

PUBLIC PROCUREMENT MARKET ACCESS COMMITMENTS

SECTION A

Schedule of the European Union

The market access granted to suppliers and service providers from New Zealand in addition to the market access already covered under the GPA comprises the following:

1. procurement by central government contracting authorities of Member States listed in Annex 1 to the Union's Appendix I to the GPA that have been marked with an asterisk and double asterisk;
2. procurement by regional contracting authorities¹ of the Member States;
3. procurement by procuring entities operating in the field of airport facilities covered under Annex 3 to the Union's Appendix I to the GPA; and

¹ For the purposes of this Agreement, "regional contracting authorities" shall be understood as contracting authorities of the administrative units falling under NUTS 1 and 2, as referred to in Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ EU L 154, 21.6.2003, p. 1), as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny – Part One (OJ EU L 311, 21.11.2008, p. 1).

SECTION B

Schedule of New Zealand

SUB-SECTION 1

Central government entities

Unless otherwise specified, Chapter 14 (Public procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

Goods: SDR 130 000

Services: SDR 130 000

Construction Services: SDR 5 000 000

List of entities:

1. Ministry for Primary Industries;
2. Department of Conservation;

3. Department of Corrections;
4. Crown Law Office;
5. Ministry of Business, Innovation and Employment;
6. Ministry for Culture and Heritage;
7. Ministry of Defence;
8. Ministry of Education;
9. Education Review Office;
10. Ministry for the Environment;
11. Ministry of Foreign Affairs and Trade;
12. Government Communications Security Bureau;
13. Ministry of Health;
14. Inland Revenue Department;

15. Department of Internal Affairs;
16. Ministry of Justice;
17. Land Information New Zealand;
18. Te Puni Kōkiri – Ministry of Māori Development;
19. New Zealand Customs Service;
20. Ministry for Pacific Peoples;
21. Department of the Prime Minister and Cabinet;
22. Serious Fraud Office;
23. Ministry of Social Development;
24. Public Service Commission;
25. Statistics New Zealand;
26. Ministry of Transport;

27. The Treasury;
28. Oranga Tamariki – Ministry for Children;
29. Ministry for Women;
30. New Zealand Defence Force;
31. New Zealand Police;
32. Ministry of Housing and Urban Development;
33. Pike River Recovery Agency.

Note to Sub-Section 1

All agencies subordinate to the above listed central government entities are covered.

SUB-SECTION 2

Sub-central government entities

Unless otherwise specified, Chapter 14 (Public procurement) covers procurement by entities listed in this Sub-Section, subject to the following thresholds:

Goods: SDR 200 000

Services: SDR 200 000

Construction Services: SDR 5 000 000

List of entities:

1. Health New Zealand (Note 1);
2. Auckland Council (Note 2);
3. Wellington City Council (Note 2);
4. Christchurch City Council (Note 2);
5. Waikato Regional Council (Note 2);

6. Bay of Plenty Regional Council (Note 2);
7. Greater Wellington Regional Council (Note 2);
8. Canterbury Regional Council (Note 2);
9. Carterton District Council (Note 2);
10. Central Hawke's Bay District Council (Note 2);
11. Far North District Council (Note 2);
12. Gisborne District Council (Note 2);
13. Hamilton City Council (Note 2);
14. Hastings District Council (Note 2);
15. Hauraki District Council (Note 2);
16. Hawke's Bay Regional Council (Note 2);
17. Horizons Regional Council (Note 2);

18. Horowhenua District Council (Note 2);
19. Hutt City Council (Note 2);
20. Kaipara District Council (Note 2);
21. Kapiti Coast District Council (Note 2);
22. Manawatu District Council (Note 2);
23. Masterton District Council (Note 2);
24. Matamata-Piako District Council (Note 2);
25. Napier City Council (Note 2);
26. New Plymouth District Council (Note 2);
27. Northland Regional Council (Note 2);
28. Ōpōtiki District Council (Note 2);
29. Ōtorohanga District Council (Note 2);

30. Palmerston North City Council (Note 2);
31. Porirua City Council (Note 2);
32. Rangitikei District Council (Note 2);
33. Rotorua Lakes Council (Note 2);
34. Ruapehu District Council (Note 2);
35. South Taranaki District Council (Note 2);
36. South Waikato District Council (Note 2);
37. South Wairarapa District Council (Note 2);
38. Stratford District Council (Note 2);
39. Taranaki Regional Council (Note 2);
40. Tararua District Council (Note 2);
41. Taupō District Council (Note 2);

42. Tauranga City Council (Note 2);
43. Thames-Coromandel District Council (Note 2);
44. Upper Hutt City Council (Note 2);
45. Waikato District Council (Note 2);
46. Waipa District Council (Note 2);
47. Whanganui District Council (Note 2);
48. Western Bay of Plenty District Council (Note 2);
49. Whangarei District Council (Note 2);
50. Ashburton District Council (Note 2);
51. Central Otago District Council (Note 2);
52. Clutha District Council (Note 2);
53. Dunedin City Council (Note 2);

54. Environment Southland (Note 2);
55. Gore District Council (Note 2);
56. Grey District Council (Note 2);
57. Hurunui District Council (Note 2);
58. Invercargill City Council (Note 2);
59. Marlborough District Council (Note 2);
60. Nelson City Council (Note 2);
61. Otago District Council (Note 2);
62. Queenstown Lakes District Council (Note 2);
63. Selwyn District Council (Note 2);
64. Southland District Council (Note 2);

65. Tasman District Council (Note 2);
66. Waimakariri District Council (Note 2);
67. Waitaki District Council (Note 2);
68. West Coast Regional Council (Note 2);
69. Auckland Transport (Note 2).

Notes to Sub-Section 2

1. For greater certainty, procurement undertaken by Health New Zealand through its agent healthAlliance Limited is covered.
2. Coverage of these entities is limited to the procurement of goods, services and construction services relating to transport projects funded, in whole or in part, by the New Zealand Transport Agency for which the value of the procurement equals or exceeds the applicable threshold specified above. For greater certainty, Chapter 14 (Public procurement) does not apply to any other procurement by these entities.

SUB-SECTION 3

Other entities

Unless otherwise specified, Chapter 14 (Public procurement) covers procurement by entities listed in this Sub-Section, subject to the following thresholds:

Goods: SDR 400 000

Services: SDR 400 000

Construction Services: SDR 5 000 000

List of entities:

1. Accident Compensation Corporation (Note 1);
2. Civil Aviation Authority of New Zealand;
3. Energy Efficiency and Conservation Authority;
4. Kāinga Ora – Homes and Communities;

5. Maritime New Zealand;
6. New Zealand Antarctic Institute;
7. Fire and Emergency New Zealand (Note 5);
8. New Zealand Qualifications Authority;
9. New Zealand Tourism Board;
10. New Zealand Trade and Enterprise;
11. New Zealand Transport Agency;
12. Ōtākaro Limited (Note 4);
13. Sport and Recreation New Zealand (Note 2);
14. Tertiary Education Commission;
15. Education New Zealand;
16. Callaghan Innovation;

17. Earthquake Commission (Note 6);
18. Environmental Protection Authority; (Note 6);
19. Health Promotion Agency;
20. Health Quality and Safety Commission;
21. Health Research Council of New Zealand;
22. New Zealand Blood Service (Note 7);
23. New Zealand Walking Access Commission;
24. Real Estate Agents Authority (Note 8);
25. Social Workers Registration Board;
26. WorkSafe New Zealand;
27. Guardians of New Zealand Superannuation (Note 9);
28. Museum of New Zealand Te Papa (Note 10);

29. New Zealand Infrastructure Commission;
30. New Zealand Lotteries Commission;
31. Climate Change Commission;
32. Electoral Commission (Note 11);
33. Financial Markets Authority;
34. Education Payroll Limited (Note 12);
35. Research and Education Advanced Network New Zealand Limited;
36. Tāmaki Redevelopment Company Limited (Note 13);
37. Airways Corporation of New Zealand Limited;
38. Meteorological Service of New Zealand Limited;
39. KiwiRail Holdings Limited;
40. Transpower New Zealand Limited (Note 3);

41. Government Superannuation Fund Authority;
42. New Zealand Artificial Limb Service;
43. Health and Disability Commissioner;
44. Human Rights Commission;
45. New Zealand Productivity Commission;
46. Crown Irrigation Investments Limited;
47. New Zealand Growth Capital Partners Limited;
48. City Rail Link Limited;
49. Crown Infrastructure Partners Limited;
50. New Zealand Green Investment Finance Limited;
51. Accreditation Council;
52. Arts Council of New Zealand;

53. Broadcasting Commission;
54. Heritage fi New Zealand;
55. New Zealand Film Commission (Note 14);
56. New Zealand Symphony Orchestra (Note 14);
57. Public Trust (Note 15);
58. Retirement Commissioner;
59. Māori Broadcasting Funding Agency (Note 16);
60. Māori Language Commission (Note 16);
61. Pharmaceutical Management Agency (Note 17);
62. Broadcasting Standards Authority;
63. Children's Commissioner;
64. Commerce Commission;

65. Criminal Cases Review Commission (Note 8);
66. Drug Free Sport New Zealand;
67. Law Commission;
68. Electricity Authority;
69. External Reporting Board;
70. Independent Police Conduct Authority (Note 8);
71. Mental Health and Wellbeing Commission;
72. Office of Film and Literature Classification (Note 8);
73. Privacy Commissioner;
74. Takeovers Panel;
75. Transport Accident Investigation Commission (Note 8);
76. Radio New Zealand Limited (Note 14);

77. Television New Zealand Limited;
78. Crown Asset Management Limited;
79. The Network for Learning Limited;
80. Predator Free 2050 Limited;
81. Southern Response Earthquake Services Limited;
82. Māori Health Authority: (Note 16).

Notes to Sub-Section 3

1. Accident Compensation Corporation: Chapter 14 (Public procurement) does not cover procurement of pension fund management, public insurance and fund placements, investments or financial services related to securities or trading on an exchange.
2. Sport and Recreation New Zealand: Chapter 14 (Public procurement) does not apply to the procurement of goods and services containing confidential information related to enhancing competitive sport performance.

3. Transpower New Zealand Limited: The following procurements are excluded from cover:
- (a) Electrical stringing services (part of the total range of activities covered by CPC Prov. 5134);
 - (b) Tower painting services (part of the total range of activities covered by CPC Prov. 5173); and
 - (c) For greater certainty, projects funded directly by private sector customers where those projects would not be undertaken except for the funding provided by those customers.
4. Ōtākaro Limited: All procurement is covered, including procurement that was undertaken by the Christchurch Earthquake Recovery Authority and transferred to Ōtākaro Limited upon its disestablishment, and all obligations in Chapter 14 (Public procurement) specifically relating to Sub-Section 1 entities shall apply. For greater certainty, the thresholds are SDR 130 000 for Goods and Services and SDR 5 000 000 for Construction Services, and any agencies subordinate to Ōtākaro Limited are covered.
5. Fire and Emergency New Zealand: Chapter 14 (Public procurement) shall only cover procurement that was undertaken by the New Zealand Fire Service Commission. For the avoidance of doubt, the following procurements are excluded from cover: any procurement by Fire and Emergency New Zealand that was previously conducted by Rural Fire Authorities, Rural Fire Committees and/or Territorial Authorities (for the purposes of their functions under the Forest and Rural Fires Act 1977).

6. Chapter 14 (Public procurement) does not cover procurement of pension fund management, public insurance and fund placements, investments or financial services.
7. New Zealand Blood Service: Except for the procurement of plasma fractionation services.
8. Except for legal services, arbitration and conciliation services.
9. Guardians of New Zealand Superannuation: Chapter 14 (Public procurement) does not cover procurement of pension fund management, fund placements, investments or financial services.
10. Museum of New Zealand Te Papa: Chapter 14 (Public procurement) does not cover any procurement for the purpose of transporting museum exhibits or works of art.
11. Electoral Commission: Chapter 14 (Public procurement) does not cover procurement of services to administer the general election.
12. Education Payroll Limited: Chapter 14 (Public procurement) does not cover procurement for maintenance of schools' payrolls.
13. Tāmaki Redevelopment Company Limited: Chapter 14 (Public procurement) does not cover procurement relating to the production, transport or distribution of drinking water.

14. Except for procurement related to the acquisition, development, production or co-production of programmes and programme materials.
15. Public Trust: Except for legal services, including legal aid services, provided by trustees or appointed by guardians or administrators.
16. The right to accord a preference for Māori providers is specifically reserved.
17. Pharmaceutical Management Agency: For greater certainty, activities related to this agency's functions in respect of funding pharmaceuticals and medical devices is not covered.
18. For entities listed in Sub-Sections 1, 2 and 3, Chapter 14 (Public procurement) shall cover only those entities listed and does not extend to subordinate or subsidiary agencies, unless otherwise specified.

SUB-SECTION 4

Goods

Unless otherwise specified, Chapter 14 (Public procurement) covers procurement of all goods by the entities listed in Sub-Sections 1, 2 and 3.

SUB-SECTION 5

Services

1. Unless otherwise specified, Chapter 14 (Public procurement) covers procurement of all services by the entities listed in Sub-Sections 1, 2 and 3.

2. Chapter 14 (Public procurement) does not cover the procurement of any of the following services as identified in accordance with the Provisional CPC (CPC Prov.) as set out in document MTN.GNS/W/120:
 - (a) research and development services (CPC Prov. 851-853);

 - (b) public health services (CPC Prov. 931, including 9311, 9312 and 9319);

 - (c) education services (CPC Prov. 921, 922, 923, 924 and 929); or

 - (d) welfare services (CPC Prov. 933 and 913).

SUB-SECTION 6

Construction services

List of Construction Services (Division 51, CPC Prov.):

Unless otherwise specified, Chapter 14 (Public procurement) covers procurement of all construction services in Division 51 of the Provisional CPC (CPC Prov.) as set out in document MTN.GNS/W/120.

SUB-SECTION 7

General notes

1. The following general notes apply without exception to Chapter 14 (Public procurement), including to Sub-Sections 1 to 6 of this Annex.
2. Chapter 14 (Public procurement) does not cover:
 - (a) for greater certainty, governmental provision of goods and services to persons or governmental authorities not specifically covered under Sub-Sections 1 to 6;
 - (b) procurement of goods or services in respect of contracts for construction, refurbishment or furnishing of chanceries abroad;

- (c) procurement of goods or services outside the territory of New Zealand for consumption outside the territory of New Zealand;
- (d) for greater certainty under point (b) of Article II:3 of the GPA, commercial sponsorship arrangements;
- (e) any procurement made by an entity covered under the Sub-Sections 1 to 6 on behalf of an organisation that is not an entity covered under Sub-Sections 1 to 6;
- (f) procurement by an entity covered under Sub-Sections 1 to 6 from another entity covered under Sub-Sections 1 to 6, except where tenders are called, in which case, Chapter 14 (Public procurement) shall apply; or
- (g) any procurement for the purposes of developing, protecting or preserving national treasures of artistic, historic, archaeological value of cultural heritage.

3. For greater certainty, a procuring entity may apply limited tendering procedures under points (b)(ii) and (b)(iii) of Article XIII:1 of the GPA in relation to unsolicited unique proposals¹.

¹ As defined and handled according to the New Zealand Government guidance document, "Unsolicited Unique Proposals – How to deal with uninvited bids" (May 2013), updated from time to time.

