

ANNEX 10: Commitments on Temporary Entry by Natural Persons

PART A: China's Commitments

1. The following sets out China's specific commitments with respect to temporary entry, including the presence of natural persons mode for the supply of services, with respect to the services sectors set out in China's schedule to Annex 8.

Entry in the following categories only (as defined in Article 125)	Conditions (including duration of stay)
Business Visitors	Periods of stay up to a maximum of six months.
Intra-corporate transferees	Managers, executives and specialists defined as senior employees of a corporation of New Zealand, being engaged in the foreign invested enterprises in the territory of China for conducting business, temporarily moving as intra-corporate transferees, shall be granted a long-term stay permit as stipulated in the terms of contracts concerned or an initial stay of three years, whichever is shorter.
Installers and Servicers	Duration of stay of installers and servicers is subject to the duration of the contract, but shall not exceed three months.

2. All the commitments in respect of the presence of natural persons mode in the Schedule of Specific Commitments of China (as set out in GATS/SC/135) upon China's accession to the WTO, including any requirements, regulations and additional commitments, apply to the services suppliers of New Zealand.

3. For greater certainty, the specific commitments with respect to presence of natural persons mode are as follows:

- (1) With respect to Medical and Dental Services (CPC9312), limitations on market access for presence of natural persons are as follows: New Zealand doctors with professional certificates issued in New Zealand shall be permitted to provide short-term medical services in China after they obtain licenses from the Ministry of Public Health. The term of service is six months and may extend to one year.
- (2) With respect to Computer and Related Services (CPC841, 8421, 8422, 8423, 8424, 8425, 8431, 8432, 8433), limitations on national treatment for presence of natural persons in terms of qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.

- (3) With respect to Translation and Interpretation Services (CPC 87905), limitations on national treatment for presence of natural persons in terms of qualifications are as follows: three years of experience in translation or interpretation and a good command of the working language(s).
- (4) With respect to Educational Services (excluding special education services, e.g. military, police, political and party school education; CPC 921, excluding national compulsory education in CPC 92190; CPC 922, excluding national compulsory education in CPC 92210; CPC 923; CPC 924; CPC 929), limitations on market access for presence of natural persons are as follows: New Zealand individual education service suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions. Limitations on national treatment in terms of qualifications are as follows: possession of Bachelor's degree or above, and an appropriate professional title or certificate, with two years' professional experiences.
- (5) With respect to Services of Hotels (including apartment buildings) and Restaurants (CPC 641, 642, 643), limitations on market access for presence of natural persons are as follows: New Zealand managers, specialists, including chefs and senior executives, who have signed contracts with joint venture hotels and restaurants in China shall be permitted to provide services in China.
- (6) With respect to International Transport (freight and passengers) Services (CPC 7211 and 7212 less cabotage transport services), limitations on market access and national treatment for presence of natural persons are as follows: ship's crew and key personnel employed by other forms of commercial presence for the supply of international maritime transport services remain unbound.

PART B: New Zealand's Commitments

1. The following sets out New Zealand's specific commitments with respect to temporary entry, including the presence of natural persons made for the supply of services, with respect to the services sectors set out in New Zealand's schedule to Annex 8.¹

2. With respect to audiovisual services, the New Zealand Immigration Service policy, based on the Immigration Act 1987 and the Immigration Regulations 1991, stipulates 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.

Entry in the following categories only (as defined in Article 125)	Conditions (including duration of stay)
Business Visitors	Entry for a period not exceeding in aggregate three months in any calendar year.
Intra-corporate transferees	<p>Executives: entry for periods of initial stay up to a maximum of three years for executives who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand.</p> <p>Managers: entry for periods of initial stay up to a maximum of three years for managers who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand.</p> <p>Specialists being transferred to undertake a specific or specialist task at a senior level within the company:² entry for periods of an initial stay up to a maximum of twelve months.</p>

¹ Notwithstanding the commitments set out below, New Zealand remains unbound in cases of labour/management disputes, and also with respect to ships' crews.

² 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 China and not having any other commercial presence in New Zealand.

	Specialists (subject to labour market tests) with trade, technical or professional skills: ³ entry for periods of stay up to a maximum of three years.
Installers/Serviceers	Entry for periods not exceeding three months in any twelve-month period.

3. All the commitments in respect of the presence of natural persons made in New Zealand's Schedule of Specific Commitments in the WTO (as set out in GATS/SC/62), including any requirements, regulations and additional commitments, apply to the services suppliers of China.

4. In respect of New Zealand's specific services commitments on Maintenance and Repair of Office Machinery and Equipment, including computers (CPC 845), Other Computer Services (CPC 849), Photographic Services (CPC 875), Duplicating Services (CPC 87904), Construction and Related Engineering Services (CPC 514, 516 and 517), other Education Services (CPC 929), and Environmental Services (CPC 9401-9406, 9409), Chinese Executives and Managers who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand may enter for a period of initial stay of up to a maximum of three years, and this may be extended for a further period of stay up to a maximum of three years, provided the need for the Executive or Manager still exists.

5. In respect of the New Zealand specific services commitments set out in paragraph 4, Chinese "Specialist Personnel", who are defined as 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, and whose skills are assessed in terms of the applicant's employment experience, qualifications, and suitability for the position, may enter for a period of initial stay up to a maximum of three years, and this may be extended for a further period of stay up to a maximum of three years, provided the need for the Specialist still exists.

³ Such specialists 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.