

WORLD TRADE ORGANIZATION

TN/S/O/NZL/Rev.1
17 June 2005

(05-2558)

**Council for Trade in Services
Special Session**

Original: English

NEW ZEALAND

Revised Conditional Offer

The following revised services offer has been received from the delegation of New Zealand on 10 June 2005 with the request that it be circulated to Members of the Council for Trade in Services.

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1. New Zealand submits herewith its revised services offer as part of the negotiations on trade in services. The principles and objectives underlying New Zealand's overall approach to the WTO services negotiations under the GATS, and to the preparation of this offer, remain those outlined in New Zealand's initial offer contained in TN/S/O/NZL.
 2. In particular, New Zealand's revised conditional offer is submitted on the basis that GATS 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.
 3. New Zealand made high quality commitments in the Uruguay Round and extended negotiations on basic telecommunications and financial services. A further significant contribution to a substantially improved multilateral regime for trade in services was made in New Zealand's initial conditional offer. The revised offer improves again on this solid base. New Zealand's contribution takes particular account of requests for liberalisation of market access in sectors and modes of supply of interest to developing countries, and includes new and improved commitments in Mode 4. The revised offer also includes improved or clarified commitments in professional services, business services, distribution services, transport services, postal services, financial services, and other services. New Zealand has further removed an MFN exemption, leaving only one MFN exemption remaining in its schedule of commitments. New Zealand looks to others to match this level of commitment in offers submitted in this and other areas of the current round of market access negotiations.
 4. 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's ability to maintain the level of commitments provided in this offer will depend on an improvement in the quality of other member's

GATS offers in the Doha Round. New Zealand further reserves the right to make any amendments or revisions of a technical nature.

5. New Zealand's approach to classification and scheduling remains as outlined in TN/S/O/NZL. The modifications to the consolidated Schedule of Specific Commitments are inscribed as outlined in the editorial conventions contained in Secretariat document JOB(05)/6.

6. New Zealand welcomes the opportunity to discuss or clarify any issues arising from its revised conditional 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.

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NEW ZEALAND – SCHEDULE OF SPECIFIC COMMITMENTS¹

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 |
|--|------------------------------|---|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | | <p>3) Under the Overseas Investment Regulations, 1985, issued under the Overseas Investment Act 1973, Overseas Investment Commission approval is required for the following investments by an "overseas person":²</p> <p>(a) acquisition or control of 25 per cent or more of the shares or voting power in a company where either the consideration of transfer or the value of the assets of the company exceeds \$NZ10 million;</p> <p>(b) the establishment of new business in New Zealand where the total expenditure in setting up the business exceeds \$NZ10 million;</p> <p>(c) the acquisition of the assets of the business where the total consideration paid or payable for the assets exceeds \$NZ10 million;</p> <p>(d) the issue or allotment of shares where the 25 per cent threshold has already been exceeded or will be exceeded as a result of the issue and where the total consideration paid or payable exceeds \$NZ10 million.</p> | |

¹ See Attachment A.1

² See Attachment A.2

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>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 as specified below:</p> <p>A. Executives and senior managers; as intra-corporate transferees, for a periods 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;</p> <p>Executives and senior managers, 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>OIC consent is required, regardless of the dollar value of the investment, for acquisition of rural land. Approval is also required under the Land Settlement Promotion and Land Acquisition Act for the purchase of some classes of land.</p> <p>Unbound for enterprises currently in State ownership</p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</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>(I) Intra-Corporate Transferees:</u> <i>(Employees of a service supplier of another Member that supplies services within New Zealand through a commercial presence) in the following categories only:</i></p> <p><u>(I) A. Executives and senior managers</u></p> <p><u>Definition:</u></p> <p><i>natural persons, as intra-corporate transferees 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;</i></p> <p><u>Conditions:</u></p> <p><i>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:-</i></p> <p>B. Specialist and/or senior personnel, as intra corporate transferees, for a periods of an 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 twelve months:</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>Specialist and/or senior personnel, 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. Specialist personnel, subject to labour market tests, as intra-corporate transferees, 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 List³ 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.</p> | | |

³ ~~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>(I) B. Specialist and/or senior personnel</p> <p>Definition:</p> <p>Natural persons who are specialist and/or senior personnel as intra-corporate transferees.</p> <p>Specialist personnel are: 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>Conditions for specialist and/or senior personnel:</p> <p>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.</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>D. Installers and servicers, as intra-corporate transferees, for periods not exceeding three months in any twelve-month period:</p> <p>Installers and servicers 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. Service sellers, as business visitors; for a period or periods not exceeding in aggregate three months in any calendar year:</p> <p>Service sellers 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 establishing a commercial presence in New Zealand; 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>(II) Independent Service Suppliers:</p> <p>(Self-employed Services suppliers working on a contractual basis, without a requirement for commercial presence)</p> <p>in the following categories only:</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>(II) A. Independent Professionals:</u></p> <p>Definition:</p> <p>self-employed natural persons with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand. Independent professionals must also have (i) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma and (ii) six or more years of experience. Both (i) and (ii) must be in the field in which the Independent professionals wish to supply their professional services.⁴</p> <p>Conditions:</p> <p>Subject to economic needs tests, a period of stay up to a maximum of 12 months.</p> | | |

⁴ These qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.

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>(III) Business visitors</u></p> <p>Definition:</p> <p>natural persons, without a requirement for commercial presence, who are representatives of a service supplier of another Member, whether or not that service supplier has a commercial presence in New Zealand, who will not be engaged in making direct sales to the general public or in supplying services directly, and are seeking temporary entry to New Zealand for the purpose of :</p> <p>(i) <i>establishing a commercial presence in New Zealand; or</i></p> <p>(ii) <i>negotiating for the sale of goods or services or entering into agreements to sell goods or services for that service supplier; or</i></p> <p>(iv) <i>purchasing New Zealand goods or services; or</i></p> <p>(v) <i>engaging in business consultations or negotiations in New Zealand on establishing, expanding, or winding up any business enterprise in New Zealand.</i></p> <p>Conditions:</p> <p><i>For periods not exceeding three months in any calendar year.</i></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>(IV) Other in the following categories only:</p> <p>(IV) A. Installers and servicers</p> <p>Definition:</p> <p>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, but without the requirement of a commercial presence;</p> <p>Conditions:</p> <p><i>For periods not exceeding three months in any twelve-month period.</i></p> <p><i>For all mode 4 categories in this schedule:</i> Unbound in cases of labour/management disputes.</p> | <p>1)2)Unbound for current and future measures at 3)4) the central and sub-central levels according more favourable treatment to any Maori person or organisation, in relation to the acquisition, establishment or operation of any commercial or industrial undertaking.</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 |
|--|---|---|------------------------|
| II. SECTOR SPECIFIC COMMITMENTS | | | |
| <p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>(a) Legal Services, in respect of the following areas of law: <i>(CPC 861)</i> <i>Practice of New Zealand law (CPC 861)</i> Domestic Law</p> <p>Provision of advice on International law <i>(CPC 861)</i></p> <p>Foreign law</p> <p>(b) Accounting, auditing and book-keeping services (CPC 862)</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>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> | |

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 |
|---|---|--|------------------------|
| (c) Taxation services Tax preparation , tax planning and consulting services (CPC 86301-86303), 86302, CPC 86303 | 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. | |
| (d) Architectural services (CPC 8671) | 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. | |
| (e) Engineering services (CPC 8672) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1)3) Certification of certain works involving &4) health and safety is limited to Registered Engineers, who to become registered must be ordinarily resident in New Zealand. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (f) Integrated Engineering Services (CPC 8673) | 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. | |
| (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. | |

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 |
|---|--|--|------------------------|
| (i) Veterinary services (CPC 9320) | 1) Unbound None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) Unbound None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| B. <u>Computer and Related Services</u> | | | |
| (a) Consultancy services related to the installation of computer hardware (CPC 841) | 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. | |
| (b) Software implementation services (CPC 842) | 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. | |
| (c) Data processing services (CPC 843) | 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. | |
| (d) Data base services (CPC 844) | 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. | |

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 |
|---|--|--|------------------------|
| Maintenance and Repair of office machinery and equipment including computers (CPC 845) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (e) Other Computer Services (CPC 849) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| D. <u>Real Estate Services</u> | | | |
| (a) Involving own or leased property (CPC 821) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (b) On a fee or contract basis (CPC 822) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

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>E. <u>Rental/Leasing of Equipment without Crew</u></p> <p>Transport and non transport (CPC 8310)</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>Other Business Services</u></p> <p>(a) Advertising services (CPC 871)</p> <p>(c) Management consulting services (CPC 865)</p> <p>(d) Services related to Management consulting (CPC 866)</p> <p>(f) Services incidental to agriculture, hunting and forestry (CPC 8811, 8812, 8813, 8814)</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>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> | |

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 |
|---|---|---|------------------------|
| (f) Services incidental to animal husbandry (CPC 8812) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) Access to the national dairy herd testing database is only given where it is judged to be in the interests of the New Zealand industry. 4) Unbound except as indicated in the horizontal section. | |
| <i>Services incidental to agriculture (CPC 8811)</i> | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| <i>Services incidental to animal husbandry (CPC 8812)</i> | <ol style="list-style-type: none"> 1) None 2) None 3) The Herd Testing Regulations under the Dairy Board Act 1961 restrict the provision of herd testing services to providers licensed by the NZ Dairy Board. The number of licences may be limited. 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| <i>Services incidental to hunting (CPC 8813)</i> | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| <i>Services incidental to forestry and logging (CPC 8814)</i> | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

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 |
|---|--|--|------------------------|
| (k) Placement and supply services of Personnel (CPC 872) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (o) Cleaning of buildings and similar activities (CPC 874) | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (p) Photographic Services (CPC 875) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (s) Convention services (CPC 87909*) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

* Unbound due to lack of technical feasibility.

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 |
|--|---|---|---|
| (t) Other Credit reporting services (CPC 87901) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <p>The Privacy Act 1993 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> |
| (t) Collection agency services (CPC 87902) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (t) Translation services (CPC 87905**) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (t) Interior Design Services (87907**) | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | |

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 |
|---|---|---|------------------------|
| (t) Telephone Answering Services (CPC 87903) | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | |
| (t) Duplicating Services (CPC 87904) | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | |
| (t) Mailing list compilation and mailing services (CPC 87906) | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | |
| (t) Other Business Services – services generally provided to business not elsewhere classified in the CPC and not including convention services. These include: business brokerage services, appraisal services (other than for real estate), secretarial services, demonstration exhibition services, etc. (CPC 87909) | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | 1) None 2) None 3) None 4) Unbound except as indicated in horizontal section | |

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>2. COMMUNICATION SERVICES</p> <p>A & B. Postal and Courier Services (CPC 7511 and 7512)</p> <p>Services relating to the handlingⁱⁱ of postal itemsⁱⁱⁱ whether for domestic or foreign destinations:</p> <p>A. Handling of addressed written communications on any kind of physical mediumⁱⁱⁱ, including: - Hybrid mail services - Direct mail</p> <p>B. Handling of addressed parcels & packages^{iv}</p> | <p>1)3) <i>None, other than</i> Additional conditions for operation in the market or de-registration may be imposed on postal operators where these engage in anti-competitive behaviour.</p> <p>2) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1)3) <i>None, other than that</i> UPU designation is reserved for a New Zealand operator under the Postal Services Act 1998. <i>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.</i></p> <p>2) None</p> <p>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> |

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>C. Handling of addressed press products⁵ⁱ D. Handling of items referred to in A. to C. Above as registered or insured mail. E. Express delivery services⁶ⁱⁱ 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),** other than the issue of stamps bearing the words “New Zealand.”⁵”</p> | | | |

⁵ *The issue of stamps bearing the said words is restricted to UPU designated operators except where the said words form part of the name of the operator issuing the stamps.*

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>ⁱⁱ The term “handling” should be taken to include clearance, sorting, transport and delivery.</p> <p>ⁱⁱⁱ “Postal item” refers to items handled by any type of commercial operator, whether public or private.</p> <p>^{iv} E.g. letter, postcards.</p> <p>^v Books, catalogues are included hereunder.</p> <p>^{vi} Journals, newspapers, periodicals.</p> <p>^{vii} 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.</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>C. <u>Telecommunication Services</u></p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7522)</p> <p>(f) Facsimile services (CPC 7521**, CPC 7529**)</p> <p>(g) Private leased circuit services (CPC 7522**, CPC 7523**)</p> <p>(o) Other Paging services (CPC 75291) Teleconferencing services (CPC 75292) Personal Communications Services (CPC 75213*) Cellular services (CPC 75213*) Trunked radio system services (CPC 7523**, CPC 75213*) Mobile data services (CPC 7523**)</p> | <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, other than: The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9%. At least half of Board directors are required to be New Zealand citizens.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>The principles set forth in the attached reference paper are incorporated in this schedule to the extent they are commitments additional to the obligations flowing from Part I and II, Article XXVIII and the Annex on Telecommunications of the General Agreement on Trade in Services in respect of the Article XVI and XVII commitments on telecommunication services contained herein.</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 |
|---|--|--|------------------------|
| (h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) On-line information and data-base retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhanced/value-added facsimile services (CPC 7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (CPC 843**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9 per cent. At least half of Board directors are required to be New Zealand citizens. 4) Unbound except as indicated in the horizontal section. | |
| D. <u>Audiovisual Services</u> Production, distribution, exhibition and broadcasting of audiovisual works (CPC 9611-9613, CPC 96192**, CPC 7524, CPC 753) | 1) None 2) None 3) None | 1), 3) The Broadcasting Commission is directed by the Government, pursuant to the Broadcasting Act 1989, to allocate a minimum of 6 per cent of its budget to Maori programming. From 1995 all public funding for Maori broadcasting will be controlled by Te Reo Whakapuaki Irirangi (Maori Broadcasting Funding Agency). Government assistance to the film industry through the New Zealand Film Commission is limited to New Zealand films as defined in Section 18 of the New Zealand Film Commission Act 1978. 2) None | |

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>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. <u>General Construction Work for Buildings</u> (CPC 512, CPC 515)</p> <p>B. <u>General Construction Work for Civil Engineering</u> (CPC 513)</p> | <p>4) The New Zealand Immigration Service policy, based on the Immigration Act 1987 and the Immigration Regulations 1991 stipulate a special procedure for the granting of visas to entertainers, performing artists and associated support personnel for work purposes. To be eligible for a work visa or work permit, such applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents or producers and the relevant performing artists' unions. Otherwise, unbound except as indicated in the horizontal section.</p> <p>1) Unbound*</p> <p>1) None for consultancy services</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>1) None for consultancy services</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound*</p> <p>1) None for consultancy services</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>1) None for consultancy services</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.

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 |
|--|--|--|------------------------|
| C. <u>Installation and Assembly Work</u> (CPC 514, CPC 516) | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| D. <u>Building Completion and Finishing Work</u> (CPC 517) | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| E. <u>Other</u> Site preparation: new construction (other than pipelines) (CPC 511) | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| Maintenance and repair of fixed structures | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) Unbound* 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

* Unbound due to lack of technical feasibility.

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>Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator (CPC 518)</p> <p>4. DISTRIBUTION SERVICES</p> <p>A. <u>Commission Agents' Services (CPC 6211, excluding CPC 62111, CPC 62112, and such services relating to CPC 2613-2615) (CPC 62113-62115, 62117-62118)</u></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> | |

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>CPC 62111** only in respect of 02961-02963** (ovine wool).</p> <p>CPC 62112** only in respect of CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin) and 02961-02963** (ovine wool).</p> <p>CPC 62116** only in respect of 2613-2615**, (ovine wool).</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None, other than as scheduled in the market access column.</p> <p>4) Unbound except as indicated in the horizontal section</p> | |
| <p>B. Wholesale Trade (CPC 622, excluding CPC 6221, CPC 6222 and such services relating to CPC 2613-2615) CPC 6223 – 6226, CPC 6228</p> | <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> | |

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>CPC 6221** only in respect of 02961-02963** (ovine wool).</p> <p>CPC 6222** only in respect of CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin).</p> <p>CPC 62277** only in respect of 2613-2615**, (ovine wool).</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None, other than as scheduled in the market access column.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |
| <p>C. Retail Trade (CPC 631, CPC 632, CPC 6111, CPC 6113 and CPC 6121)</p> | <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> | |

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>5. EDUCATION SERVICES</p> <p>Primary, Secondary, and Tertiary education in private institutions (CPC 921, CPC 922, CPC 923)</p> <p>6. ENVIRONMENTAL SERVICES</p> <p>Consultancy related to the provision of the following environmental services: (CPC940**)</p> <p>A. Waste water management; - Sewage Services</p> <p>B. Solid/hazardous waste management; - 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>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> | |

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>C. Protection of ambient air & climate; - Services to reduce exhaust gases and other emissions and improve air quality ;</p> <p>D. Remediation & cleanup of soil & water; - Treatment, remediation of contaminated / polluted soil and water;</p> <p>E. Noise & vibration abatement; - Noise abatement services</p> <p>F. Protection of biodiversity & landscape; - Nature and landscape protection services ;</p> <p>G. Other environmental & ancillary services; - Other environmental protection services not classified elsewhere.</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 |
|-----------------------|------------------------------|-----------------------------------|---|
| 7. FINANCIAL SERVICES | | | <ol style="list-style-type: none"> 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. 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. 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. |

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>A. <u>Insurance and Insurance-related services</u></p> <p>(b) Non-life insurance services (CPC 8129)</p> | <p>1), 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), 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.</p> <p>1), Under the Apple and Pear Marketing Act 1971 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 this insurance.</p> | <p>3) None</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>(c) Reinsurance and retrocession (CPC 81299)</p> <p>(d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)</p> | <p>1),2)Unbound for marketing and sales related to & 3) products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin), CPC 2613-2615** (ovine wool), and CPC 02961-02963** (ovine wool).</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1), The Accident Rehabilitation and 3) 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), Under the Apple and Pear Marketing Act 1971 and the Wheat Producers Levy Act 1987 (or regulations enacted under the Commodities Levy Act 1990), the respective bodies (the Apple and Pear Marketing Board and United Wheat growers (NZ) Ltd) has ve 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>4) Unbound except as indicated in the horizontal section.</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</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 |
|---|--|--|------------------------|
| (e) Services Auxiliary to Insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140**) | <p>1),2) Unbound for marketing and sales related to & 3) products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin), CPC 2613-2615** (ovine wool), and CPC 02961-02963** (ovine wool).</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>4) Unbound except as indicated in the horizontal section.</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</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>A-B Banking and other Financial Services</u> (excluding insurance)⁶</p> <p>(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)</p> <p>(b) Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transactions (CPC 8113)</p> <p>(c) Financial leasing (CPC 8112)</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts (CPC 81339**)</p> <p>(e) Guarantees and commitments (CPC 81199**)</p> | <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

⁶ As defined in paragraph 5(a)(v)-(xvi) of the Annex on Financial Services.

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>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <p>(i) money market instruments (cheques, bills, certificates of deposits etc) (CPC 81339**)</p> <p>(ii) foreign exchange (CPC 81333)</p> <p>(iii) derivative products including, but not limited to, futures and options (CPC 81339**)</p> <p>(iv) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements etc (CPC 81339**)</p> <p>(v) transferable securities (CPC 81321)</p> <p>(vi) other negotiable instruments and financial assets, including bullion (CPC 81339**)</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>(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (CPC 8132)</p> <p>(h) Money broking (CPC 81339**)</p> <p>(i) Asset management, such as cash or portfolio management; all forms of collective investment management, pension fund management, custodial, depository and trust services (CPC 8119**, 81323*)</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (CPC 81339**, 81319**)</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)</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>(l) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) to (k) above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131, 8133)</p> <p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and Restaurants</u> (CPC 641-643)</p> <p>B./ <u>Travel Agencies, Tour</u></p> <p>C. <u>Guides and Tour Operator Services</u> (7471, 7472)</p> | <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> | <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> | |

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>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.53)</p> | <p>General conditions applicable to all maritime service sectors: marketing and sales of maritime transport and related services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound, except for marketing and sales related to CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin), CPC 2613-2615** (ovine wool), and CPC 02961-02963** (ovine wool).</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>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:</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 |
|----------------------|------------------------------|-----------------------------------|---|
| | | | <ul style="list-style-type: none"> - Pilotage - Towing and tug assistance - Provisioning, fuelling and watering - Garbage collecting and ballast waste disposal - Port captain's services - Navigation aids - Emergency repair facilities - Anchorage - Berth and berthing services - Other shore-based operational services essential to ship operations, including communications, water and electrical supplies. |

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 |
|---|---|--|------------------------|
| <u>Maritime Auxiliary Services</u> | | | |
| <p>Maritime Cargo-handling Services (as defined in Attachment A.6)</p> <p>Storage and warehousing services (CPC 742)</p> <p>Customs Clearance Services (as defined in Attachment A.7)</p> <p>Container Station and Depot Services (as defined in Attachment A.8)</p> | <p>1) Unbound* except for no limitation on transshipment (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*</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 transshipment (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*</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.

* Unbound due to lack of technical feasibility.

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 |
|---|--|--|------------------------|
| Maritime Agency Services (as defined in Attachment A.9) | 1) None 2) None 3) None 4) Unbound except as indicate in the horizontal section | 1) None 2) None 3) None 4) Unbound except as indicate in the horizontal section | |
| Maritime freight forwarding services (as defined in Attachment A. 10) | 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. | |
| B- C. Air Transport Services | | | |
| Selling and marketing of air transport services ⁷ | 1)2) Unbound for products covered under CPC &3) 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin), CPC 2613-2615** (ovine wool), and CPC 02961-02963** (ovine wool). 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| Computer reservation system services ⁸ (CPC 7523**) | 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. | |

⁷ As defined in paragraph 6(b) of the Annex on Air Transport Services.

⁸ As defined in paragraph 6(c) of the Annex on Air Transport Services.

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

* Unbound due to lack of technical feasibility.

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 |
|--|--|--|------------------------|
| Airport management services | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | |
| E. <u>Rail Transport Service</u> (CPC 711) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| F. <u>Commercial Road Transport Services (passenger, goods, rental and vehicle recovery)</u> (712 except 71235) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| G. <u>Pipeline Transport</u> (CPC 713) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

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>12. OTHER SERVICES NOT INCLUDED ELSEWHERE</p> <p>Other Services</p> <p>Washing, cleaning and dyeing services (CPC 9701)</p> | <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> | |

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. 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.~~

~~4. Maritime Freight Forwarding Services: the activity consisting of 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.~~

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 services¹.

Definitions

Users mean service consumers and service suppliers.

Essential facilities² 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 supplier³ 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

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

² This 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".

³ 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 procedures⁴ 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.

⁴ 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*, 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 |

* 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 |
|----------------------------------|---|---|-------------------|--|
| Maritime (passenger and freight) | 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 | Eire, Hong Kong, United Kingdom, Canada, India, Malaysia, Singapore, Pakistan, South Africa | Indefinite | To promote local maritime recruitment and maintain maritime training standards |
| All sectors | More favourable entry conditions possible for up to 20 Nationals each year for employment purposes | Kiribati | Indefinite | New Zealand's Development Assistance policies aimed at providing income, job skills, on the job training and work experience |
| All sectors | More favourable entry conditions possible for up to 80 Nationals at any one time for employment purposes | Tuvalu | Indefinite | New Zealand's Development Assistance policies aimed at providing income, job skills, on the job training and work experience |