

## ANNEX I

1. The Schedule of New Zealand to Annex I sets out, pursuant to Paragraph 1 of Article 9 (Non-Conforming Measures), New Zealand's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 5 (National Treatment);
- (b) Article 6 (Most Favoured Nation Treatment);
- (c) Article 7 (Performance Requirements); or
- (d) Article 8 (Senior Management and Boards of Directors).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is made;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in Paragraph 1;
- (c) **Measures** identify laws, regulations, rules, procedures, decisions, administrative actions, practices or other measures for which the entry is made. A measure cited in the Measures element:
  - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Protocol;
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (d) **Description** sets out the non-conforming measure to which the entry applies.

3. In accordance with Paragraph 1(a) of Article 9 (Non-Conforming Measures), the articles of this Protocol specified in the **Obligations Concerned** element of an entry do not apply to the laws, regulations, rules, procedures, decisions, administrative actions, practices or other measures identified in the **Description** element of that entry.

4. All elements of the entry shall be considered in their totality for the purposes of its interpretation.

## SCHEDULE OF NEW ZEALAND

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Measure</b>	Companies Act 1993 Financial Reporting Act 1993
<b>Description</b>	<p>The following entities are required to file audited financial statements with the Registrar of Companies:</p> <ul style="list-style-type: none"><li>(a) Overseas issuers;</li><li>(b) Overseas incorporated companies that carry on business in New Zealand;</li><li>(c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; or</li><li>(d) companies in which 25 percent or more of the shares are held or controlled by:<ul style="list-style-type: none"><li>(i) a subsidiary of a company or body corporate incorporated outside New Zealand or a subsidiary of that subsidiary;</li><li>(ii) a company or body corporate incorporated outside New Zealand; or</li><li>(iii) a person not ordinarily resident in New Zealand.</li></ul></li></ul>

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Measure</b>	Overseas Investment Act 2005 Fisheries Act 1996 Overseas Investment Regulations 2005
<b>Description</b>	<p>Consistent with New Zealand's overseas investment regime as set out in the relevant provisions of the Overseas Investment Act 2005, the Fisheries Act 1996, and the Overseas Investment Regulations 2005, the following investment activities require prior approval from the New Zealand Government:</p> <p>(a) acquisition or control by non-government sources of 25 per cent or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$477* million;</p> <p>(b) commencement of business operations or acquisition of an existing business by non-government sources, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$477* million;</p> <p>(c) acquisition or control by government sources of 25 per cent or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$100 million*;</p> <p>(d) commencement of business operations or acquisition of an existing business by government sources, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$100 million*;</p> <p>(e) acquisition or control, regardless of dollar value, of</p>

---

\* To be indexed on 1 January each year after entry into force to the GDP implicit price deflator in the New Zealand National Accounts for the previous financial year.

certain categories of land that are regarded as sensitive or require specific approval according to New Zealand's Overseas Investment legislation; and

(f) acquisition, regardless of dollar value, of 25 per cent or more of any class of shares or voting power in a New Zealand entity that has an interest in fishing quota, or the acquisition of an interest in fishing quota.

Overseas investors must comply with the criteria set out in the overseas investment regime and any conditions specified by the Regulator and the relevant Minister or Ministers.

This entry should be read in conjunction with II-NZ-5.

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Measure</b>	Dairy Industry Restructuring Act 2001
<b>Description</b>	<p>The Dairy Industry Restructuring Act 2001 (DIRA) and regulations provide for the New Zealand Government to acquire, free of charge, and without condition, a copy of a regulated database held by the Livestock Improvement Corporation Ltd (LIC) in the event of its demutualisation or certain other events.</p> <p>Furthermore, should LIC be liquidated or removed from New Zealand's register of companies or the New Zealand Government receives a copy of the database as specified above, the New Zealand Government may determine arrangements for the database to be managed by another dairy industry entity. In doing so it may take into account nationality and residency considerations, including in relation to senior management and composition of the board of directors.</p> <p>In addition, the DIRA sets out data reporting obligations to the LIC applying to those engaged in herd testing of dairy cattle.</p> <p>The DIRA also provides for access to the data held in the core database to be denied if access is not beneficial, or is harmful, to the New Zealand dairy industry, which could take into account nationality or residency considerations and the intended use of the data. Conditions may also be applied to data use.</p> <p>The DIRA restricts who may hold shares in LIC, and this regime may not be amended without the consent of the responsible Minister.</p>

<b>Sector</b>	Communication Services Telecommunications
<b>Obligations concerned</b>	National Treatment (Article 5) Senior Management and Boards of Directors (Article 8)
<b>Measure</b>	The Constitution of the Telecom Corporation of New Zealand.
<b>Description</b>	<p>The Constitution of the Telecom Corporation of New Zealand Limited requires New Zealand Government approval for the shareholding of any single overseas entity to exceed 49.9 percent.</p> <p>At least half of Board directors are required to be New Zealand citizens.</p>

<b>Sector</b>	Communication Services Audio-visual Services
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7)
<b>Measure</b>	Radiocommunications Act 1989
<b>Description</b>	The acquisition of licences or management rights to use the radio frequency spectrum, or any interest in such licences or management rights, under the Radiocommunications Act 1989 by foreign governments or agents on behalf of foreign government is subject to the written approval of the Chief Executive of the Ministry of Economic Development.

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Measure</b>	Primary Products Marketing Act 1953
<b>Description</b>	<p>Under the Primary Products Marketing Act 1953, the New Zealand Government may impose regulations necessary to enable producers of products derived from beekeeping; fruit growing; hop growing; deer farming or game deer; or of goats, being the fur bristles or fibres grown by the goat (“primary products”) to control the marketing of primary products. In particular, the Primary Products Marketing Act 1953 provides for the establishment of statutory marketing authorities with monopoly marketing and acquisition powers (or lesser powers), and provision of a range of related measures relating to such aspects as:</p> <ul style="list-style-type: none"> <li>• the functions, powers, appointment, membership, and dissolution of the marketing authorities;</li> <li>• the management of the affairs of the marketing authorities;</li> <li>• the acquisition of primary products by the marketing authorities and matters relating to the pricing and method of payment for primary products so acquired;</li> <li>• matters relating to the production, distribution, licensing, and sale of primary products;</li> <li>• matters relating to the payment of fees and levies on primary products;</li> <li>• the acquisition of information required for the purposes of the marketing authorities; and</li> <li>• the prescription of offences and penalties relating to the Primary Products Marketing Act 1953.</li> </ul>



<b>Sector</b>	Air Transportation
<b>Obligations concerned</b>	National Treatment (Article 5) Senior Management and Boards of Directors (Article 8)
<b>Measure</b>	Civil Aviation Act 1990 Ministerial Guidelines
<b>Description</b>	<p>Only a licensed air transport enterprise may provide international scheduled air services as a New Zealand international airline. Only a licensed air transport enterprise may provide international scheduled air services, including cabotage within New Zealand, as a foreign international airline. Either the Minister for Transport or the Secretary for Transport determines the issuance of international air services licences. Non-scheduled air services require either an appropriate licence or the approval of the Secretary for Transport in accordance with guidelines issued by the Minister for Transport. Such determinations shall include consideration of the provisions of New Zealand's bilateral and multilateral air services agreements. Licences may be subject to certain conditions, such as that the airline is substantially owned and effectively controlled by New Zealand nationals, and/or has its principal place of business in New Zealand.</p>

<b>Sector</b>	Air Transportation
<b>Obligations concerned</b>	National Treatment (Article 5) Senior Management and Boards of Directors (Article 8)
<b>Measure</b>	Constitution of Air New Zealand Limited (2009)
<b>Description</b>	<p>No one foreign national may hold more than 10% of shares which confer voting rights in Air New Zealand unless they have the permission of the Kiwi Shareholder. In addition:</p> <ul style="list-style-type: none"> <li>• No person that owns or operates an airline business, nor any other person 'associated' with a person who owns or operates an airline business, may hold or have an Interest in Air New Zealand unless the prior written consent of the Kiwi Shareholder has been given;</li> <li>• The location of the Head Office of Air New Zealand and its principal place of business shall be in New Zealand;</li> <li>• At least three members of the Board of Directors must be ordinarily resident in New Zealand;</li> <li>• More than half of the Board of Directors must be New Zealand citizens;</li> <li>• The Chairperson of the Board of Directors must be a New Zealand citizen; and</li> <li>• Air New Zealand shall continue to be incorporated and registered in New Zealand.</li> </ul>

<b>Sector</b>	Financial Services
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Measure</b>	Commodity Levies Act 1990 Commodity Levies Amendment Act 1995 Kiwifruit Industry Restructuring Act 1999
<b>Description</b>	<p>The provision of crop insurance for wheat can be restricted in accordance with the Commodities Levies Amendment Act 1995, section 4. This provides for the use of funds derived under a mandatory commodity levy on wheat growers to be used for the purpose of funding a scheme insuring wheat crops against loss or damage.</p> <p>The provision of insurance intermediation services related to the export of kiwifruit can be restricted in accordance with the Kiwifruit Industry Restructuring Act 1999 and regulations relating to the export marketing of kiwifruit.</p>

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	Performance Requirements (Article 7)
<b>Measure</b>	Income Tax Act 2007 Goods and Services Tax Act 1985 Estate and Gift Duties Act 1968 Stamp and Cheque Duties Act 1971 Gaming Duties Act 1971 Tax Administration Act 1994
<b>Description</b>	Any existing non-conforming taxation measures.

## ANNEX II

1. The Schedule of New Zealand to Annex II sets out, pursuant to Paragraph 2 of Article 9 (Non-Conforming Measures), the specific sectors, sub-sectors or activities for which New Zealand may maintain existing, or adopt new or more restrictive, measures that do not conform with the obligations imposed by:

- (a) Article 5 (National Treatment);
- (b) Article 6 (Most Favoured Nation Treatment);
- (c) Article 7 (Performance Requirements); or
- (d) Article 8 (Senior Management and Boards of Directors).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is made;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in Paragraph 1;
- (c) **Description** sets out the nature and/or scope of the non-conforming measures in the sectors, sub-sectors or activities covered by the entry; and
- (d) **Existing measures** are included for transparency purposes. The measures stipulated therein are not exhaustive.

3. In accordance with Paragraph 2 of Article 9 (Non-Conforming Measures), the articles of this Protocol specified in the **Obligations Concerned** element of an entry do not apply to the sectors, sub-sectors, and activities identified in the **Description** element of that entry.

4. Where an inconsistency arises in relation to the interpretation of an entry, the Description element of the entry shall prevail to the extent of the inconsistency.

## SCHEDULE OF NEW ZEALAND

<b>Sector</b>	All sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Most Favoured Nation Treatment (Article 6) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"><li>• The provision of public law enforcement and correctional services; and</li><li>• the following, to the extent that they are social services established for a public purpose:<ul style="list-style-type: none"><li>- Child care;</li><li>- Health;</li><li>- Income security and insurance;</li><li>- Public education;</li><li>- Public housing;</li><li>- Public training;</li><li>- Public transport;</li><li>- Public utilities;</li><li>- Social security and insurance; and</li><li>- Social welfare.</li></ul></li></ul>

<b>Sector</b>	All sectors
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measure with respect to the allocation of water rights.-

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Most-Favoured-Nation Treatment (Article 6) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain the following measures solely as part of the act of devolving a service, that is provided in the exercise of governmental authority at the time the Protocol enters into force:</p> <ul style="list-style-type: none"> <li>• Restricting the number of service suppliers;</li> <li>• Allowing an enterprise, wholly or majority owned by the Government of New Zealand, to be the sole service supplier or one amongst a limited number of service suppliers;</li> <li>• Imposing restrictions on the composition of senior management and boards of directors;</li> <li>• Requiring local presence; and</li> <li>• Specifying the juridical form of the service supplier(s).</li> </ul>



<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	Where the New Zealand Government wholly owns or has effective control over an enterprise then New Zealand reserves the right to adopt or maintain any measures regarding the sale of any shares in that enterprise or any assets of that enterprise to any person, including according more favourable treatment to New Zealand nationals.

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measure that sets out the approval criteria to be applied to the categories of overseas investment that require approval under New Zealand's overseas investment regime.</p> <p>For transparency purposes those categories, as set out in I-NZ-2, are:</p> <ul style="list-style-type: none"> <li>(a) acquisition or control by non-government sources of 25 percent or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$477 million;*</li> <li>(b) commencement of business operations or acquisition of an existing business by non-government sources, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$477 million;*</li> <li>(c) acquisition or control by government sources of 25 per cent or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$100 million;*</li> <li>(d) commencement of business operations or acquisition of an existing business by government sources, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$100 million;*</li> <li>(e) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as</li> </ul>

---

\* To be indexed on 1 January each year after entry into force to the GDP implicit price deflator in the New Zealand National Accounts for the previous financial year.

sensitive or require specific approval according to New Zealand's Overseas Investment legislation;

- (f) acquisition, regardless of the dollar value, of 25 percent or more of any class of shares or voting power in a New Zealand entity that has an interest in fishing quota or the acquisition of an interest in fishing quota.

**Existing measures**

Overseas Investment Act 2005

Fisheries Act 1996

Overseas Investment Regulations 2005

<b>Sector</b>	All sectors
<b>Obligations concerned</b>	Most Favoured Nation Treatment (Article 6)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Protocol.</p> <p>For greater certainty, this includes, in respect of agreements on the liberalisation of trade in goods or services or investment, any measures taken as part of a wider process of economic integration or trade liberalisation between the parties to such agreements.</p> <p>New Zealand reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Protocol involving:</p> <ul style="list-style-type: none"><li>• Aviation;</li><li>• Fisheries; and</li><li>• Maritime matters.</li></ul>

<b>Sector</b>	All sectors
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measure regarding the control, management or use of:</p> <ul style="list-style-type: none"> <li>• Protected areas, including resources on land, interests in land or water, that are set up for heritage management purposes (both historic and natural heritage), public recreation, and scenery preservation; or</li> <li>• Species owned under enactments by the Crown or that are protected by or under an enactment.</li> </ul>
<b>Existing measures</b>	<p>Conservation Act 1987 and the enactments listed in Schedule 1 of the Conservation Act 1987</p> <p>Resource Management Act 1991</p> <p>Local Government Act 1974</p>

<b>Sector</b>	All sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any nationality or residency measures in relation to:</p> <ul style="list-style-type: none"> <li>• animal welfare; and</li> <li>• the preservation of plant, animal and human life and health; including in particular: <ul style="list-style-type: none"> <li>- food safety of domestic and exported foods;</li> <li>- animal feeds;</li> <li>- food standards;</li> <li>- biosecurity;</li> <li>- biodiversity; and</li> <li>- certification of the plant or animal health status of goods.</li> </ul> </li> </ul> <p>Nothing in this reservation shall be construed to derogate from the obligations of the <i>WTO Agreement on the Application of Sanitary and Phytosanitary Measures</i>.</p> <p>Nothing in this reservation shall be construed to derogate from the obligations of the <i>WTO Agreement on Technical Barriers to Trade</i>.</p>

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	New Zealand reserves the right to maintain or adopt any measure made by or under an enactment in respect of the foreshore and seabed, extending out to the limits of New Zealand's territorial sea, internal waters as defined in international law (including the beds, subsoil and margins of such internal waters) and territorial sea (as defined in international law).
<b>Existing measures</b>	Resource Management Act 1991 Foreshore and Seabed Act 2004 Resource Management (Foreshore and Seabed) Amendment Act 2004

<b>Sector</b>	Business Services Legal Services
<b>Obligations concerned</b>	National Treatment (Article 5) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measure with respect to the provision to the public of publicly funded legal services.



<b>Sector</b>	Business Services Fire Services
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measure with respect to the provision of fire fighting services, excluding aerial fire fighting services.
<b>Existing Measures</b>	Fire Service Act 1975 Forest and Rural Fire Act 1977

<b>Sector</b>	Business Services Research and Development
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"><li>• Research and development services carried out by State funded tertiary institutions or by Crown Research Institutes when such research is conducted for a public purpose; and</li><li>• Research and experimental development services on physical sciences, chemistry, biology, engineering and technology, agricultural sciences, medical, pharmaceutical and other natural sciences.</li></ul>

<b>Sector</b>	Business Services Technical testing and analysis services
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measures in respect of:</p> <ul style="list-style-type: none"><li>• composition and purity testing and analysis services;</li><li>• technical inspection services;</li><li>• other technical and analysis services; and</li><li>• drug testing services.</li></ul>

<b>Sector</b>	Business Services Fisheries and aquaculture
<b>Obligations concerned</b>	National Treatment (Article 5) Most Favoured Nation Treatment (Article 6) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	New Zealand reserves the right to control the activities of foreign fishing, including fishing landing, first landing of fish processed at sea, and access to New Zealand ports (port privileges) consistent with the provisions of the <i>United Nations Convention on the Law of the Sea</i> .
<b>Existing Measures</b>	<p>For greater transparency, examples of existing measures contained in the Fisheries Act 1996 and the Aquaculture Reform Act 2005 include:</p> <ul style="list-style-type: none"> <li>• No vessel owned or operated by an overseas person may be registered to carry out commercial fishing or fish carrying activities without the permission of the Chief Executive of the Ministry of Fisheries, and subject to any conditions that he or she thinks fit to impose;</li> <li>• Foreign fishing vessels or fish carriers are required to obtain the approval of the Chief Executive before entering New Zealand internal waters or port. If the Chief Executive is satisfied that the vessel has undermined international conservation and management measures he or she may deny the vessel approval to enter New Zealand internal waters;</li> <li>• Ministerial approval is required before any overseas person may be allocated, purchase or own any provisional catch history, quota, or annual catch entitlement;</li> <li>• As set out in section 296B of the Fisheries Act 1996, certain specified functions, duties or powers can only be transferred to approved service delivery organisations that comply with specified criteria; and</li> <li>• Foreign research vessels require the permission of the Minister of Fisheries to take fish, seaweed, or aquatic life within the New Zealand Exclusive Economic Zone.</li> </ul>

<b>Sector</b>	Business Services Energy Manufacturing Wholesale trade Retail
<b>Obligations concerned</b>	National Treatment (Article 5) Most Favoured Nation Treatment (Article 6) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	New Zealand reserves the right to adopt any measure in order to prohibit, regulate, manage or control the production, use, distribution, or retail of nuclear energy, including setting conditions for natural persons or juridical persons to do so.

<b>Sector</b>	Communication Services Audio-visual and other Services
<b>Obligations concerned</b>	Most Favoured Nation Treatment (Article 6) Performance Requirements (Article 7)
<b>Description</b>	New Zealand reserves the right to adopt or maintain preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
<b>Existing Measures</b>	For greater transparency, section 18 New Zealand Film Commission Act 1978 limits Commission funding to films with a “significant New Zealand content”. This criterion is deemed to be satisfied if made pursuant to a co-production agreement or arrangement with the partner country in question.

<b>Sector</b>	Communication Services Audio-visual and other Services
<b>Obligations concerned</b>	Performance Requirements (Article 7)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measure made by or under any enactment with respect to the promotion of local content on public radio and public television.

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measures with respect to:</p> <ul style="list-style-type: none"> <li>• the holding of shares in the co-operative dairy company arising from the amalgamation authorised by section 7(1)(a) of the Dairy Industry Restructuring Act 2001 (DIRA) (or any successor body); and</li> <li>• the disposition of assets of that company or its successor bodies.</li> </ul>
<b>Existing Measures</b>	Dairy Industry Restructuring Act 2001 and regulations.



<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measures with respect to the export marketing of fresh kiwifruit to all markets other than Australia.
<b>Existing Measures</b>	The Kiwifruit Industry Restructuring Act 1999 and regulations.

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measures with respect to:</p> <ul style="list-style-type: none"> <li>• specifying the terms and conditions for the establishment and operation of any government endorsed allocation scheme for the rights to the distribution of export products falling within the HS categories covered by the <i>WTO Agreement on Agriculture</i> to markets where tariff quotas, country-specific preferences, or other measures of similar effect are in force; and</li> <li>• the allocation of distribution rights to wholesale trade service suppliers pursuant to the establishment or operation of such an allocation scheme.</li> </ul>

This reservation is not intended to have the effect of prohibiting all investment in the provision of wholesale trade and distribution services relating to goods in the HS chapters covered by the *WTO Agreement on Agriculture*. The entry applies in respect of investment to the extent that the services sectors specified in this reservation are a subset of agricultural products subject to tariff quotas, country-specific preferences, or other measures of similar effect.

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations concerned</b>	National Treatment (Article 5) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to maintain or adopt any measures necessary to give effect to the establishment or the implementation of mandatory marketing plans (also referred to as “export marketing strategies”) for the export marketing of products derived from:</p> <ul style="list-style-type: none"> <li>• agriculture;</li> <li>• beekeeping;</li> <li>• horticulture;</li> <li>• arboriculture;</li> <li>• arable farming; and</li> <li>• the farming of animals,</li> </ul> <p>where there is support within the relevant industry that a mandatory collective marketing plan should be adopted or activated.</p> <p>For the avoidance of doubt, mandatory marketing plans in the context of this reservation exclude measures limiting the number of market participants or limiting the volume of exports.</p>
<b>Existing Measures</b>	New Zealand Horticulture Export Authority Act 1987

<b>Sector</b>	Health and Social services Social services
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measure with respect to the supply of adoption services.

<b>Sector</b>	Recreation, cultural and sporting (other than audiovisual services)
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	New Zealand reserves the right to adopt or maintain any measure with respect to gambling, betting and prostitution services.
<b>Existing Measures</b>	Gambling Act 2003 Gaming and Lotteries (Licensed Promoters) Regulations 2005 Gambling (Class 4 Banking) Regulations 2006 Gambling (Class 4 Net Proceeds) Regulations 2004 Gambling (Fees) Regulations 2007 Gambling (Infringement Notices) Regulations 2004 Gambling (Harm Prevention and Minimisation) Regulations 2004 Gambling (Prohibited Property) Regulations 2005 Gambling (Problem Gambling Levy) Regulations 2007 Prostitution Reform Act 2003 Racing Act 2003

<b>Sector</b>	Recreation, cultural and sporting services Library, archive, museum and other cultural services
<b>Obligations concerned</b>	National Treatment (Article 5) Performance Requirements (Article 7)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measures in respect of:</p> <ul style="list-style-type: none"> <li>• Cultural heritage of national value; including ethnological, archaeological, historical, literary, artistic, scientific or technological heritage, as well as collections that are documented, preserved and exhibited by museums, galleries, libraries, archives, and other heritage collecting institutions;</li> <li>• Public archives;</li> <li>• Library and museum services; and</li> <li>• Services for the preservation of historical or sacred sites or historical buildings.</li> </ul>

<b>Sector</b>	Transport Maritime Services
<b>Obligations concerned</b>	National Treatment (Article 5) Most Favoured Nation Treatment (Article 6) Performance Requirements (Article 7) Senior Management and Boards of Directors (Article 8)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>• The carriage by sea of passengers and/or cargo between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port in New Zealand (“maritime cabotage”);</li> <li>• Provision of certain Port Services (pilotage, towing and tug assistance provisioning, fuelling and watering, garbage collecting and ballast waste disposal, port captains’ services, navigation aids, emergency repair facilities, anchorage, other shore-based operational services essential to ship operations, including communications, water and electrical supplies). However no measures shall be applied which deny international maritime transport suppliers reasonable and non-discriminatory access to the above port services;</li> <li>• The establishment of registered companies for the purpose of operating a fleet under the New Zealand flag; and</li> <li>• The registration of vessels in New Zealand.</li> </ul>

<b>Sector</b>	Financial Services
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	<p>New Zealand reserves the right to adopt or maintain any measures with respect to the supply of:</p> <ul style="list-style-type: none"> <li>• Compulsory social insurance for personal injury caused by accident, work related gradual process disease and infection, and treatment injury; and</li> <li>• disaster insurance for residential property for replacement cover up to a defined statutory maximum.</li> </ul>
<b>Existing Measures</b>	<p>Injury Prevention, Rehabilitation and Compensation Act 2001  Earthquake Commission Act 1993</p>



<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 5)
<b>Description</b>	New Zealand reserves the right to adopt or maintain measures restricting the use by a non financial services entity of statutorily protected financial services provider titles including but not limited to “bank”, “building society”, “credit union”, “friendly society”, “stock exchange”, “securities exchange”, “futures exchange”, or “futures market”.
<b>Existing Measures</b>	Reserve Bank Act 1989 Building Societies Act 1965 Friendly Societies and Credit Unions Act 1982 Securities Act 1978