Mutual Recognition Agreements (MRAs), ensuring market access and benefit from Colombia's competitive advantages.

4. Colombia should continue promoting the research and identifying barriers systematically between government, private sector, universities, and think tanks. The information found represents a crucial area of study to create the right instruments and policies to boost modern services sectors. Besides, there is much heterogeneity in the characteristics of each sector and consequently in the information available. Therefore, it is recommended to continue with this preliminary approach from a sectoral rather than a transversal perspective. For this task, it is strategic to support institutions such as Colombia Productiva and the Ministries in sectorial issues such as health, ICT, culture, etc.

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