

ANNEX III

BUSINESS VISITORS FOR ESTABLISHMENT PURPOSES,
INTRA-CORPORATE TRANSFEREES AND SHORT-TERM BUSINESS VISITORS

1. Articles X.21 [Intra-corporate transferees and business visitors for establishment purposes] and X.22 [Short-term business visitors] do not apply to any existing non-conforming measure listed in this Annex, to the extent of the non-conformity.
2. A measure listed in this Annex may be maintained, continued, promptly renewed, modified or amended, provided that the modification or amendment does not decrease the conformity of the measure with Articles X.21 [Intra-corporate transferees and business visitors for establishment purposes], as it existed immediately before the modification or amendment.
3. In addition to the list of commitments in this Annex, each Party may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Articles X.21 [Intra-corporate transferees and business visitors for establishment purposes] and X.22 [Short-term business visitors]. These measures, may include, in particular, the need to obtain a licence, obtain recognition of qualifications in regulated sectors or to pass specific examinations, such as language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, or any other non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.
4. The schedules in paragraphs 9 and 10 apply only to the territories of New Zealand and the European Union in accordance with Article [Territorial application] of Chapter X [Final

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Provisions] and are only relevant in the context of trade relations between the European Union and its Member States with New Zealand. They do not affect the rights and obligations of the Member States under European Union law.

5 For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of New Zealand the treatment granted in a Member State, in application of the Treaty on the Functioning of the European Union, or of any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:

- (a) natural persons or residents of another Member State; or
- (b) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in the European Union.

6. Commitments for Intra-corporate Transferees, Business Visitors for establishment purposes and Short-term business visitors do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour/management dispute or negotiation.

7. All other requirements of the laws and regulations of the EU and its Member States regarding entry, stay, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements, even if not listed below.

8. The following abbreviations are used in the paragraphs below:

- AT Austria
- BE Belgium
- BG Bulgaria

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CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
EU	European Union, including all its Member States
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovak Republic

9. New Zealand's commitments are¹:

Business visitors for establishment purposes

¹ Notwithstanding the commitments set out above, New Zealand reserves the right to adopt or maintain any measure with respect to ships' crews.

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All sectors	Permissible length of stay: up to 90 days in any twelve month period.
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Intra-corporate transferees

All sectors	Permissible length of stay: Entry for a period of up to a maximum of three years.
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Short-term business visitors

All sectors All activities referred to in [Annex III bis - list of activities of short-term business visitors]:	Permissible length of stay: up to ninety days in any twelve-month period.
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10. The European Union's commitments are:

Business visitors for establishment purposes

All sectors	<p>AT, CZ: A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>SK: A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test.</p> <p>CY: Permissible length of stay: up to 90 days in any twelve month period. A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound.</p>
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Intra-corporate transferees

All sectors	<p>AT, CZ, SK: Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>FI: Senior personnel needs to be employed by an enterprise other than a non-profit organisation.</p> <p>HU: Natural persons who have been a partner in an enterprise do not qualify to be transferred as intra-corporate transferees.</p>
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Short-term business visitors

All activities referred to in [Annex III bis - list of activities of	<p>CY, DK, HR: Work permit, including economic needs test, required in case the short-term business visitor supplies a service.</p> <p>LV: Work permit required for operations/activities to be performed on the basis of a contract.</p>
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short-term business visitors]:	<p>MT: Work permit required. No economic needs tests performed.</p> <p>SI: A single residency and work permit is required for the supply of services exceeding 14 days at a time and for certain activities (research and design; training seminars; purchasing; commercial transactions; translation and interpretation). An economic needs test is not required.</p> <p>SK: In case of supplying a service in the territory of Slovakia, a work permit, including economic needs test, is required beyond seven days in a month or 30 days in calendar year.</p>
Research and design	<p>AT: Work permit, including economic needs test, required, except for research activities of scientific and statistical researchers.</p>

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Marketing research	<p>AT: Work permit required, including economic needs test. Economic needs test is waived for research and analysis activities for up to seven days in a month or 30 days in a calendar year. University degree required.</p> <p>CY: Work permit required, including economic needs test.</p>
Trade fairs and exhibitions	<p>AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year.</p>
After-sales or after-lease service	<p>AT: Work permit required, including economic needs test. Economic needs test is waived for natural persons training workers to supply services and possessing specialised knowledge.</p> <p>CY : Work permit is required beyond seven days in a month or 30 days in calendar year.</p> <p>CZ: Work permit is required if work exceeds seven consecutive calendar days or a total of 30 days in calendar year.</p> <p>ES: Work permit required. Installers, repair and maintainers should be employed as such by the legal person supplying the good or service or by an enterprise which is a member of the same group as the originating legal person for at least three months immediately preceding the date of submission of an application for entry and they should possess at least 3 years of relevant professional experience, where applicable, obtained after the age of majority.</p> <p>FI: Depending on the activity, a residence permit may be required.</p> <p>SE: Work permit required, except for (i) natural persons who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction, or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No economic needs test required.</p>
Commercial	<p>AT, CY: Work permit, including economic needs test, required for</p>

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transactions	activities beyond seven days in a month or 30 days in a calendar year. FI: The natural person needs to be supplying services as an employee of a legal person of the other Party.
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Tourism personnel	CY, ES, PL: Unbound. FI: The natural person needs to be supplying services as an employee of a legal person of the other Party. SE: Work permit required, except for drivers and staff of tourist buses. No economic needs test required.
Translation and interpretation	AT: Work permit required, including economic needs test. CY, PL: Unbound.
