

**ANNEX II  
SCHEDULE OF SPECIFIC COMMITMENTS FOR SERVICES**

**NEW ZEALAND**

**EXPLANATORY NOTES**

1. Specific commitments in this Schedule are prepared in accordance with the WTO 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 WTO Secretariat in MTN.GNS/W/120. In the context of CPC listings in this 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 or herself an overseas person.

Maritime Transport Services

3. Cabotage: for the 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.

Most-Favoured-Nation Treatment and Future Liberalisation

5. In accordance with paragraph 2 of Article 8.3 (Scheduling of Commitments), New Zealand is undertaking commitments under Article 8.6 (Most-Favoured-Nation Treatment). In accordance with subparagraph 1(b) of Article 8.6 (Most-Favoured-Nation Treatment), New Zealand's commitments on Most-Favoured-Nation Treatment are set out in Appendix I (Most-Favoured-Nation Treatment Sectoral Coverage) to this Schedule.
6. In accordance with paragraph 3 of Article 8.7 (Schedules of Specific Commitments), New Zealand includes a list of sectors or subsectors for future liberalisation in Appendix II (Future Liberalisation) to this Schedule.

7. For the purposes of transparency only, the Attachment to this Schedule contains the non-conforming measures New Zealand typically identifies and the policy space typically reserved by New Zealand in its Schedules of Non-Conforming Measures and which New Zealand reserves the right to include in a future Schedule of Non-Conforming Measures under this Agreement. For greater certainty, the Attachment to this Schedule is not a non-binding transparency list pursuant to Article 8.10 (Transparency List).
8. Unbound\* means unbound due to technical feasibility.

**ANNEX II  
SCHEDULE OF SPECIFIC COMMITMENTS FOR SERVICES  
NEW ZEALAND**

Modes of Supply:    1) Cross-border Supply    2) Consumption abroad    3) Commercial presence    4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>(3) Overseas Investment Office (OIO) approval is required for the following investments by an "overseas person":<sup>1</sup></p> <ul style="list-style-type: none"> <li>(a) acquisition or control of 25 per cent or more of the shares or voting power in a company where either the consideration for the transfer or the value of the assets of the company exceeds NZ\$10 million;</li> <li>(b) the establishment of new business in New Zealand where the total expenditure in setting up the business exceeds NZ\$10 million;</li> <li>(c) the acquisition of the assets of the business where the total consideration paid or payable for the assets exceeds NZ\$10 million; and</li> <li>(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 NZ\$10 million.</li> </ul> <p>OIO consent is required, regardless of the dollar value of the investment, for acquisition or control of certain classes of</p>	

<sup>1</sup> See paragraph 2 of Explanatory Note.

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>land that are regarded as sensitive or require specific approval according to New Zealand's overseas investment regime.</p> <p>Unbound for enterprises currently in State ownership.</p>	
	<p>(1)(2)(3)(4) New Zealand remains unbound with respect to:</p> <p>(a) the provision of public law enforcement and correctional services; and</p> <p>(b) the following, to the extent that they are social services established for a public purpose: child-care; health; income security and insurance; public education; public housing; public training; public transport; public utilities; social security and insurance; or social welfare.</p>		
	<p>(4) Unbound except for measures concerning the temporary entry and temporary stay of a natural person of another Party who falls within one of the categories and subject to the conditions set out in New Zealand's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	
	<p>(1)(2)(3)(4) Unbound in cases of labour or management disputes, and also with respect to ships' crews.</p>		
	<p>(1)(2)(3)(4) New Zealand remains unbound with</p>		

**Modes of Supply:**    1) Cross-border Supply    2) Consumption abroad    3) Commercial presence    4) Presence of natural persons

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	respect to all measures necessary to protect national treasures or specific sites of historical or archaeological value, or measures necessary to support creative arts of national value. <sup>2</sup>		

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<sup>2</sup> “Creative arts” include the performing arts – including theatre, dance, and music – visual arts and craft, literature, film and video, language arts, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art work, including those that use new technologies to transcend discrete art form divisions. The term encompasses those activities involved in the presentation, execution, and interpretation of the arts, and the study and technical development of these art forms and activities.

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
a) Legal Services  in respect of the following areas of law: (CPC 861)  - Domestic Law  - International law  - Foreign law	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments  (1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments  (1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments  (1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments  (1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

**Modes of Supply:    1) Cross-border Supply    2) Consumption abroad    3) Commercial presence    4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
b) Accounting, auditing and book-keeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
c) Taxation services  - Tax preparation, tax planning and consulting services (CPC 86301-86303)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
d) Architectural services (CPC 8671)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
e) Engineering services (CPC 8672)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
g) Consultancy related to urban planning and landscape architecture (CPC 8674**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
i) Veterinary services (CPC 9320)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	



Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. Computer and Related Services</b>			
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 Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
b) Software implementation services (CPC 842)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
c) Data processing services (CPC 843)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
d) Database services (CPC 844)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

**Modes of Supply:    1) Cross-border Supply    2) Consumption abroad    3) Commercial presence    4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e) Maintenance and repair of office machinery and equipment including computers (CPC 845)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
e) Other computer services (CPC 849)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>D. Real Estate Services</b>			
a) Involving own or leased property (CPC 821)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
b) On a fee or contract basis (CPC 822)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>E. Rental or Leasing Services without Crew</b>			
Transport and non-transport (CPC 8310)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
c) Management consulting services (CPC 865)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
d) Services related to management consulting (CPC 866)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
f) Services incidental to agriculture, hunting and forestry (CPC 8811, 8813, 8814)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
f) Services incidental to animal husbandry (CPC 8812)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(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 Commitments	
k) Placement and supply services of personnel (CPC 872)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal	

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Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Commitments	Commitments	
o) Cleaning of buildings and similar activities (CPC 874)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
p) Photographic services (CPC 875)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
s) Convention services (CPC 87909**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
t) Credit reporting services (CPC 87901)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	The <i>Privacy Act 1993</i> establishes New Zealand's regulatory framework for the treatment of personal information, in general accordance with the OECD, <i>Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data</i> , OECD/LEGAL/0188.

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<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
t) Collection agency services (CPC 87902)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
t) Translation services (CPC 87905**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
t) Interior design services (CPC 87907**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
t) Telephone answering services (CPC 87903)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

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<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
t) Duplicating services (CPC 87904)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
t) Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
t) 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 the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
<b>C. Telecommunication Services</b>			
a) Voice telephone services (CPC 7521) b) Packet-switched data transmission services (CPC 7523**) c) Circuit-switched data transmission services (CPC 7523**) d) Telex services (CPC 7523**) e) Telegraph services (CPC 7522) f) Facsimile services (CPC 7521**, CPC 7529**) g) Private leased circuit services (CPC 7522**, CPC 7523**) 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 or 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 Commitments	(1) None (2) None (3) The shareholding by any single overseas entity in Chorus Limited is limited 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 Commitments	



**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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*)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) The shareholding by any single overseas entity in Chorus Limited is limited 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 Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>D. Audiovisual Services</b></p> <p>Production, distribution, exhibition and broadcasting of audiovisual works (CPC 9611-9613, CPC 96192**, CPC 7524, CPC 753)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) The New Zealand immigration instructions, authorised under the <i>Immigration Act 2009</i>, 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</p>	<p>(1)(3) The Broadcasting Commission has a statutory obligation to promote Māori language and culture and allocates a proportion of its funding for this purpose.</p> <p>Te Reo Whakapuaki Irirangi (the Māori Broadcasting Funding Agency) allocates government funding for the promotion of Māori language and culture.</p> <p>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 <i>New Zealand Film Commission Act 1978</i>.</p> <p>(2) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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>		

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
<b>A. General Construction Work for Buildings (CPC 512, CPC 515)</b>	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>B. General Construction Work for Civil Engineering (CPC 513)</b>	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>C. Installation and Assembly Work (CPC 514, CPC 516)</b>	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>D. Building Completion and Finishing Work (CPC 517)</b>	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None for consultancy services (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p><b>E. Other</b></p> <ul style="list-style-type: none"> <li>- Site preparation: new construction (other than pipelines) (CPC 511)</li> <li>- Maintenance and repair of fixed structures</li> <li>- Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator (CPC 518)</li> </ul>	<p>(1) None for consultancy services</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</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 Commitments</p>	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
<b>A. Commission agents' services (CPC 6211, excluding CPC 62111, CPC 62112, and such services relating to CPC 2613-2615)</b>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>B. Wholesale Trade (CPC 622 excluding CPC 6221, CPC 6222 and such services relating to CPC 2613-2615)</b>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>C. Retail Trade (CPC 631, CPC 632, CPC 6111, CPC 6113 and CPC 6121)</b>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>5. EDUCATIONAL SERVICES</b>			
<p>Primary, Secondary, and Tertiary education in private institutions (CPC 921, CPC 922, CPC 923)</p> <p>Other education in respect of the following services only:</p> <ul style="list-style-type: none"> <li>- language training provided in private specialist language institutions;</li> <li>- tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system.<sup>3</sup></li> </ul> <p>(CPC 929**)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	

<sup>3</sup> Examples of these services may include the provision of extension or remedial tuition in relation to mathematics, science, or history.

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES<sup>4</sup></b>			
<p><b>A. Waste water management</b></p> <ul style="list-style-type: none"> <li>- consultancy relating to waste water management;</li> <li>- for all other aspects of this service: those contracted by private industry only.</li> </ul> <p>(CPC 9401**)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	
<p><b>B. Waste management</b></p> <p>Refuse disposal services:</p> <ul style="list-style-type: none"> <li>- consultancy relating to refuse disposal;</li> <li>- for all other aspects of this service: those contracted by private industry only.</li> </ul> <p>(CPC 9402**)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	

<sup>4</sup> New Zealand's commitments on environmental services exclude the collection, purification, and distribution of water, including water for human use.



**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p><b>C. Sanitation and similar services:</b></p> <ul style="list-style-type: none"> <li>- consultancy relating to sanitation and similar services;</li> <li>- for all other aspects of this service: those contracted by private industry only.</li> </ul> <p>(CPC 9403**)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	
<p><b>D. Other</b></p> <ul style="list-style-type: none"> <li>- Protection of ambient air and climate: consultancy only (CPC 9404**)</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	
<ul style="list-style-type: none"> <li>- Remediation &amp; cleanup of soil and water: consultancy only (CPC 9406**)<sup>5</sup></li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	

<sup>5</sup> New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
- Noise and vibration abatement: consultancy only (CPC 9405**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Protection of biodiversity and landscape: consultancy only (CPC 9406**) <sup>6</sup>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Other environmental and ancillary services: consultancy only (CPC 9409**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

<sup>6</sup> New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Modes of Supply:    1) Cross-border Supply    2) Consumption abroad    3) Commercial presence    4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
1.	New Zealand undertakes its specific commitments on Financial Services in accordance with GATS "Understanding on Commitments in Financial Services" (hereinafter referred to as "the Understanding" in this Schedule).		
2.	New Zealand's commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this 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 4 (Prudential Measures) of Annex 8A (Financial Services).		
5.	Mode 3 commitments are subject to the provisions of the <i>Financial Reporting Act 1993</i> and the <i>Companies Act 1993</i> . 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 or 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**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment, and claim settlement services (CPC 8140**)	(3) None (4) Unbound except as indicated in the Horizontal Commitments	(3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>B. Banking and other Financial services (excluding insurance)<sup>7</sup></b>			
a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119) b) Lending of all types, including consumer credit, mortgage, credit, factoring, and financing of commercial transactions (CPC 8113) c) Financial leasing (CPC 8112) d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques, and bankers drafts (CPC 81339**) e) Guarantees and commitments (CPC 81199**)	(3) None (4) Unbound except as indicated in the Horizontal Commitments	(3) None (4) Unbound except as indicated in the Horizontal Commitments	

<sup>7</sup> As defined in subparagraphs (b)(v) through (xvi) of Article 1 (Definitions) of Annex 8A (Financial Services).

**Modes of Supply:    1) Cross-border Supply    2) Consumption abroad    3) Commercial presence    4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<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) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) through (l) 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>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	<p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments</p>	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)	(3) None (4) Unbound except as indicated in the Horizontal Commitments	(3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<b>A. Hotels and restaurants (CPC 641-643)</b>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>B. Travel agencies, C. Tour guides, and tour operator services (CPC 7471, 7472)</b>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	



Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
General conditions applicable to all maritime service sectors: marketing and sales of maritime transport services for products covered under CPC 01, 02, 211, 213-216, 22, 2399, and 261: Unbound.			
International Transport (freight and passengers) (CPC 7211 and CPC 7212) less cabotage - as defined in Explanatory Notes paragraph 3	(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 Commitments.	(1) None (2) None (3) Unbound as described in the market access column (4) Unbound except as indicated in the Horizontal Commitments	
<u>Maritime Auxiliary Services</u>			
- Storage and warehousing Services (CPC 742)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Maritime freight forwarding services (as defined in Explanatory Notes paragraph 4)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Air Transport Services</b>			
- Aircraft repair and maintenance services <sup>8</sup>	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
d) Supporting services for air transport	(1) Unbound for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261 (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Selling and marketing of air transport services <sup>9</sup>	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Computer reservation system services <sup>10</sup> (CPC 7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

<sup>8</sup> As defined in subparagraph (a) of Article 8.1 (Definitions).

<sup>9</sup> As defined in subparagraph (k) of Article 8.1 (Definitions).

<sup>10</sup> As defined in subparagraph (c) of Article 8.1 (Definitions).

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
- Airport operation services <sup>11</sup> (CPC 74610**, excluding navigation aids)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Other supporting services for air transport (CPC 74690** excluding firefighting and fire – prevention services)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Specialty air services <sup>12</sup>	(1) Unbound (2) Unbound (3) Unbound, except 100 per cent permitted for foreign equity (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

<sup>11</sup> “Airport operation services” means air terminal, airfield and other airport infrastructure operation services excluding airport security services and services covered in ground handling services.

<sup>12</sup> “Specialty air services” means any non-transportation air services, such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services.

**Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
- Cargo and baggage handling services (CPC 741**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Ramp handling services (CPC 741**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Airfreight storage and warehousing services (CPC 742**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
- Airport management services	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>E. Rail Transport Services</b>			
Rail transport services (CPC 711)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>F. Road Transport Services</b>			
Commercial road transport services (passenger, goods, rental and vehicle recovery) (CPC 712 except 71235)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	
<b>G. Pipeline Transport</b>			
Pipeline transport (CPC 713)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>12. OTHER SERVICES NOT INCLUDED ELSEWHERE</b>			
Washing, cleaning and dyeing services (CPC 9701)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments	

## APPENDIX I

### NEW ZEALAND'S MOST-FAVOURLED-NATION TREATMENT SECTORAL COVERAGE APPENDIX

Most-Favoured-Nation treatment applies to only Modes 1, 2, and 3, and does not apply to measures with respect to the supply of service by presence of natural persons.

<b>I. Horizontal Conditions (All Sectors Included in this Appendix)</b>
<p>Unbound for sale of any shares in, or any assets of, an enterprise, where the New Zealand Government wholly owns or has effective control over that enterprise.</p> <p>Unbound for devolving a service provided in the exercise of governmental authority at the date of entry into force of this Agreement.</p> <p>Unbound for:</p> <p>(a) the provision of public law enforcement and correctional services; and</p> <p>(b) the following, to the extent that they are social services established for a public purpose: child care; health; income security and insurance; public education; public housing; public training; public transport; public utilities; social security and insurance; or social welfare.</p> <p>Unbound for any differential treatment to services and service suppliers of any other Party or a non-Party under any free trade agreement or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.<sup>13</sup></p> <p>Unbound for enterprises currently in State Ownership.</p> <p>Unbound with respect to any more favourable treatment applicable to service suppliers of any other Party or a non-Party in respect of New Zealand's <i>Overseas Investment Act 2005</i> pursuant to any international agreement entered into force prior to or after the date of entry into force of this Agreement.</p>
<b>II. MFN Sectoral Coverage</b>
Wastewater management CPC 9401
Refuse disposal services CPC 9402
Sanitation and similar services CPC 9403
Protection of ambient air and climate CPC 9404
Noise and vibration abatement CPC 9405
Nature and landscape protection CPC 9406
Other environmental and ancillary services CPC 9409
General construction work for buildings CPC 512, CPC 515
General construction work for civil engineering CPC 513
Installation and assembly work CPC 514, CPC 516
Building completion and finishing work CPC 517
Other construction CPC 511, CPC 518
Architectural services CPC 8671
Veterinary services CPC 932

<sup>13</sup> 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.

Services incidental to forestry CPC 8814
Services incidental to agriculture CPC 8811
Engineering services CPC 8672
Integrated engineering services CPC 8673
Consultancy services related to the installation of computer hardware CPC 841
Software implementation services CPC 842
Data processing services CPC 843
Data base services CPC 844
Maintenance and repair of office machinery and equipment including computers CPC 845
Other computer services CPC 849
Hotels and restaurants CPC 641-643
Travel agencies and tour operator services CPC 7471
Tour guides CPC 7472
Production, distribution, exhibition, and broadcasting of audio visual works CPC 9611-9613, CPC 96192**,CPC 7524, CPC 753 (except treatment granted under preferential coproduction arrangements)
Private primary education services CPC 921
Private secondary education services CPC 922
Private higher education services CPC 923
Private adult education services CPC 924
Private other education services CPC 929
Airport management services
Airfreight storage and warehousing services CPC 742
Air ramp handling services CPC 741**
Air cargo and baggage handling services CPC 741**
Other supporting services for air transport CPC 74690**
Airport operation services CPC 74610**
Aircraft repair and maintenance services
Computer reservation system services CPC 7523**
Selling and marketing of air transport services
Specialty air services



## APPENDIX II

### NEW ZEALAND'S FUTURE LIBERALISATION APPENDIX

1. This Appendix contains the subsectors with commitments on future liberalisation, for the purposes of paragraph 3 of Article 8.7 (Schedules of Specific Commitments), for Modes 1, 2, and 3.
2. For greater certainty, New Zealand's future liberalisation commitments do not apply to measures with respect to the supply of service by presence of natural persons.
3. Future liberalisation does not apply to any of New Zealand's horizontal commitments.
4. New Zealand commits future liberalisation on the following subsectors:

<b>1. BUSINESS SERVICES</b>	
<b>F. Other Business Services</b>	
(f) Services incidental to animal husbandry (CPC 8812)	Future Liberalisation (FL)
<b>2. COMMUNICATION SERVICES</b>	
<b>C. Telecommunication Services</b>	
(a) Voice telephone services (CPC 7521)	Future Liberalisation (FL)
(b) Packet-switched data transmission services (CPC 7523**)	Future Liberalisation (FL)
(c) Circuit-switched data transmission services (CPC 7523**)	Future Liberalisation (FL)
(d) Telex services (CPC 7523**)	Future Liberalisation (FL)
(e) Telegraph services (CPC 7522)	Future Liberalisation (FL)
(f) Facsimile services (g) (CPC 7521**, CPC 7529**)	Future Liberalisation (FL)
(h) Private leased circuit services (CPC 7522**, CPC 7523**)	Future Liberalisation (FL)
(i) Electronic mail (CPC 7523**)	Future Liberalisation (FL)
(j) Voice mail (CPC 7523**)	Future Liberalisation (FL)
(k) On-line information and database retrieval (CPC 7523**)	Future Liberalisation (FL)
(l) Electronic data interchange (EDI) (CPC 7523**)	Future Liberalisation (FL)
(m) Enhanced or value-added facsimile services (CPC 7523**)	Future Liberalisation (FL)
(n) Code and protocol conversion	Future Liberalisation (FL)
(o) On-line information and/or data processing (CPC 843**)	Future Liberalisation (FL)
- Other paging services (CPC 75291)	Future Liberalisation (FL)
- Teleconferencing services (CPC 75292)	Future Liberalisation (FL)
- Personal communications services (CPC 75213*)	Future Liberalisation (FL)
- Cellular services (CPC 75213*)	Future Liberalisation (FL)
- Trunked radio system services (CPC 7523**, CPC 75213*)	Future Liberalisation (FL)
- Mobile data services (CPC 7523**)	Future Liberalisation (FL)

## ATTACHMENT

For the purposes of transparency, regarding the commitment in Article 8.12 (Transition), New Zealand notes the following entries which describe the current measures and the policy space that New Zealand typically includes in its Schedule of Non-Conforming Measures and which New Zealand reserves the right to include as appropriate in its future Schedule of Non-Conforming Measures under this Agreement.

### Current Measures:

New Zealand's current measures entries relate to:

- Requirements under New Zealand's financial reporting regime for certain overseas non-issuer companies to file audited financial statements with the Registrar of Companies.
- Restrictions on the registration of patent attorneys as set out in the *Patents Act 1953*.
- Provisions in the *Dairy Industry Restructuring Act 2001* relating to management of a national database for herd testing data.
- Requirements in the *Constitution of Chorus Limited* for government approval for the shareholding of any single overseas entity to exceed 49.9 per cent and that at least half of board directors are New Zealand citizens.
- The provision under the *Radiocommunications Act 1989* that requires written approval of the Chief Executive of the Ministry of Business, Innovation and Employment for the acquisition by foreign governments or their agents of licences or management rights to use the radio frequency spectrum, or any interest in it.
- Provisions in the *Primary Products Marketing Act 1953* that give the Government the ability to impose regulations enabling the establishment of statutory marketing authorities with monopoly marketing and acquisition powers for products derived from beekeeping, fruit growing, hop growing, deer farming or game deer, or goats. Such regulations may, among other things, require that board members or personnel be nationals of or resident in New Zealand.
- The requirement that only a licensed air transport enterprise may provide international scheduled air services as a New Zealand international airline. Licenses are subject to conditions to ensure compliance with New Zealand's air services agreements and may include requirements that an airline is substantially owned and effectively controlled by New Zealand nationals, has its principal place of business in New Zealand or is subject to the effective regulatory control of the New Zealand Civil Aviation Authority.
- The restriction that no one foreign national may hold more than 10 per cent of shares that confer voting rights in Air New Zealand unless they have the permission of the Kiwi Shareholder. In addition, at least three members of the board of directors must be ordinarily resident in New Zealand, and more than half of the board of directors must be New Zealand citizens.
- Any existing non-conforming tax measures.

### Policy Space:

New Zealand's policy space entries relate to:

- The provision of public law enforcement and correctional services as well as certain social services established for a public purpose.

- Water, including the allocation, collection, treatment, and distribution of drinking water.
- The devolution of a service that is provided in the exercise of governmental authority at the date of entry into force of this Agreement.
- The sale of any shares in an enterprise, or any assets of an enterprise, where the enterprise is wholly owned or under the effective control of the New Zealand Government.
- The specific commitments New Zealand made under Article XVI of GATS (as set out in its Schedule of Specific Commitments).<sup>14</sup>
- Certain foreign investment activities which require prior approval from the New Zealand Government (subject to the *Overseas Investment Act 2005*, the *Fisheries Act 1996*, and the *Overseas Investment Regulations 2005*), and the approval criteria to be applied to the categories of overseas investment that require approval under New Zealand's overseas investment regime.
- Existing bilateral or multilateral agreements, including measures taken as part of a wider process of economic integration or trade liberalisation between the parties to such agreements. Also any future agreements relating to aviation, fisheries, and maritime matters.
- The control, management, or use of protected areas or species owned or protected under enactments by the Crown.
- Nationality or residency in relation to animal welfare and the preservation of plant, animal, and human life and health.
- The foreshore and seabed, internal waters as defined in international law, territorial sea, the Exclusive Economic Zone, and the continental shelf.
- The provision of publicly funded legal services.
- The provision of fire-fighting services (excluding aerial fire-fighting services).
- 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 certain research and experimental development services.
- Composition and purity testing and analysis services; technical inspection services; other technical testing and analysis services; geological, geophysical, and other scientific prospecting services; and drug testing services.
- Controlling of the activities of foreign fishing consistent with the provisions of the *United Nations Convention on the Law of the Sea*.
- The production, use, distribution, or retail of nuclear energy.
- Services incidental to mining.
- Immigration services.
- Postal services.
- Preferential co-production arrangements for film and television productions.

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<sup>14</sup> New Zealand's Schedule of Specific Commitments under GATS will, for the purposes of this entry, be modified to reflect the additional commitments made in New Zealand's Schedule in Annex II (Schedules of Specific Commitments for Services).

- The promotion of film and television production in New Zealand and the promotion of local content on public radio and television, and in films.
- The holding of shares in the co-operative dairy company arising from the amalgamation authorised under the *Dairy Industry Restructuring Act 2001* (DIRA) or any successor body; and the disposition of assets of that company or its successor bodies.
- The export marketing of fresh kiwifruit to all markets other than Australia.
- Specification of 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 Agreement on Agriculture to markets where tariff quotas, country-specific preferences, or other measures of similar effect are in force; and the allocation of distribution rights to wholesale trade service suppliers pursuant to the establishment or operation of such an allocation scheme.
- The establishment or implementation of mandatory marketing plans for the export marketing of products derived from agriculture, beekeeping, horticulture, arboriculture, arable farming, and the farming of animals, where there is support within the relevant industry for such a plan.
- Statutorily protected educational terms and titles.
- The supply of adoption services.
- Hospital services and maternity and midwife services, to the extent they are provided by the private sector.
- Gambling, betting, and prostitution services.
- Cultural heritage of national value, public archives, library and museum services, and services for the preservation of historical or sacred sites or historical buildings.
- Maritime cabotage, certain port services, the establishment of registered companies for the purpose of operating a fleet under the New Zealand flag, the registration of vessels in New Zealand, and the regulation and entry of ships crews to New Zealand.
- Wholesale and retail trade services of tobacco products and alcoholic beverages for public health or social policy purposes.
- The supply of compulsory social insurance for personal injury caused by accident, work related gradual process disease and infection, and treatment injury, as well as the supply of disaster insurance for residential property for replacement cover up to a defined statutory maximum.
- Any taxation measure with respect to the sale, purchase, or transfer of residential property.