

## ANNEX II

### SCHEDULE OF NEW ZEALAND

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| <b>Sector:</b>                | All                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)<br>Local Presence (Article 10.6)                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"><li>(a) the provision of public law enforcement and correctional services; and</li><li>(b) the following, to the extent that they are social services established for a public purpose:<ul style="list-style-type: none"><li>(i) childcare;</li><li>(ii) health;</li><li>(iii) income security and insurance;</li><li>(iv) public education;</li><li>(v) public housing;</li><li>(vi) public training;</li><li>(vii) public transport;</li></ul></li></ul> |

- (viii) public utilities;<sup>1</sup>
- (xi) social security and insurance; and
- (x) social welfare.

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<sup>1</sup> Only with respect to utility services for which exclusive rights or government support are accorded by the central government for the purpose of ensuring the affordability, availability or accessibility of such services. This footnote does not apply to measures adopted or maintained by a local government.

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| <b>Sector:</b>                | All                                                                                                                                                                                                                                                                                                                                                     |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Senior Management and Boards of Directors (Article 9.11)<br>Local Presence (Article 10.6)                                                                                                                                                                                                          |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>New Zealand reserves the right to adopt or maintain any measure with respect to water, including the allocation, collection, treatment and distribution of drinking water. This reservation does not apply to the wholesale trade and retail of bottled mineral, aerated and natural water. |

**Sector:** All

**Obligations Concerned:** National Treatment (Article 9.4 and Article 10.3)  
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)  
Performance Requirements (Article 9.10)  
Senior Management and Boards of Directors (Article 9.11)  
Local Presence (Article 10.6)

**Description:** Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt and maintain any measure solely as part of the act of devolving a service that is provided in the exercise of governmental authority at the date of entry into force of the Agreement. Such measures may include:

- (a) restricting the number of service suppliers;
- (b) 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;
- (c) imposing restrictions on the composition of senior management and boards of directors;
- (d) requiring local presence; and
- (e) specifying the juridical form of the service supplier.

**Sector:** All

**Obligations Concerned:** National Treatment (Article 9.4 and Article 10.3)  
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)  
Performance Requirements (Article 9.10)  
Senior Management and Boards of Directors (Article 9.11)

**Description:** Investment and Cross-Border Trade in Services

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 measure 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.

Entities within the scope of this reservation include state-owned enterprises at the central level of government. For transparency purposes, such enterprises include:

- (a) Airways Corporation of New Zealand Limited;
- (b) Animal Control Products Limited;
- (c) AsureQuality Limited;
- (d) Electricity Corporation of New Zealand Limited;
- (e) KiwiRail Holdings Limited;
- (f) Kordia Group Limited;
- (g) Landcorp Farming Limited;
- (h) Learning Media Limited;
- (i) Meteorological Service of New Zealand Limited;
- (j) New Zealand Post Limited;
- (k) New Zealand Railways Corporation;
- (l) Quotable Value Limited;

- (m) Solid Energy New Zealand Limited;
- (n) Terralink NZ Limited; and
- (o) Transpower New Zealand Limited.

**Sector:** All

**Obligations Concerned:** National Treatment (Article 9.4)  
Performance Requirements (Article 9.10)  
Senior Management and Boards of Directors (Article 9.11)

**Description:** Investment

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.

For transparency purposes those categories, as set out in Annex I – New Zealand – 12 and 13, are:

- (a) acquisition or control by non-government sources of 25 per cent or more of any class of shares<sup>2</sup> or voting power<sup>3</sup> in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$200 million;
- (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\$200 million;
- (c) acquisition or control by government sources of 25 per cent or more of any class of shares<sup>4</sup> or voting power<sup>5</sup> in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$100

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<sup>2</sup> For greater certainty, the term “shares” includes shares and other types of securities.

<sup>3</sup> For greater certainty, “voting power” includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

<sup>4</sup> For greater certainty, the term “shares” includes shares and other types of securities.

<sup>5</sup> For greater certainty, “voting power” includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

million;

- (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;
- (e) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as sensitive or require specific approval according to New Zealand's overseas investment legislation; and
- (f) any transaction, regardless of dollar value, that would result in an overseas investment in fishing quota.

**Existing Measures:**

*Overseas Investment Act 2005*

*Fisheries Act 1996*

*Overseas Investment Regulations 2005*



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| <b>Sector:</b>                | All                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Obligations Concerned:</b> | Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.</p> <p>New Zealand reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under any international agreement in force or signed after the date of entry into force of this Agreement involving:</p> <ul style="list-style-type: none"> <li>(a) aviation;</li> <li>(b) fisheries; and</li> <li>(c) maritime matters.</li> </ul> |

**Sector:** All

**Obligations Concerned:** Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

**Description:** Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure taken as part of a wider process of economic integration or trade liberalisation between the parties to the *Australia New Zealand Closer Economic Relations Trade Agreement* (ANZCERTA) or the *Pacific Agreement on Closer Economic Relations* (PACER) that accords differential treatment to a Party or a non-Party.<sup>6</sup>

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<sup>6</sup> For the avoidance of doubt, this includes any measure adopted or maintained under any existing or future protocol to the agreements.

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| <b>Sector:</b>                | All                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Local Presence (Article 10.6)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <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>(a) protected areas, being areas established under and subject to the control of legislation, 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>(b) species owned under enactments by the Crown or that are protected by or under an enactment.</li> </ul> |
| <b>Existing Measures:</b>     | <p><i>Conservation Act 1987</i> and the enactments listed in Schedule 1 of the <i>Conservation Act 1987</i></p> <p><i>Resource Management Act 1991</i></p> <p><i>Local Government Act 1974</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |

**Sector:** All

**Obligations Concerned:** National Treatment (Article 9.4 and Article 10.3)  
Senior Management and Boards of Directors (Article 9.11)

**Description:** Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any nationality or residency measures in relation to:

- (a) animal welfare; and
- (b) the preservation of plant, animal and human life and health, including in particular:
  - (i) food safety of domestic and exported foods;
  - (ii) animal feeds;
  - (iii) food standards;
  - (iv) biosecurity;
  - (v) biodiversity; and
  - (vi) certification of the plant or animal health status of goods.

Nothing in this reservation shall be construed to derogate from the obligations of Chapter 7 (Sanitary and Phytosanitary Measures) or the obligations of the SPS Agreement.

Nothing in this reservation shall be construed to derogate from the obligations of Chapter 8 (Technical Barriers to Trade) or the obligations of the TBT Agreement.

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| <b>Sector:</b>                | All                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)                                                                                                                                                                                                                                                                                                                  |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>New Zealand reserves the right to maintain or adopt any measure made by or under an enactment in respect of the foreshore and seabed, internal waters as defined in international law (including the beds, subsoil and margins of such internal waters), territorial sea, the Exclusive Economic Zone and the continental shelf, including for the issuance of maritime concessions in the continental shelf. |
| <b>Existing Measures:</b>     | <i>Resource Management Act 1991</i><br><i>Marine and Coastal Area (Takutai Moana) Act 2011</i><br><i>Continental Shelf Act 1964</i><br><i>Crown Minerals Act 1991</i><br><i>EEZ and Continental Shelf (Environmental Effects) Act 2012</i>                                                                                                                                                                                                                                |

**Sectors:** All

**Obligations Concerned:** Market Access (Article 10.5)

**Description:** Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure that is not inconsistent with New Zealand's obligations under Article XVI of GATS as set out in New Zealand's Schedule of Specific Commitments under GATS (GATS/SC/62, GATS/SC/62 Suppl. 1, GATS/SC/62/Suppl. 2).

For the purposes of this entry only, New Zealand's Schedule of Specific Commitments is modified as set out in Appendix A.

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| <b>Sector:</b>                | Business Services<br>Fire Services                                                                                                                                                                                            |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)                                                                                                                                                                             |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>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>     | <i>Fire Service Act 1975</i><br><i>Forest and Rural Fires Act 1977</i>                                                                                                                                                        |

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| <b>Sector:</b>                | Business Services<br>Research and Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Performance Requirements (Article 9.10)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>(a) 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>(b) research and experimental development services on physical sciences, chemistry, biology, engineering and technology, agricultural sciences, medical, pharmaceutical and other natural sciences, <i>i.e.</i> CPC 8510.</li> </ul> |



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| <b>Sector:</b>                | Business Services<br>Technical Testing and Analysis Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in respect of:</p> <ul style="list-style-type: none"> <li>(a) composition and purity testing and analysis services (CPC 86761);</li> <li>(b) technical inspection services (CPC 86764);</li> <li>(c) other technical testing and analysis services (CPC 86769);</li> <li>(d) geological, geophysical and other scientific prospecting services (CPC 86751); and</li> <li>(e) drug testing services.</li> </ul> |

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| <b>Sector:</b>                | Business Services<br>Fisheries and Aquaculture<br>Services related to fisheries and aquaculture                                                                                                                                                                                                                                                               |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)<br>Local Presence (Article 10.6)                                                                                                    |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>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>     | <i>Fisheries Act 1996</i><br><i>Aquaculture Reform Act 2004</i>                                                                                                                                                                                                                                                                                               |

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| <b>Sector:</b>                | Business Services<br>Energy<br>Manufacturing<br>Wholesale Trade<br>Retail                                                                                                                                                                                                                                        |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)<br>Local Presence (Article 10.6)                                                       |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>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. |

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| <b>Sector:</b>                | Communication Services<br>Audio-visual and other Services                                                                                                                                                                                                                                                                                                                                      |
| <b>Obligations Concerned:</b> | Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)                                                                                                                                                                                                                                                                                                                                  |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>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.</p> |
| <b>Existing Measures:</b>     | For greater transparency, section 18 of the <i>New Zealand Film Commission Act 1978</i> 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.                                                                               |

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| <b>Sector:</b>                | Communication Services<br>Audio-visual and other Services                                                                                                                                                                                                                                   |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)<br>Market Access (Article 10.5)                                                                                                    |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>New Zealand reserves the right to adopt or maintain any measure with respect to the promotion of film and television production in New Zealand and the promotion of local content on public radio and television, and in films. |

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| <b>Sector:</b>                | Agriculture, including services incidental to agriculture                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)                                                                                                                                                                                                                                                                                                            |
| <b>Description:</b>           | <p><u>Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>(a) the holding of shares in the co-operative dairy company arising from the amalgamation authorised under the <i>Dairy Industry Restructuring Act 2001</i> (DIRA) (or any successor body); and</li> <li>(b) the disposition of assets of that company or its successor bodies.</li> </ul> |
| <b>Existing Measures:</b>     | <i>Dairy Industry Restructuring Act 2001</i>                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <b>Sector:</b>                | Agriculture, including services incidental to agriculture                                                                                                                                                                |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)                                                                 |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>New Zealand reserves the right to adopt or maintain any measure with respect to the export marketing of fresh kiwifruit to all markets other than Australia. |
| <b>Existing Measures:</b>     | <i>Kiwifruit Industry Restructuring Act 1999</i> and Regulations                                                                                                                                                         |

**Sector:** Agriculture, including services incidental to agriculture

**Obligations Concerned:** National Treatment (Article 9.4 and Article 10.3)  
Performance Requirements (Article 9.10)  
Senior Management and Boards of Directors (Article 9.11)

**Description:** Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure with respect to:

- (a) 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 *WTO Agreement on Agriculture* to markets where tariff quotas, country-specific preferences or other measures of similar effect are in force; and
- (b) the allocation of distribution rights to wholesale trade service suppliers pursuant to the establishment or operation of such an allocation scheme.

This entry is not intended to have the effect of prohibiting 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 wholesale trade and distribution services are provided with respect to agricultural products that are subject to tariff quotas, country-specific preferences or other measures of similar effect.



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| <b>Sector:</b>                | Agriculture, including services incidental to agriculture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Obligations Concerned:</b> | Senior Management and Boards of Directors (Article 9.11)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to maintain or adopt any measure necessary to give effect to the establishment or 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>(a) agriculture;</li> <li>(b) beekeeping;</li> <li>(c) horticulture;</li> <li>(d) arboriculture;</li> <li>(e) arable farming; and</li> <li>(f) 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 entry, exclude measures limiting the number of market participants or limiting the volume of exports.</p> |
| <b>Existing Measures:</b>     | <i>New Zealand Horticulture Export Authority Act 1987</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| <b>Sector:</b>                | Health and Social Services                                                                                                                                                                                                   |
| <b>Obligations Concerned:</b> | Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)                                                                                                                                                                |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to all services suppliers and investors for the supply of adoption services.</p> |
| <b>Existing Measures:</b>     | <p><i>Adoption Act 1955</i></p> <p><i>Adoption (Inter-country) Act 1997</i></p>                                                                                                                                              |

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| <b>Sector:</b>                | Recreation, Cultural and Sporting                                                                                                                                                                                                                    |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)                                                                                             |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>New Zealand reserves the right to adopt or maintain any measure with respect to gambling, betting and prostitution services.                                                             |
| <b>Existing Measures:</b>     | <i>Gambling Act 2003</i> and Regulations<br><i>Prostitution Reform Act 2003</i><br><i>Racing Act 2003</i><br>Racing (Harm Prevention and Minimisation) Regulations 2004<br>Racing (New Zealand Greyhound Racing Association Incorporated) Order 2009 |

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| <b>Sector:</b>                | Recreation, Cultural and Sporting<br>Library, Archive, Museum and other Cultural Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)<br>Performance Requirements (Article 9.10)<br>Local Presence (Article 10.6)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in respect of:</p> <ul style="list-style-type: none"> <li>(a) 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>(b) public archives;</li> <li>(c) library and museum services; and</li> <li>(d) services for the preservation of historical or sacred sites or historical buildings.</li> </ul> |

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| <b>Sector:</b>                | Transport<br>Maritime Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Description:</b>           | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>(a) the carriage by sea of passengers 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>(b) the establishment of registered companies for the purpose of operating a fleet under the New Zealand flag; and</li> <li>(c) the registration of vessels in New Zealand.</li> </ul> |

**Sector:** Distribution Services

**Obligations Concerned:** Market Access (Article 10.5)

**Description:** Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure for public health or social policy purposes with respect to wholesale and retail trade services of tobacco products and alcoholic beverages.

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| <b>Sector:</b>                | Financial Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Obligations Concerned:</b> | National Treatment (Article 9.4 and Article 10.3)<br>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)<br>Performance Requirements (Article 9.10)<br>Senior Management and Boards of Directors (Article 9.11)<br>Local Presence (Article 10.6)                                                                                                                                                                                                                           |
| <b>Description:</b>           | <u>Investment and Cross-Border Trade in Services</u><br><br>New Zealand reserves the right to adopt or maintain any measure with respect to the supply of: <ul style="list-style-type: none"> <li>(a) compulsory social insurance for personal injury caused by accident, work related gradual process disease and infection, and treatment injury; and</li> <li>(b) disaster insurance for residential property for replacement cover up to a defined statutory maximum.</li> </ul> |

**Sector:** All Sectors

**Obligations Concerned:** National Treatment (Article 9.4)  
Performance Requirements (Article 9.10)

**Description:** Investment

New Zealand reserves the right to adopt or maintain any taxation measure with respect to the sale, purchase or transfer of residential property (including interests that arise via leases, financing and profit sharing arrangements, and acquisition of interests in enterprises that own residential property).

For greater certainty, residential property does not include non-residential commercial real estate.



## Appendix A

For the purposes of entry Annex II – New Zealand – 14, New Zealand’s obligations under Article XVI of GATS as set out in New Zealand’s Schedule of Specific Commitments under GATS (GATS/SC/62, GATS/SC/62 Suppl. 1, GATS/SC/62/Suppl. 2) are improved in the following sectors as described below.

| Sector/subsector                                                              | Market Access Improvement                                                                                                        |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| BUSINESS SERVICES                                                             |                                                                                                                                  |
| Professional Services                                                         |                                                                                                                                  |
| Practice of foreign law                                                       | Insert new commitments with no limitations for modes 1-3 and mode 4<br>“Unbound, except as indicated in the horizontal section.” |
| Business tax planning and consulting services                                 |                                                                                                                                  |
| Integrated engineering services                                               |                                                                                                                                  |
| Consultancy related to Urban Planning and Landscape Architecture (CPC 8674**) |                                                                                                                                  |
| Computer And Related Services                                                 |                                                                                                                                  |
| Maintenance and repair of office machinery and equipment including computers  | Insert new commitments with no limitations for modes 1-3 and mode 4<br>“Unbound, except as indicated in the horizontal section.” |
| Other Computer Services                                                       |                                                                                                                                  |
| Other Business Services                                                       |                                                                                                                                  |
| Management Consulting Services                                                | Insert new commitments with no limitations for modes 1-3 and mode 4<br>“Unbound, except as indicated in the horizontal section.” |
| Services related to management consulting                                     |                                                                                                                                  |
| Services incidental to animal husbandry                                       |                                                                                                                                  |
| Placement and supply services of personnel                                    |                                                                                                                                  |
| Photographic services                                                         |                                                                                                                                  |
| Convention services (CPC 87909**)                                             |                                                                                                                                  |
| Other credit reporting services                                               |                                                                                                                                  |
| Collection agency services                                                    |                                                                                                                                  |
| Interior Design Services (CPC 87907**)                                        |                                                                                                                                  |

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| Telephone Answering Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                |
| Duplicating Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                |
| Mailing list compilation and mailing services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                |
| Other Business Services – 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 and exhibition services, etc.                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                |
| COMMUNICATION SERVICES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                |
| Postal And Courier Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                |
| <p>Services relating to the handling<sup>7</sup> of postal items<sup>8</sup> whether for domestic or foreign destinations:</p> <p>A. Handling of addressed written communications on any kind of physical medium<sup>9</sup>, including:</p> <ul style="list-style-type: none"> <li>- Hybrid mail services</li> <li>- Direct mail</li> </ul> <p>B. Handling of addressed parcels and packages<sup>10</sup></p> <p>C. Handling of addressed press products<sup>11</sup></p> <p>D. Handling of items referred to in A. to C. above as registered or insured mail.</p> <p>E. Express delivery services<sup>12</sup> for items referred to in A. to C. above</p> <p>F. Handling of non-addressed items</p> <p>G. Document exchange</p> | <p>Insert new commitment with modes 1 and 3 limited as follows: “None, other than Additional conditions for operation in the market or de-registration may be imposed on postal operators where these engage in anti-competitive behaviour”, no limitations on mode 2 and mode 4 “Unbound, except as indicated in the horizontal section.”</p> |

<sup>7</sup> The term “handling” should be taken to include clearance, sorting, transport and delivery.

<sup>8</sup> “Postal item” refers to items handled by any type of commercial operator, whether public or private.

<sup>9</sup> For example, letter, postcards.

<sup>10</sup> Books, catalogues are included hereunder.

<sup>11</sup> Journals, newspapers, periodicals.

<sup>12</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.

|                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| H. Other services not elsewhere specified, including post office counter services, other than the issue of stamps bearing the words: “New Zealand” <sup>13</sup>                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| CONSTRUCTION AND RELATED ENGINEERING SERVICES                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| General Construction Work for Buildings<br>General Construction Work for Civil Engineering<br>Installation and Assembly Work<br>Building Completion and Finishing Work<br>Other<br>Site preparation: new construction (other than pipelines)<br>Maintenance and repair of fixed structures | Replace existing restriction under mode 1 with “None for consultancy services”.                                                                                                                                                                                                                                                                                                                                                                  |
| Other<br>Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator                                                                                                                                                             | Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                                                                                                                                                    |
| DISTRIBUTION SERVICES                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Commission Agents’ Services                                                                                                                                                                                                                                                                | Replace existing commitments with:<br><br>CPC 62113-62115, 62117-62118: no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”<br><br>CPC 62111** only in respect of 02961-02963** (ovine wool); CPC 62112** only in respect of CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin) and 02961-02963** (ovine wool); and CPC 62116** only in respect of 2613-2615**, |

<sup>13</sup> The issue of stamps bearing the said words is restricted to Universal Postal Union designated operators except where the said words form part of the name of the operator issuing the stamps.

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                          | <p>(ovine wool): Insert new commitments with no limitations for modes 1 and 2, mode 3 “None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.” and mode 4 “Unbound, except as indicated in the horizontal section.”</p>                                                                         |
| Wholesale trade services | <p>Replace existing commitments with:</p> <p>CPC 6223 – 6226, CPC 6228: no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”</p> <p>CPC 6221**only in respect of 02961-02963** (ovine wool); CPC 6222** only in respect of CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin); and CPC 62277** only in respect of 2613-2615**, (ovine wool): Insert new commitments with no limitations for modes 1 and 2, mode 3 “None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services</p> |

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|                                                                                                                                                                                                                                                                                                                                                                                      | operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.” and mode 4 “Unbound, except as indicated in the horizontal section.” |
| EDUCATION SERVICES                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                     |
| Other Education Services                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                     |
| Other Education in respect of the following services only: <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>14</sup></li> </ul> | Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                                       |
| ENVIRONMENTAL SERVICES <sup>15</sup>                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                     |
| Waste water management<br>Waste Management<br>Refuse disposal services<br>Sanitation and similar services<br>Protection of ambient air and climate<br>Remediation and clean-up of soil and water<br>Noise and vibration abatement<br>Protection of biodiversity and landscape<br>Other environmental and ancillary services                                                          | Insert new commitments for consultancy and these services contracted by private industry only with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                |

<sup>14</sup> Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

<sup>15</sup> New Zealand’s commitments on environmental services exclude the collection, purification and distribution of water, including water for human use.

|                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| TRANSPORT SERVICES                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Maritime Transport Services                                                                    | Replace existing condition applicable to all maritime service sectors with the following: “General conditions applicable to all maritime service sectors: marketing and sales of maritime transport and related services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound, except for marketing and sales related to the following products in respect of which a commitment is made: CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin only); CPC 2613-2615** (ovine wool only); and CPC 02961-02963** (ovine wool only).” |
| Maritime Auxiliary Services                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Maritime Cargo Handling Services <sup>16</sup>                                                 | Insert new commitment with mode 1 “Unbound except for no limitation on transshipment (board to board or via the quay) and/or use of on board cargo handling equipment.”, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                                                                                                                                                   |
| Customs Clearance Services <sup>17</sup><br>Container Station and Depot Services <sup>18</sup> | Insert new commitment with mode 1 unbound, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

<sup>16</sup> Maritime Cargo Handling Services: activities exercised by stevedoring companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities include the organisation and supervision of:

- (a) the loading/discharging of cargo to/from a ship;
- (b) the lashing/unlashing of cargo; and
- (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

<sup>17</sup> Customs Clearance Services: activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

<sup>18</sup> Container Station and Depot Services: activities consisting of storing containers, whether in port or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

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| Maritime Agency Services <sup>19</sup>                                                                                                                                                                           | Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                                                 |
| AIR TRANSPORT SERVICES                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                               |
| Selling and marketing of air transport services <sup>20</sup>                                                                                                                                                    | Replace existing limitation for modes 1, 2 and 3 with “Unbound for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin), CPC 2613-2615** (ovine wool), and CPC 02961-02963** (ovine wool).” |
| Aircraft repair and maintenance Services <sup>21</sup>                                                                                                                                                           | Insert new commitment with mode 1 unbound, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                              |
| Airport Operation Services<br>CPC74610**, excluding Navigation aids                                                                                                                                              | Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                                                 |
| Other supporting services for air transport<br>CPC 74690** excluding fire-fighting and fire-prevention services<br><br>Cargo and baggage handling services (CPC 741**)<br><br>Ramp handling services (CPC 741**) | Insert new commitment with mode 1 unbound, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”                                                                                                                                                                                              |

<sup>19</sup> Maritime Agency Services: activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- (a) Marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- (b) Acting on behalf of the companies organising the call of a ship or taking over cargoes when required.

<sup>20</sup> As defined in paragraph 6(b) of GATS Annex on Air Transport Services.

<sup>21</sup> As defined in paragraph 6(b) of GATS Annex on Air Transport Services.

|                                       |                                                                                                                                  |
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|                                       |                                                                                                                                  |
| Airport management services           | Insert new commitments with no limitations for modes 1-3 and mode 4<br>“Unbound, except as indicated in the horizontal section.” |
| OTHER SERVICES NOT INCLUDED ELSEWHERE |                                                                                                                                  |
| Other                                 |                                                                                                                                  |
| Washing, cleaning and dyeing services | Insert new commitments with no limitations for modes 1-3 and mode 4<br>“Unbound, except as indicated in the horizontal section.” |