



## THE WTO SERVICES NEGOTIATIONS

### INITIAL CONDITIONAL OFFER FROM NEW ZEALAND

(**NB:** The attached document consists of the cover sheet of New Zealand's initial conditional offer, and a text consisting solely of the new or improved commitments offered by New Zealand. It does not replicate in whole New Zealand's existing schedule of commitments under the GATS. New commitments, or improvements to existing commitments through new text, are indicated in **bold text**. Where commitments have been improved through the removal of existing text, this text has been *italicised* and placed in [square brackets]. )

#### Introduction

In accordance with paragraph 6 of the Doha Ministerial Conference decision regarding the timetable for the submission of initial conditional offers in resumed services negotiations under Art XIX of the GATS, New Zealand attaches its initial conditional offer of specific commitments on services. This cover sheet should be regarded as forming an integral part of New Zealand's initial conditional offer.

New Zealand's overall approach to the WTO services negotiations under the GATS, and to the preparation of this offer, has been undertaken on the basis that Article I.3 allows for a government to provide, regulate or fund (including through subsidisation) public services such as public education, public health and social welfare services, in the manner it determines best meets broader policy objectives. In this respect, such services should not be subjected to the same disciplines as private services with purely commercial objectives.

New Zealand has put forward this offer as an indication of its commitment to making a significant contribution to a substantially improved multilateral regime governing the conduct of trade in services. Taken together with New Zealand's already high quality commitments made in the Uruguay Round and extended negotiations on basic telecommunications and financial services, this represents an important contribution by New Zealand. New Zealand looks to others to match this level of commitment in the offers submitted in this – and other areas of the current round of market access negotiations.

This offer is conditional and New Zealand reserves the right to amend, supplement or withdraw this offer, in whole or in part, depending on its assessment of the overall balance of benefits obtaining in these resumed GATS negotiations, as well as the wider WTO negotiations contained within the single undertaking agreed at Doha. New Zealand further reserves the right to make any amendments or revisions of a technical nature.

## **Specific Commitments**

In addition to other sectors, New Zealand has included offers on Postal and Courier Services, Air Transport Services and Maritime Services, consistent with our belief that these important traded services should be the subject of commitments by members under the GATS. In these particular sectors, New Zealand will be looking to other WTO Members to make commensurate commitments if offers are to be confirmed.

### Postal and Courier Services

The offer by New Zealand reflects the degree of openness and competition delivered by New Zealand's current regulatory environment. In order to maintain this commitment New Zealand will be looking to other members to also make comprehensive commitments – either immediately, or on a phased basis as monopoly or exclusive service supplier arrangements are reviewed. New Zealand further reserves the right to assess the scope and coverage of commitments offered by others, and to adjust its own offer accordingly to ensure an appropriate balance of benefits.

In accordance with GATS Article VIII on Monopolies and Exclusive Services Suppliers, New Zealand will seek opportunities to further explore with bilateral partners or in other appropriate fora the issue of the potential impact of cross-subsidisation in relation to domestic postal monopolies operating outside their monopoly in third markets.

### Air Transport Services

As outlined in its negotiating proposal S/CSS/W/92, New Zealand believes that it is important for Members to increase the number and quantity of commitments in the air transport sector in the course of this negotiating Round. Accordingly, New Zealand's initial conditional offer includes further commitments in this important sector. At the same time, New Zealand is seeking commensurate commitments from WTO members.

### Maritime Services

Under the Decision on Maritime Transport Services, adopted by the Services Council on 28 June 1996, it was agreed that in a future negotiating round, negotiations in the sector would resume on the basis of existing offers. New Zealand's existing conditional offer of July 1995, was 'frozen' when the 1996 negotiations failed. In reinstating this offer, New Zealand is making an active contribution to the negotiation, with a view to a satisfactory outcome to negotiations on maritime transport services that delivers meaningful commitments. In the absence of an outcome on maritime services New Zealand judges delivers such commitments, New Zealand will wish to consider modifying or withdraw its offer.

### Movement of Natural Persons

New Zealand has offered improvements to its existing commitments on Movement of Natural Persons, in recognition of the significance attached by developing Members to more substantial commitments on Mode 4 supply amongst the Membership, and the significance of Mode 4 provision to small and medium sized exporters. New Zealand is willing to engage in further discussion bilaterally or in other appropriate fora with a view to encouraging greater consideration of the issues relevant to this important mode of supply.

## **Technical Issues**

### Classification issues

As far as possible, New Zealand has scheduled its commitments on the basis of the Services Sectoral Classification List document MTN.GNS/W/120, and corresponding definitions from the Provision Central Product Classification List or CPC. In certain sectors – particularly postal and environmental services - New Zealand has drawn on proposals made by Members to better reflect current commercial realities. New Zealand may decide to alter or further refine classifications on the basis of further analysis or any relevant developments in discussion in the Committee on Specific Commitments or other appropriate fora of these sectoral definitions.

### Technical feasibility

New Zealand has previously raised the question of technical feasibility as one for further discussion in the Committee on Specific Commitments. This reflects a concern that differing perceptions among Members on the technical feasibility of the supply of certain services via the cross-border mode of delivery is impeding the taking of commitments that can provide reasonable certainty to services suppliers in these areas of the market access conditions applying. Moreover, changes in technology are making cross-border delivery feasible for a greater range of services than previously considered possible. With this in mind, New Zealand has requested that bilateral partners make Mode 1 commitments in several sectors where technical feasibility questions have been raised. The commitment sought from trading partners is a positive statement covering those aspects of the service which can feasibly be provided cross-border, such as consultancy services.

### Scheduling

New Zealand has drawn on the Revision of the Guidelines for the Scheduling of Specific Commitments contained in document S/L/92 in scheduling the new and revised commitments in its initial offer.

## **Article II Exemptions**

New Zealand has examined the list of five Article II exemptions taken out during the Uruguay Round (GATS/EL/62), as part of the regular review of MFN Exemptions envisaged under the Annex on Article II Exemptions, as well as in response to requests received from trading partners. This review has concluded that New Zealand is in a position to remove two of its listed MFN exemptions (those covering the Tuvalu and Kiribati work schemes which have now been superseded) forthwith. New Zealand is further willing to consider removing its MFN exemption on maritime transport services on condition that other WTO members maintaining MFN exemptions in the maritime transport services sector agree to remove these and a successful outcome to negotiations on maritime transport services that delivers meaningful commitments, as well as the full application of MFN in the sector, is secured.

## **Recognition**

In its requests to negotiating partners in these resumed services negotiations, New Zealand has signalled its interest in work on advancing the recognition of professional qualifications and registration. New Zealand takes an active interest in the work of the Working Party on Domestic Regulation in this regard. New Zealand is also interested in exploring opportunities for discussion with bilateral partners or in other appropriate fora which demonstrate that New Zealand qualifications and registration systems are able to meet appropriate technical standards and professional requirements, as envisaged in GATS Article VII.

New Zealand welcomes the opportunity to discuss or clarify any issues arising from its initial offer. Questions may be directed to the New Zealand Permanent Mission to the World Trade Organisation in Geneva, or to the Trade Negotiations Division of the Ministry of Foreign Affairs and Trade in Wellington.

The New Zealand Permanent Mission to the World Trade Organisation

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The Ministry of Foreign Affairs and Trade

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**NEW ZEALAND – SCHEDULE OF SPECIFIC COMMITMENTS<sup>1</sup>**

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p><u>Presence of Natural Persons Only</u></p> <p>4) Unbound except for measures concerning the entry and temporary stay of natural persons of another Member, employed by a service supplier of another Member that supplies services within New Zealand through a commercial presence, falling within the following categories;</p> <p>A. <u>Executives and senior managers</u>; as intra-corporate transferees, for a period of initial stay up to a maximum of three years, <b>plus a further period of stay up to a maximum of three years, providing the need for the worker still exists</b></p> <p><u>Executives and senior managers</u>, being natural persons who are senior employees of an organisation, who have been employed by that organisation for at least twelve months prior to their proposed transfer to New Zealand, and who are responsible for the entire or a substantial part of an organisation's operations in New Zealand, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business;</p>	<p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

<sup>1</sup> See Attachment A.1

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>B. <u>Specialist and/or senior personnel</u>, as intra-corporate transferees, for a period of initial stay up to a maximum of <b>three years, plus a further period of stay up to a maximum of three years, providing the need for the worker still exists :</b></p> <p><u>Specialist and/or senior personnel</u>, being natural persons being transferred to undertake a specific or specialist task at a senior level within the company; this may include, for example, short-term specialist development projects; or the establishment in New Zealand of a commercial presence of a service supplier with its head of operations in the territory of another Member and not having any other commercial presence in New Zealand;</p> <p>C. <u>Specialist personnel</u>, as intra-corporate transferees, <b>for a period of initial stay up to a maximum of three years, plus a further period of stay up to a maximum of three years, providing the need for the worker still exists. Specialist personnel in occupations included in the New Zealand Immigration Service’s Occupational Shortages List<sup>2</sup> will not be subject to a labour market test. Specialist personnel in occupations not included in the Occupational Shortages List will be subject to a labour market test :</b></p>		

<sup>2</sup> The New Zealand Immigration Service Occupational Shortages List is subject to periodic review, and may be revised or amended at any time.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Specialist personnel</u> being natural persons with trade, technical or professional skills who are responsible for or employed in a particular aspect of an organisation's operations in New Zealand. Skills are assessed in terms of the applicant's employment experience, qualifications, and suitability for the position;</p>		
	<p>D. <u>Installers and servicers</u>, as intra-corporate transferees, for periods not exceeding three months in any twelve month period:</p> <p><u>Installers and servicers</u> being natural persons who are installers and servicers of machinery and/or equipment, where such installation and/or servicing by the supplying company is a condition of purchase of the said machinery or equipment;</p> <p>E. <u>Service sellers</u>, as business visitors; for a period or periods not exceeding in aggregate three months in any calendar year:</p>		



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Service sellers</u> being natural persons who are representatives of a service supplier of another Member, whether or not that service supplier has a commercial presence in New Zealand, and are seeking temporary entry to New Zealand for the purpose of <b>establishing a commercial presence in New Zealand</b>; negotiating for the sale of services or entering into agreements to sell services for that service supplier, where those representatives will not be engaged in making direct sales to the general public.</p> <p>Unbound in cases of labour/management disputes.</p>		
<b>I. SECTOR SPECIFIC COMMITMENTS</b>			
<p>1. BUSINESS SERVICES A. <u>Professional Services</u></p> <p>(e) Engineering services (CPC 8672)</p> <p>(f) <b>Integrated Engineering Services (CPC8673)</b></p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound except as indicated in the horizontal section</b></p>	<p><i>[1)3)&amp;4) Certain works involving health and safety is limited to Registered Engineers, who in order to be registered must be ordinarily resident in New Zealand]</i></p> <p>1) <b>None</b> 2) None 3) <b>None</b> 4) <b>Unbound except as indicated in the horizontal section.</b></p> <p>1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound except as indicated in the horizontal section</b></p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(g) Consultancy related to Urban Planning & Landscape Architecture (CPC 8674**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(i) Veterinary services (CPC 9320)	1) [ <i>Unbound*</i> ] None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) [ <i>Unbound*</i> ] None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

\* [*Unbound due to lack of technical feasibility*]

<p>B. <u>Computer and Related Services</u></p> <p><b>Maintenance and Repair of office machinery and equipment including computers (CPC 845)</b></p> <p>(e) <b>Other Computer Services (CPC 849)</b></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p>	
<p>F. <u>Other Business Services</u></p> <p>(c) <b>Management consulting services (CPC 865)</b></p> <p>(d) <b>Services related to Management consulting (CPC 866)</b></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) <b>Unbound except as indicated in the horizontal section.</b></p>	

<p>(f) Services incidental to animal husbandry (CPC 8812)</p>	<p>1) <b>None</b>  2) <b>None</b>  3) <i>[The Herd Testing Regulations under the Dairy Board act 1961 restrict the provision of herd testing services to providers licensed by the New Zealand Dairy Board. The number of licenses may be limited].</i> <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	
<p>(k) Placement and supply services of Personnel (CPC 872)</p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	
<p>(p) Photographic Services (CPC 875)</p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	
<p>(s) Convention services (CPC 87909*)</p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	<p>1) <b>None</b>  2) <b>None</b>  3) <b>None</b>  4) <b>Unbound except as indicated in the horizontal section.</b></p>	
<p>(t) Other</p>			

<p>(t) <b>Credit reporting services (CPC 87901)</b></p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p><b>The Privacy Act 1993</b> establishes New Zealand’s regulatory framework for the treatment of personal information, in general accordance with the Recommendation of the Council of the OECD Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data.</p>
<p>(t) <b>Collection agency services (CPC 87902)</b></p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	
<p>(t) <b>Interior Design Services (87907**)</b></p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in horizontal section</p>	
<p>2. COMMUNICATION SERVICES</p>			
<p><b>A &amp; B. Postal and Courier Services (CPC 7511 and 7512)</b> Services relating to the handling<sup>1</sup> of postal items<sup>2</sup> whether for domestic or foreign destinations: A. Handling of addressed written communications on any kind of physical medium<sup>3</sup>, including: -Hybrid mail services -Direct mail B. Handling of addressed parcels &amp; packages<sup>4</sup></p>	<p>1)3) Additional conditions for operation in the market or de-registration may be imposed on postal operators where these engage in anti-competitive behaviour. 2) None 4) Unbound except as indicated in the horizontal section.</p>	<p>1)3) UPU designation is reserved for a New Zealand operator under the Postal Services Act 1998. The issue of stamps bearing the words “New Zealand “ is restricted under the Act to UPU designated operators, except where these words form part of the name of the operator issuing the stamps. 2) None 4) Unbound except as indicated in the horizontal section.</p>	<p>Universal service obligations applying to postal operators will be administered in a transparent manner.</p>

**C. Handling of addressed press products<sup>5</sup>**

**D. Handling of items referred to in A. to C. Above as registered or insured mail.**

**E. Express delivery services<sup>6</sup> for items referred to in A. To C. Above.**

**F. Handling of non-addressed items.**

**G. Document exchange.**

**H. Other services not elsewhere specified, including post office counter services (CPC75113).**

<sup>1</sup>The term “handling” should be taken to include clearance, sorting, transport and delivery.

<sup>2</sup>“Postal item” refers to items handled by any type of commercial operator, whether public or private.

<sup>3</sup>E.g. letter, postcards.

<sup>4</sup>Books, catalogues are included hereunder.

<sup>5</sup>Journals, newspapers, periodicals.

<sup>6</sup>Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.

3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

<p>A. <u>General Construction Work for Buildings</u> (CPC 512, CPC 515)</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	
<p>B. <u>General Construction Work for Civil Engineering</u> (CPC 513)</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	
<p>C. <u>Installation and Assembly Work</u> (CPC 514, CPC 516)</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	
<p>D. <u>Building Completion and Finishing Work</u> (CPC 517)</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	<p>1) <i>[Unbound*]</i> <b>None for consultancy services</b>  2) None  3) None  4) Unbound except as indicated in the horizontal section.</p>	

\*\* [*\* Unbound due to lack of technical feasibility*]

E. <u>Other</u>		
Site preparation: new construction (other than pipelines) (CPC 511)	<ol style="list-style-type: none"> <li>1) <i>[Unbound*]</i> <b>None for consultancy services</b></li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) <i>[Unbound*]</i> <b>None for consultancy services</b></li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>
Maintenance and repair of fixed structures	<ol style="list-style-type: none"> <li>1) <i>[Unbound*]</i> <b>None for consultancy services</b></li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) <i>[Unbound*]</i> <b>None for consultancy services</b></li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>
<b>Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator (CPC 518)</b>	<ol style="list-style-type: none"> <li>1) <b>None</b></li> <li>2) <b>None</b></li> <li>3) <b>None</b></li> <li>4) <b>Unbound except as indicated in the horizontal section.</b></li> </ol>	<ol style="list-style-type: none"> <li>1) <b>None</b></li> <li>2) <b>None</b></li> <li>3) <b>None</b></li> <li>4) <b>Unbound except as indicated in the horizontal section.</b></li> </ol>

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\*\* *[\* Unbound due to lack of technical feasibility]*



<b>6. ENVIRONMENTAL SERVICES</b>			
<p><b>Consultancy related to the provision of the following environmental services: (CPC940**)</b></p> <p><b>A: Waste water management ;</b> - Sewage Services</p> <p><b>B : Solid/hazardous waste management;</b> - Refuse disposal services; - Sanitation and similar services ;</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	
<p><b>C: Protection of ambient air &amp; climate;</b> - Services to reduce exhaust gases and other emissions and improve air quality ;</p> <p><b>D: Remediation &amp; cleanup of soil &amp; water;</b> - Treatment, remediation of contaminated / polluted soil and water;</p>			
<p><b>E: Noise &amp; vibration abatement;</b> - Noise abatement services</p> <p><b>F: Protection of biodiversity &amp; landscape;</b> - Nature and landscape protection services ;</p> <p><b>G: Other environmental &amp; ancillary services;</b> - Other environmental protection services not classified elsewhere.</p>			

7. FINANCIAL SERVICES			
1. New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the "Understanding on Commitments in Financial Services in accordance with the provisions of the "Understanding on Commitments in Financial Services" (the Understanding)			
2. These commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of New Zealand's GATS Schedule.			
3. <u>Market access and national treatment commitments in Modes (1) and (2) are bound to the extent of the obligations in paragraphs B.3 and B.4 of the Understanding.</u>			
4. The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 2(a) of the Financial Services Annex.			
5. Mode 3 commitments are subject to the provisions of the Financial Reporting Act 1993 and the Companies Act 1993. These require overseas companies to prepare financial statements on an annual basis comprising a balance sheet, a profit and loss statement and (if required by an applicable financial reporting standard approved by the Accounting Standards Review Board) a statement of cash flows. The Acts also require such financial statements in relation to an overseas company's New Zealand business. The Acts require the following companies to deliver annual audited financial statements to the Registrar of Companies for registration: (a) issuers (i.e. those which have raised investment from the public); (b) overseas companies; (c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; (d) companies in which 25 per cent or more of the shares are held or controlled by : (i) a subsidiary of a company of body corporate incorporated outside New Zealand or a subsidiary of that subsidiary; (ii) a company or body corporate outside New Zealand; or (iii) a person not ordinarily resident in New Zealand.			
A. <u>Insurance and Insurance-related services</u>			
(a) Life insurance services (CPC 8121)	3) None 4) Unbound except as indicated in the horizontal section.	3) None 4) Unbound except as indicated in the horizontal section.	
(b) Non-life insurance services (CPC 8129)	1), 3) The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.  1), 3) The Earthquake Commission is the sole insurer of residential property disaster insurance for replacement cover up to NZ\$100,000 per dwelling and NZ\$20,000 on personal property. These amounts may be increased by regulation.	3) None	

	<p>[1), 3) Under the Apple and Pear Marketing Act 1974 the Apple and Pear Marketing Board has the power to organise compulsory hail insurance on behalf of growers and to require growers to pay a levy to recover the premium amount of the insurance. ]</p> <p>1),2)Unbound for marketing and sales  3) related to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.  4) Unbound except as indicated in the horizontal section.</p>	<p>4) Unbound except as indicated in the horizontal section.</p>	
(c) Reinsurance and retrocession (CPC 81299)	<p>3) None  4) Unbound except as indicated in the horizontal section.</p>	<p>3) None  4) Unbound except as indicated in the horizontal section.</p>	
(d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)	<p>1), 3) The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p> <p>1),3) Under the [<i>Apple and Pear Marketing Act 1971 and the</i> ]Wheat Producers Levy Act 1987 (or regulations enacted under the Commodities Levy Act 1990), [<i>the respective bodies (The Apple and Pear Marketing Board and</i> ] the United Wheat growers (NZ) Ltd ha[ve]s the power to organise compulsory disaster insurance on behalf of growers and to require them to pay a levy to recover the premium amount of this insurance.</p>	<p>3) None  4) Unbound except as indicated in the horizontal section</p>	

<p>(e) Services Auxiliary to Insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140**)</p>	<p>1),2)Unbound for loss of products covered  3) under CPC 01, 02, 211, 213-216, 22, 2399 and 261.  4) Unbound except as indicated in the horizontal section.</p> <p>3) None  4) Unbound except as indicated in the horizontal section.</p>	<p>4) Unbound except as indicated in the horizontal section</p> <p>3) None  4) Unbound except as indicated in the horizontal section.</p>	
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<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime Transport Services</u></p> <p>International Transport (freight and passengers) (CPC 7211 and CPC 7212 less cabotage-as defined in Attachment A.5)</p>	<p>General conditions applicable to all maritime service sectors: marketing and sales of maritime transport <b>and related</b> services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound.</p> <p>1) None 2) None 3) Unbound for establishment of registered company for the purpose of operating a fleet under the New Zealand flag. 4) Unbound for ships crews. Otherwise unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) Unbound as described in the market access column. 4) Unbound except as indicated in the horizontal section.</p>	<p>(1, 3) See Attachment A.3</p> <p><b>Where not otherwise made available to international maritime transport suppliers pursuant to Article XXVIII(a)(ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following port services:</b></p>
			<ul style="list-style-type: none"> <li>- Pilotage</li> <li>- Towing and tug assistance</li> <li>- Provisioning, fuelling and watering</li> <li>- Garbage collecting and ballast waste disposal</li> <li>- Port captain's services</li> </ul>

			<ul style="list-style-type: none"> <li>- Navigation aids</li> <li>- Emergency repair facilities</li> <li>- Anchorage</li> <li>- Berth and berthing services</li> <li>- Other shore-based operational services essential to ship operations, including communications, water and electrical supplies.</li> </ul>
<p><u>Maritime Auxiliary Services</u></p> <p><b>Maritime Cargo-handling Services (as defined in Attachment A.6)</b></p> <p>Storage and warehousing services (CPC 742)</p> <p><b>Customs Clearance Services (as defined in Attachment A.7)</b></p>	<p>(1) Unbound* except for no limitation on transhipment (board to board or via the quay) and/or use of onboard cargo handling equipment.</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(1) Unbound* except for no limitation on transhipment (board to board or via the quay) and/or use of onboard cargo handling equipment</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	

\* \* Unbound due to lack of technical feasibility

<b>Container Station and Depot Services (as defined in Attachment A.8)</b>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<b>Maritime Agency Services (as defined in Attachment A.9)</b>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicate in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicate in the horizontal section</p>	
Maritime freight forwarding services (as defined in Attachment A.10)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	
<b><u>C. Air Transport Services</u></b>			
Selling and marketing of air transport services <sup>3</sup>	<p>1)2)Unbound for products covered under CPC &amp;3) 01, 02, 211, 213-216, 22, 2399 and 261.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	
Computer reservation system services <sup>4</sup> (CPC 7523**)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	

\* \* Unbound due to lack of technical feasibility

<sup>3</sup> As defined in paragraph 6(b) of the Annex on Air Transport Services.

<sup>4</sup> As defined in paragraph 6(c) of the Annex on Air Transport Services

<b>Aircraft repair and maintenance Services (as defined in paragraph 6 (a) of the Annex on Air Transport Services)</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>
<b>Airport Operation Services (CPC74610**, excl Navigation aids)</b>	<b>(1) None</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) None</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>
<b>Other supporting services for air transport (CPC 74690** excl fire fighting and fire-prevention services)</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>
<b>Cargo and baggage handling services (CPC 741**)</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>
<b>Ramp handling services (CPC 741**)</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>
<b>Airfreight Storage and warehousing services (CPC 742**)</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>

\* Unbound due to lack of technical feasibility



<p><b>Airport management services</b></p> <p>E. <u>Rail Transport Service</u> (CPC 711)</p>	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	
<p>F. <u>Commercial Road Transport Services (passenger, goods, rental and vehicle recovery)</u> (712 except 71235)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	
<p>G. <u>Pipeline Transport</u> (CPC 713)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	

## ATTACHMENT A

### NOTES TO THE SCHEDULE

1. Specific commitments in this schedule are prepared in accordance with the Secretariat paper entitled "Scheduling of Initial Commitments on Trade in Services: Explanatory Note" (MTN.GNS/W/164). The classification of sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the Secretariat in MTN.GNS/W/120. In the context of CPC listings in the schedule, the use of \*\* against individual CPC listings indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance.

#### Overseas Investment

2. An "overseas person" is defined as an individual not normally resident in New Zealand; a company not incorporated in New Zealand; a New Zealand-incorporated company in which 25 per cent or more of any class of shares or 25 per cent or more of the voting power is held by overseas persons; or a nominee of the overseas person, whether or not the nominee is himself/herself an overseas person.

#### Maritime Transport Services

**3** Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator (as defined in definition 4 below) shall have the ability to rent or lease trucks, railway carriages, or barges and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

**4** **Multimodal Transport Operator:** the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

**5** **Cabotage:** for purposes of this schedule only, cabotage is defined as the transportation of passengers or goods between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port located in New Zealand.

**6** **Maritime Cargo Handling Services:** activities exercised by stevedoring companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

**7 Customs Clearance Services:** activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

**8 Container Station and Depot Services:** activities consisting of storing containers, whether in port or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

**9 Maritime Agency Services:** activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- Marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- Acting on behalf of the companies organising the call of a ship or taking over cargoes when required.

**10 Maritime Freight Forwarding Services:** the activity consisting or organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

ATTACHMENT B  
REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services<sup>1</sup>.

Definitions

Users mean service consumers and service suppliers.

Essential facilities<sup>2</sup> mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier<sup>3</sup> is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and

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<sup>1</sup> This applies only to suppliers of basic telecommunications services and not to end-users of such services.

<sup>2</sup> [The definition of “essential facilities” will be applied only to the extent consistent with New Zealand’s competition policy regime, which regulates the activities of “dominant suppliers”.]

<sup>3</sup> The definition of “major supplier” will be interpreted consistently with New Zealand’s competition policy regime, which in part regulates the activities of persons with a “substantial degree of power in a market”.

- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

### 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures<sup>4</sup> for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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<sup>4</sup> Such procedures may be administered by means of a variety of mechanisms, including laws and regulations, public tendering process and consultative processes.

## NEW ZEALAND – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services	National treatment, in the form of access to finance and tax concessions and simplified requirements for the temporary entry of skilled personnel into New Zealand for the purposes of the coproduction of films and television programmes, is extended to audiovisual works covered under Film Co-Production Agreements or Arrangements with the countries indicated in column 3	Canada <sup>*</sup> , France*, United Kingdom* and any other country where cultural cooperation might be desirable and which is prepared to exchange preferential treatment on the terms and conditions specified in such arrangements or agreements.	Indefinite	To support the development of the New Zealand film industry for cultural reasons and to share benefits with others with similar policies.
Interpretation services	More favourable entry conditions possible for nationals of countries listed in column (3) with requisite skills as interpreters for employment for up to two years in tourism-related industries.	Japan and other countries with whom such arrangements may be desirable.	Indefinite	New Zealand's Tourism Development Policies
<i>[Maritime (passenger and freight)]</i> <b>(See also cover sheet)</b>	<i>[The supply of services by officers on New Zealand ships is limited to citizens with requisite qualifications, from either New Zealand or the countries listed in column (3).</i>	<i>Eire, Hong Kong, United Kingdom, Canada, India, Malaysia, Singapore, Pakistan, South Africa</i>	<i>Indefinite</i>	<i>To promote local maritime recruitment and maintain maritime training standards.]</i>

<sup>\*</sup> These Agreements provide New Zealand with reciprocal access to Co-Production Agreements signed with Third Countries/Parties.

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<i>[All Sectors]</i>	<i>More favourable entry conditions possible to up to 20 Nationals each year to employment purposes.</i>	<i>Kiribati</i>	<i>Indefinite</i>	<i>New Zealand's Development Assistance policies aimed at providing income, job skills, on the job training and work experience.]</i>
<i>[All Sectors]</i>	<i>More favourable entry conditions possible to up to 20 Nationals each year to employment purposes.</i>	<i>Tuvalu</i>	<i>Indefinite</i>	<i>New Zealand's Development Assistance policies aimed at providing income, job skills, on the job training and work experience.]</i>