

Original Paper

Toward an Index on the Liberalization of Cultural Products in Trade Agreements

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Received: May 15, 2025

Accepted: May 25, 2025

Online Published: June 3, 2025

doi:10.22158/wjssr.v12n1p34

URL: <http://dx.doi.org/10.22158/wjssr.v12n1p34>

Abstract

Cultural products (including goods and services) mainly comprise newspapers, magazines, books, films, video and music recordings, radio and television, either in traditional or digital format. Insofar as such products reflect the cultural identities of states, a trade and culture debate has ensued as to whether, or the extent to which, they should be exempted from international trade obligations. In recent decades, the proliferation of Preferential Trade Agreements (PTAs) and the digital revolution have rendered the debate ever more salient. If the liberalization of cultural services, notably audiovisual ones, has been well documented at the multilateral level, it is much a work in progress for PTAs. To help in this endeavour, the article presents a numerical index, to measure the degree of liberalization of cultural services within the universe of PTAs. Alongside detailed qualitative analyses, a numerical index allows systematic comparisons of the degree of liberalization of cultural products in trade agreements, distinguishing notably across specific states and agreements.

Keywords

cultural commitments, cultural exceptions, cultural products/services, cultural sectors, index, preferential trade agreement(s), state party

1. Introduction

The article presents how a numerical index is to be conceived so as to quickly indicate the level of liberalization of cultural products within trade agreements. The elaboration and application of this index is at the core of a research project on the treatment of such products across Preferential Trade Agreements (PTAs) and states. The second section contextualizes essential aspects of the trade and culture debate, notably in light of the proliferation of PTAs and the digital revolution. In the third

section, the Design of Trade Agreements (DESTA) Database project, from which the research project is to partly draw and to which it intends to contribute, is mentioned, together with the reasons why the index is to focus on cultural services. The fourth and main section indicates the sectors and subsectors considered in an existing index on the liberalization of audiovisual services, as well as how the trade obligations and modes of supply have been considered to produce liberalization commitments. The section also outlines the partial commitments (or limitations to liberalization commitments) for cultural services in trade agreements, associated with states' cultural policy measures, and how such partial commitments have been coded in the elaboration of the index. Section five explains how the index is expanded to include the whole of cultural services, with the addition of the cultural sectors other than audiovisual, how these have been weighted in comparison with the audiovisual sector, as well as how it is to include further nuances in the case of partial commitments. The sixth section indicates what the index, made up of the existing audiovisual index and five other cultural sectors, is to consist of. Section seven briefly highlights some key features of the dataset to be constituted that will accompany the index. Some concluding remarks follow on how such an index complements qualitative case-by-case analyses of PTAs.

2. Context

Alongside visual, performing and literary arts, cultural products (including goods and services) comprise newspapers, magazines, books, movies, video and music recordings, radio and television, either in traditional or digital format. Insofar as such products reflect the cultural identities of states, they have long been at the centre of a debate as to whether, or the extent to which, they should be exempted from trade liberalization and its associated obligations. Some countries, such as the United States, important exporters of cultural products, have held that these should not be treated differently from other products. Others, such as France and Canada, concerned about the impact of foreign cultural products on their cultural identities and/or insistent on the pursuit of cultural policies and measures to foster their national cultures, have rather sought to wholly or partially exempt cultural products from economic liberalization. Thus, there is the global market model, or culture-as-commerce, which sees culture as a commodity to be treated like other commodities, and, conversely, the local culture model, or culture-as-identity, which understands culture as a way of life, a public good deserving of state support (Armstrong, 2000, p. 370; see also Shi, 2013, pp. 20-31). Essentially, the trade and culture debate stems from the difficulties of conciliating policy space and flexibility for public authorities in the conduct of cultural policies, on the one hand, and predictability and non-discrimination in international economic exchanges, on the other (see: Goff, 2007; Voon, 2007; Richieri Hanania, 2009; Singh, 2011; Shi, 2013; Lee, 2023).

Trade and culture is part of the “trade and” or trade-linkage debate, which involves fields such as intellectual property, the environment, and labour standards. The trade-linkage problem prompts questions about the relationship between economic and non-economic values in global governance. The increase in “trade and” dilemmas is attributable to more issues being regarded as trade related as their associated regulations affect trade and a growing number of areas becoming subject to international agreements (see Leebron, 2002). For liberal trade economists, such as Bhagwati (1995, pp. 122-130; 2000), non-economic objectives constitute an important element of free trade theory. While insisting on free trade, they stress that values other than economic, such as culture, must be duly taken into account. For Patricia Goff (2007, pp. 14-15, p. 35), states’ insistence on sheltering cultural industries from liberalization, while simultaneously promoting a liberal economic order, rather than protectionism in a new guise, represent efforts in favour of an evolving and reconfigured embedded liberalism compromise; this time to prevent cultural, instead of socio-economic, dislocation (Note 1).

From the twenty-first century, two phenomena have added a new layer of complexity to the debate. With the stalemate of multilateral trade negotiations, states have turned to PTAs to serve their economic and trade objectives (see Heydon & Woolcock, 2009). There has ensued a proliferation of such agreements. As of September 2024, the World Trade Organization (WTO) had received notification of 373 PTAs in force, 200 of which covering goods and services (WTO, n.d.) (Note 2). Most are bilateral, cross-regional, while nearly all take the form of free trade areas. All WTO member states are now parties to one or more PTAs, with some countries belonging to as many as 45, creating what has been described as a tangled “spaghetti bowl” of overlapping trade regulations. Concurrently, new technologies represent growing economic opportunities and dramatically expand the means through which cultural contents are created, distributed, and accessed. The Internet constitutes a new platform for multimedia services, where the traditional means for the delivery of text, voice, sound, and images are merged. The digital revolution, thus, has a tremendous impact on cultural industries and challenges the relevance of existing regulatory measures in the cultural field.

Most states are either disinclined to open their cultural sector and/or favourable to some form of cultural exception. The audiovisual sector is the one in which the fewest WTO members have commitments, these most often subject to limitations. Cultural products also represent one of few sectors regularly subject to special treatment in PTAs (Chase, 2015, p. 218). Yet, PTAs have provided for major advances. In fact, the audiovisual industry is one of the sectors in which the contrast between multilateral and preferential or bilateral commitments is the greatest, especially in PTAs involving the United States (Roy, 2009, p. 340). There are, however, varying degrees in the liberalization of cultural products across PTAs. Some hardly provide for any liberalization of the cultural sector, as in the case of Canada’s. Goods-only PTAs, for their part, do not entail much cultural liberalization as the key sectors subject to states’ cultural policies, such as broadcasting, are associated with “services”. As for PTAs involving both goods and

services, the degree of liberalization of cultural products depends on their specific provisions. The PTAs concluded by the European Union (EU) have excluded audiovisual services.

Cultural products encompass both goods and services features, and, thus, could be subject to regulations under both the General Agreement on Tariffs and Trade (GATT) and the General Agreement on Trade in Services (GATS). Cultural goods come under the general obligations of the GATT, with an exception for cinematographic quotas (Article IV). Under the GATS, however, such obligations apply if and to the extent that specific commitments are listed in a country's schedule. Hence, the possibility for states to keep flexibility for cultural policy purposes essentially falls under the services rubric.

Within the WTO, states are of different views as to whether certain cultural products should be considered as goods or services. Nonetheless, it is generally admitted that film reels, video tapes, audio and video disks constitute instances of "goods", while film exhibition, television or radio transmission, the rental or sale of videos and sound recordings are rather assimilated to "services". Traditionally, the cross-border supply of a service required the movement of a physical good: film reels to cinemas; video and audio tapes to television and radio stations; records, tapes, and disks to retailers. Technological advances have made possible, not to mention increasingly lucrative, the delivery of cultural services by electronic means, via cable, satellite, and the Internet (Chase, 2015, p. 220). Thus, the international exchange of a digital product falls partly under the goods rubric when fixed on a carrier medium (film reel, disk), but falls exclusively under the services rubric when transmitted electronically. Indeed, movies, videos, sound recordings, books, magazines, and newspapers are solely equated with services when delivered by electronic means.

Another factor is whether negotiations on services are conducted following a positive-list or negative-list approach. Under the positive-list approach, as in the case of the GATS negotiations, only sectors and measures specifically included are subject to liberalization commitments. On the other hand, under the negative-list approach, used notably in US PTA negotiations, sectors and measures not specifically excluded are liberalized by default. PTAs are roughly split between positive and negative listing, while a majority of services PTAs are based on negative-list negotiating modalities (Sauv   2010; Chase, 2015, p. 230). While some countries, such as Australia, Canada, Chile, Colombia, Mexico, Panama, Peru, and the United States, have negotiated all or most of their PTAs under the negative-list approach, others, such as China, India, and the EU, have primarily resorted to the positive-list approach. In the case of Japan, Singapore, and South Korea, depending on their trading partners, some of their PTAs, negotiated under a positive-list approach, entail *specific commitments* on cultural products, while others, owing to the negative-list approach, entail *specific exceptions* pertaining to the cultural sector.

If the issues surrounding the treatment of cultural products in international trade have been well documented at the multilateral level (see, *e.g.*, Graber, Girsberger, & Burri-Nenova, 2004), it is much of a work in progress within the universe of PTAs. To help in this endeavour, the article considers the

development and use of a numerical index on the degree of liberalization of cultural products across PTAs. Such indicator is to make the analysis and comparison of various PTAs and countries both easier and more precise.

3. Building a Dataset

The research project relies on a list of trade agreements from the DESTA Database project that collects data on different forms of PTAs. The DESTA database draws on the PTA lists maintained by the WTO, the Asia Regional Integration Centre, the Organization of American States' Foreign Trade Information System, the World Bank, as well as a systematic review of states' foreign trade and economic websites (Dür, Baccini, & Elsig, 2014).

In DESTA 2.1, just under 200 agreements cover both goods and services. Such PTAs are first examined to determine if there are any references to cultural products in their core texts. The agreements are then systematically assessed based on different measures relating to cultural products liberalization and protection in 14 sectors/subsectors mentioned later in this article and figuring in the services annexes of the agreements. Thus, the dataset includes 11 codes for more general cultural product references in PTAs, 56 codes for the level of liberalization in each cultural sector/subsector, and 523 codes capturing 19 partial commitments across the 14 sectors/subsectors.

The choice to limit the examination of agreements in this way is justified by the reality that concerns over the treatment of cultural products in trade agreements essentially revolve around services. In fact, cultural products, notably audiovisual ones, mostly come under the form of services. These are also associated with key cultural policy measures, such as domestic content regulations in the media. Cultural goods are rarely subject to special treatment in trade agreements and usually treated like any other merchandise. Tariffs and quotas on cultural goods have also not figured among the main instruments of states' cultural policies. Thus, the exclusion of the audiovisual sector in the EU's PTAs only applies to services (Chase, 2015, pp. 222-223). At the same time as Canada insisted on and finally secured an exemption for cultural industries in its PTA with the United States in 1987, it agreed to abolish its tariffs on US cultural goods (books, records, magazines, films and tapes) (Grant & Wood 2004, p. 361). Tariffs are also abolished on cultural goods in other Canadian PTAs. Besides the EU and Canada, the only other major case where an exception is provided for the cultural sector in the core text of a PTA is New Zealand. In the chapter on general exceptions, there is a "soft" cultural exception, modelled on WTO general exceptions, to support creative arts of national value. While the exception applies to both goods and services in most of New Zealand's PTAs, in three of these, the exception is restricted to services.

So cultural goods lines routinely appear in negotiated tariff schedules, the latter often counting hundreds of pages, specifying the time span for tariff reduction for PTA parties. There is also nothing particular about origin requirements or quantitative restrictions for cultural goods. Arguably, an index on the

liberalization of cultural products in trade agreements would be more thorough if it included both goods and services. Yet, this would bring the number of PTAs to consider to more than 400. This would mainly involve looking at innumerable tariff lines, as well as other provisions, identifying those pertaining to cultural goods, while these are not subject to any specific treatment. Besides, as mentioned earlier, goods-only PTAs do not entail much liberalization of the cultural sector. The key sectors subject to states' cultural policies are rather associated with "services", which in turn explains states' concerns essentially turning around these. Thus, considering the treatment of cultural goods would involve far too much work for the little that could be revealed. It would also have for effect to blur the distinction the index is meant to draw as regards varying degrees of liberalization of the cultural sector across states parties to PTAs.

4. What and How to Measure?—Drawing from Important Early Work in Audiovisual Services

The index on the liberalization of the cultural sector in PTAs is then to focus on services. The United Nations Central Product Classification (UN CPC) is a document classifying all products (goods and services), based on a set of internationally agreed concepts, definitions, principles, and classification rules. A first "provisional" version of it was published in 1991 (UN, 1991). That same year, the GATT secretariat issued a document, based on the CPC code, to assist states during the Uruguay Round negotiations on services (GATT, 1991). As this document was relied upon by most states during these negotiations and later in PTA negotiations, it is still widely used as far as services negotiations and schedules are concerned, although subsequent "non-provisional" versions of the CPC code have since been published. Classification and description issues arise as a result, notably with respect to services delivered electronically. Thus, the GATT Services Sectoral Classification List has, since, been largely used to identify the various sectors and subsectors of services, here cultural ones, for which states want to commit themselves, or to secure reservations, in trade agreements. "Audiovisual services", which make up the largest component of cultural products, are classified within "communication services" and divided into six subcategories or sectors, with a four-digit CPC. Some of these are further categorized in subsectors with a five-digit CPC:

- motion picture and video tape production and distribution (CPC 9611)
 - promotion or advertising services (CPC 96111)
 - motion picture and video tape production (CPC 96112)
 - motion picture and video tape distribution (CPC 96113)
 - other connected services (CPC 96114)
- motion picture projection (CPC 9612)
 - motion picture projection services (CPC 96121)
 - video tape projection services (CPC 96122)
- radio and television (CPC 9613)

- radio services (CPC 96131)
- television services (CPC 96132)
- combined program making and broadcasting (CPC 96133)
- radio and television transmission (CPC 7524)
 - television broadcast transmission (CPC 75241)
 - radio broadcast transmission (CPC 75242)
- sound recording (no CPC code)
- “other” unclassified audiovisual services (no CPC code)

The index draws on the one on the liberalization of audiovisual services in PTAs published in 2015 by Kerry Chase, professor at Brandeis University, and collaborator on this research project. Audiovisual, associated with films, videos, broadcast media, and sound recordings, has historically proved the focal point of the trade and culture debate. The field not only comprises most of the cultural services, audiovisual services are also the most sensitive ones, having been subject to specific multilateral negotiations.

As regards the index, the unit of analysis is a PTA state party, each having its own commitments (positive-list) or non-conforming measures (negative-list). Commitments are coded by subsector (five-digit CPC), counting sound recording (no CPC code) as one sector and subsector. Three subsectors, promotion or advertising services (CPC 96111), other connected services (CPC 96114), combined program making and broadcasting services (CPC 96133), as well as “other” unclassified audiovisual services (no CPC code) are omitted, since hardly ever figuring in states’ schedules. This leaves two subsectors per sector, plus sound recording, yielding nine subsectors in audiovisual services.

The key obligations in services PTAs are to grant market access and observe national treatment. Most PTAs understand market access by reference to GATS Article XVI, which prohibits six classes of measures, primarily quantitative restrictions. National treatment, which prohibits discrimination between foreign and domestic service suppliers, is also generally understood in light of GATS Article XVII. Market access and national treatment commitments are coded in all nine audiovisual services subsectors. The GATS distinguishes four modes of supply under which international trade in services can take place: cross-border (mode 1), consumption abroad (mode 2), commercial presence (mode 3), and presence of natural persons (mode 4) (Note 3). Following earlier studies of services commitments in trade agreements, only mode 1 and mode 3 are coded. It is estimated that between 80 and 90 per cent of all services are traded under these two modes, which are also the dominant ones for providing audiovisual services. Coding market access and national treatment for modes 1 and 3 across nine subsectors produces 36 commitments (2 x 2 x 9) in audiovisual services for each PTA state party.

Such coding is in line with existing research on services commitments (Roy, Marchetti, & Lim, 2007; Marchetti & Roy, 2009; Roy, 2011; Dür, Baccini, & Elsig, 2014; Roy, 2014; Shingal, 2016; OECD, 2021).

For each subsector, obligation and mode of supply, a state may commit fully, partially, or not at all. Standard practice is to code no commitment as 0 and full commitment as 1. No commitment means that a party retains full discretion to use measures that contravene the obligation in question; full commitment means that it is obliged to ensure open access and non-discrimination. Coding depends in part upon negotiating modalities. In a positive-list format, every entry is 0 (no commitment) unless the sector (or subsector) is listed and not “unbound” for that obligation and mode of supply. In a negative-list format, every entry is 1 (full commitment) unless an exception or non-conforming measure for that sector is listed or the party reserves its rights in whole or in part (Note 4).

The coding of partial commitments is not as straightforward. For audiovisual services, Chase has distinguished three sets of limitations in the annexes to PTAs, some of these also applicable to the rest of cultural services (see Table 1).

Table 1. Partial Commitments for Cultural Services in Trade Agreements

Type of measure	Coded value
1. Quantitative restrictions	0.25
Import quotas	
Screen quotas	
Transmission quotas	
Local content requirements	
2a. Restrictions on foreign capital participation	0.50
Foreign equity limitations	
2b. Licensing, qualification, and other entry restrictions	0.50
Nationality requirements	
Residency requirements	
Commercial presence required for cross-border supply	
3. Other limitations and requirements	0.75
Dubbing or subtitling requirements	
Transmission in the local language required	
Minimum expenditure requirements on local productions	
Discriminatory taxes on royalties	
Discriminatory fees on distribution revenues	
Imports (or performances) subject to administrative approval	
Local participation (joint venture) requirements	
Requirements on the form of legal entity	

Source: Chase (2015), p. 229.

The first set is quantitative restrictions – quotas and other numerical limits, mostly on foreign content. The second consists of equity restrictions on foreign capital and various nonquantitative access restrictions. The third set is a catch-all for measures not included within the first two categories. Along past research on services commitments, the sets or groups are ordered according to severity, assigning 0.25 to the most restrictive (group 1), 0.5 to measures of intermediate restrictiveness (group 2), and 0.75 to the least restrictive (group 3). Some limitations are more trade distorting than others, and to an extent these groupings are judgment calls. The coding is intended as an approximation of the extent and coverage of PTA commitments in audiovisual services. The result of these coding rules is an ordered scale ranging from 0 if a state makes no commitments at all to 4 if both market access and national treatment are fully committed for each subsector and the two modes of supply.

5. Beyond Audiovisual: What to Measure and How?

Building on the existing work on services commitments, the index looks beyond audiovisual, so as to encompass the whole of cultural services. In the GATT Services Sectoral Classification List, five further sectors could be identified as relevant for the index. Most of these cultural services other than audiovisual are included within “recreational, cultural and sporting services”. These comprise:

- entertainment (including theatre, live bands, and circus) (CPC 9619)
- news and press agencies (CPC 962)
- libraries, archives, museums (CPC 963)

Remaining cultural services, classified as “other business services”, include:

- advertising (CPC 871)
- printing and publishing (CPC 88442)

Photography (CPC 875) has been excluded from this list. If the notion of culture includes photography, the description of the sector hardly pertains to cultural policies and is not considered in states’ commitments.

This expansion allows to determine a liberalization value between 0 and 1 for each of these additional cultural sectors independently. Although some combine various subsectors, only the sector has been deemed relevant for coding purposes. Arguably, these cultural sectors, other than audiovisual, are not as significant for states’ cultural policies. With these further five sectors, there are 14 sectors/subsectors of cultural products considered in the liberalization index.

6. Liberalization Index

The main purpose of the index is to create a single comparable liberalization value. To do so, the index model created by Chase for audiovisual services (36 measures) is to be expanded by combining it with measures for the other cultural sectors. Thus, coding market access and national treatment for modes 1

and 3 across the five additional sectors produces 20 more commitments ($2 \times 2 \times 5$) in cultural services. In case an entry does not cover the whole sector, without further specification, it is coded 0.5. Otherwise, the coding of a sector depends on the number and importance of the subsectors committed or the extent to which it is reserved. In the case of libraries, archives, museums, each of the three subsectors is weighted 0.33, meaning 0.66 for two subsectors and 1 if all three are fully committed. For printing and publishing, in case only one subsector is committed, a value of 0.5 is ascribed.

When partial commitments involving various levels of restrictiveness apply to a same sector or subsector, the most restrictive is coded. Then, further nuances may be brought, depending on the level and/or scope of the other restrictions. As a key example, local content requirements (0.25) *and* foreign equity limitations (0.50) *and* minimum expenditure requirements on local productions (0.75) applying to television (CPC 96132). The latter sector is first coded 0.25 to reflect the most severe restriction from group 1, while a value of 0.05 is subtracted to account for the second restriction from group 2, and another of 0.025 for the third one from group 3, for a final code number of 0.175, in view of three sets of restrictions in a same sub/sector.

The result of these coding rules is an ordered scale ranging from 0 if a state makes no commitments at all to 56 ($2 \times 2 \times 14$) if both market access and national treatment are fully committed for all 14 sectors/subsectors and the two modes of supply. For simplicity, this is divided by 56 to index the scale to 1. The index, in essence, reflects the proportion of sectors and modes of supply for which a state consents to trade liberalizing obligations in the cultural field.

Table 2. Index Framework for Cultural Products in Trade Agreements

The index assesses market access and national treatment in mode 1 and mode 3 for the following cultural services sectors/subsectors:

1. motion picture and video tape production (CPC 96112)
2. motion picture and video tape distribution (CPC 96113)
3. motion picture projection (CPC 96121)
4. video tape projection (CPC 96122)
5. radio (CPC 96131)
6. television (CPC 96132)
7. television broadcast transmission (CPC 75241)
8. radio broadcast transmission (CPC 75242)
9. sound recording (no CPC code)
10. entertainment (CPC 9619)
11. news and press agencies (CPC 962)

- | |
|--|
| <ol style="list-style-type: none">12. libraries, archives, museums (CPC 963)13. advertising (CPC 871)14. printing and publishing (CPC 88442) |
|--|

7. The Dataset

It is worth briefly discussing some key features of the dataset to be elaborated alongside the index. In building the dataset, each of the 19 measures for partial commitments is to be identified and coded explicitly if used in either market access or national treatment commitments. These include the 16 measures identified by Chase in Table 1, with three adaptations: splitting foreign equity limitations into less than and more than 50 per cent, measures allowing government subsidies of domestic industries, and quotas/limitations based on creative content. This will allow future research to systematically examine preferences toward different types of commitments and potential patterns in measure choice.

First, one could examine whether certain partial commitment types are used more often than others. For example, are foreign equity limitations more common than nationality/residency requirements or do they tend to be used in tandem? It will also be possible to assess if there is variation in preferences for limited commitments across the 14 different cultural sectors/subsectors examined. Second, it will be possible to see whether there are important patterns in commitment choice across states. This includes whether a statistically significant variation in preferred commitment choice and scope exists along region, state's level of development, or political regime. Finally, one could examine if individual states have preferences in commitment types across agreements or if their preferences change over time or trading partners.

8. Concluding Remarks

If nothing can replace qualitative case-by-case analyses, a numerical index is complementary. The results of qualitative analyses may lead to being lost in detail, particularly when comparing numerous PTAs. Conversely, despite methodological limitations and part of approximation, a numerical index allows for systematic and quick comparisons of the degree of liberalization of cultural products, across specific states and trade agreements. In this regard, such an index may indeed be as essential as qualitative analyses in the study of trade agreements and especially the wide and increasing number of preferential ones.

Funding

This work was supported by the Social Sciences and Humanities Research Council of Canada [grant number 435-2022-1004].

References

- Armstrong, S. (2000). Magazines, Cultural Policy and Globalization: The Forced Retreat of the State. *Canadian Public Policy*, 26(2), 369-385.
- Bhagwati, J. (1995). *Protectionism*. Cambridge, MA: MIT Press.
- Bhagwati, J. (2000). Trade and Culture: America's Blind Spot. In J. Bhagwati (Ed.), *The Wind of the Hundred Days: How Washington Mismanaged Globalization* (pp. 209-213). Cambridge, MA: MIT Press.
- Chase, K. A. (2015). Audiovisual Goods and Services in Preferential Trade Agreements. In A. Dür & M. Elsig (Eds.), *Trade Cooperation: The Purpose, Design and Effects of Preferential Trade Agreements* (pp. 218-245). Cambridge: Cambridge University Press.
- Dür, A., Baccini, L., & Elsig, M. (2014). The Design of International Trade Agreements: Introducing a New Dataset. *The Review of International Organizations*, 9(3), 353-375.
- GATT, Multilateral Trade Negotiations, The Uruguay Round, Group of Negotiations on Services. (1991). *Services Sectoral Classification List: Note by the Secretariat*. Doc. MTN.GNS/W/120, July 10. Retrieved June 15, 2023, from <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/UR/GNS/W120.PDF&Open=True>
- General Agreement on Tariffs and Trade*. Adopted October 20, 1947, effective January 1, 1948. (2023). Retrieved June 15, 2023, from https://www.wto.org/english/docs_e/legal_e/gatt47_e.pdf
- General Agreement on Trade in Services*. Adopted April 15, 1994, effective January 1, 1995. (2023). Retrieved June 15, 2023, from https://www.wto.org/english/docs_e/legal_e/26-gats.pdf
- Goff, P. (2007). *Limits to Liberalization: Local Culture in a Global Marketplace*. Ithaca, NY: Cornell University Press.
- Graber, C. B., Girsberger M., & Burri-Nenova, M. (Eds.). (2004). *Free Trade versus Cultural Diversity: WTO Negotiations in the Field of Audiovisual Services*. Zurich: Schulthess.
- Grant, P. S., & Wood, C. (2004). *Blockbusters and Trade Wars: Popular Culture in a Globalized World*. Vancouver: Douglas & McIntyre.
- Heydon, K., & Woolcock, S. (2009). *The Rise of Bilateralism: Comparing American, European and Asian Approaches to Preferential Trade Agreements*. Tokyo: United Nations University Press.
- Lee, J. (2023). *Culture and International Trade Law*. Leiden & Boston: Brill Nijoff.
- Leebron, D. W. (2002). Linkages. *American Journal of International Law*, 96(1), 5-27.
- Marchetti, J. A., & Roy, M. (2009). Services Liberalisation in the WTO and in PTAs. In J. A. Marchetti & M. Roy (Eds.), *Opening Markets for Trade in Services: Countries and Sectors in Bilateral and WTO Negotiations* (pp. 61-112). Cambridge: Cambridge University Press.

- OECD. (2021). Services Trade Restrictiveness Index (STRI): Measuring Services Liberalisation and Commitments in the GATS and RTAs. *OECD Trade Policy Paper No. 250*, June.
- Richieri Hanania, L. (2009). *Diversité culturelle et droit international du commerce*. Paris: La Documentation française.
- Roy, M. (2009). Beyond the Main Screen: Audiovisual Services in PTAs. In J. A. Marchetti & M. Roy (Eds.), *Opening Markets for Trade in Services: Countries and Sectors in Bilateral and WTO Negotiations* (pp. 340-377). Cambridge: Cambridge University Press.
- Roy, M. (2011). *Services Commitments in Preferential Trade Agreements: An Expanded Dataset*. WTO Staff Working Paper ERSD-2011-18, November 9.
- Roy, M. (2014). Services Commitments in Preferential Trade Agreements: Surveying the Empirical Landscape. In P. Sauvé & A. Shingal (Eds.), *The Preferential Liberalization of Trade in Services: Comparative Regionalism* (pp. 15-36). Cheltenham: Edward Elgar.
- Roy, M., Marchetti, J., & Lim, H. (2007). Services Liberalization in the New Generation of Preferential Trade Agreements: How Much Further than the GATS? *World Trade Review*, 6(2), 1455-1493.
- Ruggie, J. G. (1982). International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order. *International Organization*, 36(2), 379-415.
- Ruggie, J. G. (2008). Taking Embedded Liberalism Global: The Corporate Connection. In J. G. Ruggie (Ed.), *Embedding Global Markets: An Enduring Challenge* (pp. 231-254). Aldershot, UK & Burlington, VT: Ashgate.
- Sauvé P. (2010). Going Preferential in Services Trade: Lessons from Practice, Presentation at the Conference *Regionalism in an Integrating World Economy*, Utrecht University School of Economics, May 7. Retrieved June 15, 2023, from https://www.wti.org/media/filer_public/89/c5/89c50ed5-eee8-4ed5-9e3d-07b8748eaec2/sauve_ptas_services_utrecht_7may_rev_read-only.pdf
- Shi, J. (2013). *Free Trade and Cultural Diversity in International Law*. Oxford & Portland, OR: Hart.
- Shingal, A. (2016). Going beyond the 0/1 Dummy: Estimating the Effect of Heterogeneous Provisions in Services Accords on Services Trade. In P. Sauvé & M. Roy (Eds.), *Research Handbook on Trade in Services* (pp. 107-122). Cheltenham: Edward Elgar.
- Singh, J. P. (2011). *Globalized Arts: The Entertainment Economy and Cultural Identity*. New York: Columbia University Press.
- United Nations, Department of International Economic and Social Affairs. (1991). *Provisional Central Product Classification*. Statistical Papers ST/ESA/STAT/SER.M/77. New York: United Nations. Retrieved June 15, 2023, from https://www.wto.org/english/tratop_e/serv_e/cpc_provisional_complete_e.pdf

- Voon, T. (2007). *Cultural Products and the World Trade Organization*. Cambridge: Cambridge University Press.
- WTO. (n.d.). *Figures on Regional Trade Agreements Notified to the GATT/WTO and In Force*. Retrieved September 17, 2024, from <http://rtais.wto.org/UI/publicsummarytable.aspx>

Notes

Note 1. The concept of “embedded liberalism” refers to the compromise struck in the immediate post-war period to reconcile free trade at the international level with economic stability and full employment at the domestic level. See Ruggie (1982; 2008).

Note 2. A PTA is understood as a reciprocal trade agreement that is preferential in that it only applies to its participating countries and usually covers substantially all trade between them. The term PTA also includes trade agreements such as partial scope and/or economic complementation ones, although these are not considered here. At the WTO, PTAs are rather known as regional trade agreements, as PTAs refer to unilateral trade privileges such as the Generalized System of Preferences schemes and non-reciprocal preferential programs some WTO members implement for products from developing and least-developed countries.

Note 3. In mode 1, cross-border supply, the supplier and the buyer of the service remain in separate countries; in mode 2, consumption abroad, the buyer travels to the supplier’s country to consume the service; in mode 3, commercial presence, the supplier establishes a business enterprise in the buyer’s country to deliver the service; in mode 4, presence of natural persons, the supplier travels to the buyer’s country to deliver the service.

Note 4. Some negative-list PTAs are hybrids, in that market access is subject to positive listing and national treatment to negative listing. Then, in a clause, a party reserves its right to restrict access in any service except those named. In such a case, market access is 0 (no commitment) unless the sector figures in the list and is somehow liberalized or subject to a commitment in another entry.