

Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area

NEW ZEALAND’S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS¹

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>3) Under the Overseas Investment Regulations, 1985, issued under the Overseas Investment Act 1973, Overseas Investment Commission approval is required for the following investments by an "overseas person".²</p> <p>(a) acquisition or control of 25 per cent or more of the shares or voting power in a company where either the consideration of transfer or the value of the assets of the company exceeds \$NZ10 million;</p> <p>(b) the establishment of new business in New Zealand where the total expenditure in setting up the business exceeds \$NZ10 million;</p>	

¹ See Attachment A.1

² See Attachment A.2

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		(c) the acquisition of the assets of the business where the total consideration paid or payable for the assets exceeds \$NZ10 million;	
		(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 \$NZ10 million.	
		<p>OIC consent is required, regardless of the dollar value of the investment, for acquisition of rural land. Approval is also required under the Land Settlement Promotion and Land Acquisition Act for the purchase of some classes of land.</p> <p>Unbound for enterprises currently in State Ownership.</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(a) Legal Services, in respect of the following areas of law: (CPC 861)			
Domestic Law	1) None 2) None 3) None	1) None 2) None 3) None	
International law	1) None 2) None 3) None	1) None 2) None 3) None	
Foreign law	1) None 2) None 3) None	1) None 2) None 3) None	

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(b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Taxation services Tax preparation, tax planning and consulting services (CPC 86301-86303)	1) None 2) None 3) None	1) None 2) None 3) None	

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(d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Integrated Engineering Services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
(g) Consultancy related to Urban Planning & Landscape Architecture (CPC 8674**)	1) None 2) None 3) None	1) None 2) None 3) None	
(i) Veterinary services (CPC 9320)	1) None 2) None 3) None	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Computer and Related Services</u>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) Software implementation Services (CPC 842)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Data processing services (CPC 843)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Data base services (CPC 844)	1) None 2) None 3) None	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Maintenance and Repair of office machinery and equipment including computers (CPC 845)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Other Computer Services (CPC 849)	1) None 2) None 3) None	1) None 2) None 3) None	
D. <u>Real Estate Services</u>			
(a) Involving own or leased Property (CPC 821)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) On a fee or contract basis (CPC 822)	1) None 2) None 3) None	1) None 2) None 3) None	

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E. <u>Rental/Leasing of Equipment without Crew</u>			
Transport and non transport (CPC 8310)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Other Business Services</u>			
(a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Services related to Management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Services incidental to agriculture, hunting and forestry (CPC 8811, 8813, 8814)	1) None 2) None 3) None	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Services incidental to animal husbandry (CPC 8812)	1) None 2) None 3) The Herd Testing Regulations under the Dairy Board Act 1961 restrict the provision of herd testing services to providers licensed by the NZ Dairy Board. The number of licences may be limited.	1) None 2) None 3) None	
(k) Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	

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(o) Cleaning of buildings and similar activities (CPC 874)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
(p) Photographic Services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
(s) Convention services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	

* Unbound due to lack of technical feasibility.

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(t) Credit reporting services (CPC 87901)	1) None 2) None 3) None	1) None 2) None 3) None	The Privacy Act 1993 establishes New Zealand's regulatory framework for the treatment of personal information, in general accordance with the Recommendation of the Council of the OECD Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data.
(t) Collection agency services (CPC 87902)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Translation services (CPC 87905**)	1) None 2) None 3) None	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(t) Interior Design Services (87907**)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Telephone Answering Services (CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Duplicating Services (CPC 87904)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) 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 exhibition services, etc. (CPC 87909)	1) None 2) None 3) None	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
<p>C. <u>Telecommunication Services</u></p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7522)</p> <p>(f) Facsimile services (CPC 7521**, CPC 7529**)</p> <p>(g) Private leased circuit services (CPC 7522**, CPC 7523**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than: The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9%. At least half of Board directors are required to be New Zealand citizens.</p>	

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Sector or Sub-sector	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**)			

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(h) Electronic mail (CPC 7523**)	1) None	1) None	
(i) Voice mail (CPC 7523**)	2) None	2) None	
(j) On-line information and data-base retrieval (CPC 7523**)	3) None	3) The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9 per cent. At least half of Board directors are required to be New Zealand citizens.	
(k) Electronic data interchange (EDI) (CPC 7523**)			
(l) Enhanced/value-added facsimile services (CPC 7523**)			
(m) Code and protocol conversion			
(n) On-line information and/or data processing (CPC 843**)			

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<p>D. <u>Audiovisual Services</u></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>1), The Broadcasting Commission is directed by</p> <p>3) the Government, pursuant to the Broadcasting Act 1989, to allocate a minimum of 6 per cent of its budget to Maori programming. From 1995 all public funding for Maori broadcasting will be controlled by Te Reo Whakapuaki Irirangi (Maori Broadcasting Funding Agency). 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 New Zealand Film Commission Act 1978.</p> <p>2) None</p>	

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3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General Construction Work for Buildings</u> (CPC 512, CPC 515)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
B. <u>General Construction Work for Civil Engineering</u> (CPC 513)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
C. <u>Installation and Assembly Work</u> (CPC 514, CPC 516)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Other</u>			
Site preparation: new construction (other than pipelines) (CPC 511)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
Maintenance and repair of fixed structures	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator (CPC 518)	1) None 2) None 3) None	1) None 2) None 3) None	

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4. DISTRIBUTION SERVICES			
A. <u>Commission Agents' Services</u> (CPC 6211, excluding CPC 62111, CPC 62112, and such services relating to CPC 2613-2615)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Wholesale Trade</u> (CPC 622, excluding CPC 6221, CPC 6222 and such services relating to CPC 2613-2615)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Retail Trade</u> (CPC 631, CPC 632, CPC 6111, CPC 6113 and CPC 6121)	1) None 2) None 3) None	1) None 2) None 3) None	

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5. EDUCATION SERVICES			
<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> <p>Language training provided in private specialist language institutions;</p> <p>Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system³.</p> <p>(CPC 929**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

³ Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

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6. ENVIRONMENTAL SERVICES⁴			
A. Waste water management: (i) consultancy relating to waste water management; (ii) for all other aspects of this service: those contracted by private industry only. (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	

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

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<p>B. Waste Management</p> <p>Refuse disposal services:</p> <p>(i) consultancy relating to refuse disposal;</p> <p>(ii) for all other aspects of this service: those contracted by private industry only.</p> <p>(CPC 9402**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sanitation and similar services: (i) consultancy relating to sanitation and similar services; (ii) for all other aspects of this service: those contracted by private industry only. (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Protection of ambient air & climate: consultancy only (CPC 9404**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Remediation & cleanup of soil & water: consultancy only (CPC 9406**) ⁵	1) None 2) None 3) None	1) None 2) None 3) None	

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

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E. Noise & vibration abatement: consultancy only (CPC 9405**)	1) None 2) None 3) None	1) None 2) None 3) None	
F. Protection of biodiversity & landscape: consultancy only (CPC 9406**) ⁶	1) None 2) None 3) None	1) None 2) None 3) None	
G. Other environmental & ancillary services: consultancy only (CPC 9409**)	1) None 2) None 3) None	1) None 2) None 3) None	

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

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7. FINANCIAL SERVICES			
<p>1. New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the WTO GATS "Understanding on Commitments in Financial Services" (the Understanding).</p> <p>2. These commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p> <p>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.</p> <p>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 3(1) of the Annex on Financial Services to Chapter 8 (Trade in Services).</p> <p>5. Mode 3 commitments are subject to the provisions of the Financial Reporting Act 1993 and the Companies Act 1993. 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 of 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.</p>			

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<p>A. <u>Insurance and Insurance- related services</u></p> <p>(a) Life insurance services (CPC 8121)</p> <p>(b) Non-life insurance services (CPC 8129)</p>	<p>3) None</p> <p>1), The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p>	<p>3) None</p> <p>3) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (CPC 81299)	<p>1), The Earthquake Commission is the sole insurer of residential property disaster insurance for replacement cover up to NZ\$100,000 per dwelling and NZ\$20,000 on personal property. These amounts may be increased by regulation.</p> <p>3) related to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p> <p>1),2)Unbound for marketing and sales</p> <p>3) None</p>	<p>3) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)	<p>1), The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p> <p>1), Under the Wheat Producers Levy Act 1987 (or regulations enacted under the Commodities Levy Act 1990), United Wheat growers (NZ) Ltd has the power to organise compulsory disaster insurance on behalf of growers and to require them to pay a levy to recover the premium amount of this insurance.</p> <p>1),2),3) Unbound for loss of products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p>	3) None	

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(e) Services Auxiliary to Insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140**)	3) None	3) None	
B. <u>Banking and other Financial Services</u> (excluding insurance)⁷			
(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)	3) None	3) None	

⁷ As defined in paragraph 2(a) (v)-(xvi) of the Annex on Financial Services to Chapter 8 (Trade in Services).

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(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**)			

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(f) Trading for own account or for account of customers, whether on an exchange, in an over-the counter market or otherwise, the following: <ul style="list-style-type: none"> (i) money market instruments (cheques, bills, certificates of deposits etc) (CPC 81339**) (ii) foreign exchange (CPC 81333) (iii) derivative products including, but not limited to, futures and options (CPC 81339**) 			

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(iv) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements etc (CPC 81339**) (v) transferable securities (CPC 81321) (vi) other negotiable instruments and financial assets, including bullion (CPC 81339**)			

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<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>			

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(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (CPC 81339**, 81319**)			
(k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)			

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(l) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) to (k) above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131, 8133)			
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants</u> (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	

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B./ <u>Travel Agencies, Tour</u> C. <u>Guides and Tour</u> <u>Operator Services</u> (7471, 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u> International Transport (freight and passengers) (CPC 7211 and CPC 7212 less cabotage-as defined in Attachment A. 3)	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. 1) None 2) None 3) Unbound for establishment of registered company for the purpose of operating a fleet under the New Zealand flag.	1) None 2) None 3) Unbound as described in the market access column.	

NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Maritime Auxiliary Services</u>			
Storage and warehousing Services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Attachment A.4)	1) None 2) None 3) None	1) None 2) None 3) None	
<u>C. Air Transport Services</u>			
Selling and marketing of air transport services ⁸	1)2) &3) Unbound for products covered under CPC01, 02, 211, 213-216, 22, 2399 and 261.	1) None 2) None 3) None	
Computer reservation system services ⁹ (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	

* Unbound due to lack of technical feasibility.

⁸ As defined in Article 2(m) of Chapter 8 (Trade In Services)

⁹ As defined in Article 2(c) of Chapter 8 (Trade In Services).

NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Rail Transport Service</u> (CPC 711)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Commercial Road Transport Services</u> (<u>passenger, goods, rental and vehicle recovery</u>) (712 except 71235)	1) None 2) None 3) None	1) None 2) None 3) None	
G. <u>Pipeline Transport</u> (CPC 713)	1) None 2) None 3) None	1) None 2) None 3) None	

ATTACHMENT A

NOTES TO THE SCHEDULE

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 the 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/herself an overseas person.

Maritime Transport Services

3. Cabotage: for 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.
