

## **GATS 2000**

### **REQUEST FROM THE EC AND ITS MEMBER STATES (HEREAFTER THE EC)**

#### **TO**

#### **NEW ZEALAND**

#### **GENERAL REMARKS**

At the WTO Ministerial Conference in Doha in November 2001, Ministers agreed that initial requests for specific commitments should be submitted by 30 June 2002.

In line with this decision, and committed to the objectives and principles stated in the GATS, in particular Article IV and XIX GATS, as well as the negotiating guidelines agreed by the Council for Trade in Services on 29 March 2001, the EC encourages New Zealand to participate actively in the negotiations.

The EC considers that the progressive liberalisation of services is of benefit for all members, including developing and least developed countries. In this context, the EC recognises the importance of liberalisation being underpinned by domestic regulatory frameworks designed to ensure the achievement of public policy objectives.

This Request covers horizontal commitments, MFN exemptions and the following service sectors:

- Professional services
- Business services
- Postal and courier services
- Telecommunication services
- Construction and related engineering services
- Distribution services
- Environmental services
- Financial services
- News agency services
- Transport services
- Energy services.

The EC proposes that New Zealand's current GATS commitments are revised in accordance with this Request. The EC is both seeking improved commitments and clarification of existing commitments as set out in this

Request. The EC is furthermore looking for a reduction in scheduled limitations whether these are horizontal or sector specific in nature. In so doing, the EC is not seeking the dismantling of public services nor the privatisation of state owned companies.

In conformity with the objectives set out in the EC's overall approach to services negotiations (document S/CSS/W/15), the EC reiterates its commitment to promote regulatory disciplines in accordance with Article VI:4 of the GATS. The EC, however, reserves the right to address at any time to New Zealand specific requests concerning regulatory issues.

The EC further requests that commitments are entered in accordance with the scheduling guidelines adopted by the Council of Trade in Services on 23 March 2001 (S/L/92). In particular, for each commitment or limitation entered, the EC requests:

- that the sector and sub-sector are clearly identified in accordance with the classification list in Document MTN.GNS/W/120 or other internationally recognised classification (e.g. Financial Services Annex) and corresponding CPC number. If this is not possible, the schedule should contain a sufficiently detailed definition to avoid any ambiguity as to the scope of the commitment. In that respect, the EC would like to recall the classification or list of activities proposed in its negotiating proposals with regard to postal and courier, environmental and energy services. While discussions on classification in these sectors are still ongoing, the EC would like to invite New Zealand to present its offer in accordance with this approach.
- that any remaining limitation on market access (thereafter "MA") or on national treatment (thereafter "NT") are clearly described and only be inscribed in the market access or national treatment columns if the measure is of a nature foreseen by Articles XVI-XVII GATS.

The EC remains available to provide any clarification and answer any question on this Request. Questions can be addressed to the European Commission via the EC GATS contact point (mailbox address: TRADE-GATS-CONTACT-POINTS@cec.eu.int), via the Delegation of the European Commission in Geneva, or directly to the European Commission (Directorate-General Trade Unit D2, (Trade in services, including e-commerce), Brussels, B-1049, Belgium, fax 32-2-299 24 35).

*Note: The EC reserves the right to revise and/or supplement this Request. For each service sector, WI20 classification has been followed unless expressly indicated and CPCs refer to the Provisional CPC classification. The precise scope for each sector is without prejudice to the EC's final positions on classification issues and to the EC's classification of their existing commitments.*

## HORIZONTAL COMMITMENTS

### EC REQUEST TO NEW ZEALAND

#### MODE 3

- NT – Requirement of the approval by the Overseas Investment Commission for investments by overseas persons above \$NZ10 million. **EC Request:** Remove this requirement.
- NT – Requirement of the approval by the Overseas Investment Commission for the purchase of rural land and some other classes of land, regardless of the value of the investment. **EC Request:** Remove this requirement.
- NT – Unbound for enterprises currently in State ownership. **EC Request:** Eliminate this limitation.

#### MODE 4

##### **Intra-corporate transferees:**

- Labour market testing applied to specialists transferring for more than one year (Section C). **EC Request:** Eliminate.
- Minimum prior employment requirement for specialists moving as ICTs (sections B and C) not specified. **EC Request:** Indicate in schedule.
- Degree of affiliation between companies which is required in order for a transfer to be covered by provisions on intra-corporate transferees is not clear – « supplies services within New Zealand through a commercial presence ». **EC Request:** Clarify.
- The EC also requests that a commitment be made to allow as intra-corporate transferees without requiring an economic needs test « persons with a university degree or equivalent technical qualification who are transferring for career development purposes or to obtain training in business techniques or methods ». The maximum prior employment requirement should be one year.

##### **Contractual Service Suppliers**

- A contractual service supplier is a juridical person with no commercial presence in New Zealand, who has obtained a service contract in New Zealand which requires the presence of its employees in New Zealand in order to fulfil that contract. **EC Request:** Take commitments for natural persons employed in the service sectors listed below and seeking temporary entry as contractual service suppliers. Such natural persons can be required to have a university degree or equivalent technical qualification – plus the appropriate professional qualifications where this is required by domestic law. The length of stay may be limited in time.

List of sectors:

1. Business Services

Legal Services  
Accounting and bookkeeping services  
Taxation services  
Architectural services  
Engineering Services  
Integrated engineering services  
Urban planning and landscape architectural services  
Computer and Related Services  
Research and Development Services  
Advertising  
Management consulting services  
Services related to management consulting  
Technical testing and analysis services  
Related scientific and technical consulting services  
Maintenance and repair of equipment  
Interpreters

3. Construction and related engineering services

Site investigation work (CPC 5111)

4. Distribution Services

Wholesale trade services (CPC 622)

6. Environmental Services

All sub-sectors

7. Financial Services

Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

Advisory, intermediation and other auxiliary financial services on all the activities listed in the subparagraphs (v) to (xv) of the classification of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

**Additional commitments**

- Difficulties are experienced as a result of the length of time taken to process work visas. The EC wishes to discuss the possibility of taking additional commitments to address this issue.

*Note: Mode 4 is covered horizontally in this part for all service sectors. The sectoral requests in the following pages only refer to mode 4 when specifically related to one particular service sector.*

## **PROFESSIONAL SERVICES**

### **EC REQUEST TO NEW ZEALAND**

New Zealand has committed this sector only partially. The EC requests that this sector is committed as follows:

#### **A. LEGAL SERVICES (CPC 861)**

- This sub-sector is not committed for practice of home or third country law. **EC Request:** Extend sectoral coverage of present commitments to consultancy on law of jurisdiction where the service supplier or its personnel are qualified lawyers.

#### **C. TAXATION SERVICES (CPC 863)**

- This sub-sector is not committed for business tax planning services (CPC 86301) and other tax related services (CPC 86304). **EC Request:** Extend sectoral coverage of present commitments to these CPC's.

#### **E. ENGINEERING SERVICES (CPC 8672)**

- Modes 1, 3 and 4: MA and NT – Residency requirement for becoming a registered engineer capable of certifying certain works. **EC Request:** Remove.

#### **F. INTEGRATED ENGINEERING SERVICES (CPC 8673)**

#### **G. URBAN PLANNING AND LANDSCAPE ARCHITECTURAL SERVICES (CPC 8674)**

These sub-sectors are not committed. **EC Request for each of these two sub-sectors:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

## **BUSINESS SERVICES**

### **EC REQUEST TO NEW ZEALAND**

#### **B. COMPUTER AND RELATED SERVICES**

##### **General**

- This sub-sector has only been partially committed. **EC Request:** Extend coverage to include CPCs 845 and 849 and schedule commitments at the two-digit level – i.e. CPC 84.

#### **C. RESEARCH AND DEVELOPMENT SERVICES**

New Zealand has not committed this sector.

- a) R&D Services on natural sciences (CPC 851)**
- b) R&D Services on social sciences and humanities (CPC 852)**
- c) Interdisciplinary R&D services. (CPC 853)**

**EC Request for each of the above sub-sectors:** for privately financed research and development:

- Modes 1 and 3: Take full commitments, i.e. schedule "none" under MA and NT.
- Mode 4: Commit as referred to in the section "Horizontal commitments".

#### **F. OTHER BUSINESS SERVICES**

*NB: Requests (if any) on (h) - services incidental to mining, and (j) - services incidental to energy distribution, are covered in those sections of the request dealing with Energy Services and Construction Services.*

New Zealand has not committed the following sub-sectors:

- b) Market research and Public Opinion Polling (CPC 864)**
- c) Management consulting services (CPC 865)**
- d) Services related to management consulting (CPC 866)**
- e) Technical testing and analysis services (CPC 8676)**
- k) Placement and supply services of personnel (CPC 872)**
- m) Related scientific and technical consulting services (CPC 8675)**
- n) Maintenance and Repair of Equipment (not including transport equipment) (CPC 633 + 8861-8866)**

- p) Photographic Services (CPC 875)**
- q) Packaging Services (CPC 876)**
- r) Printing and Publishing Services (CPC 88442)**
- s) Convention Services (part of CPC 87909)**

**EC Request for each of the above sub-sectors:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none" under MA and NT.
- Mode 4: Commit as referred to in the section "Horizontal commitments".

**D) Security Services (CPC 87302 – 87309)**

New Zealand has not committed this sub-sector. **EC Request:**

- Mode 3: MA - Commit with no form of establishment or equity limitation. Full NT commitment - i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

**Washing and cleaning services (CPC 97011-97014)**

New Zealand has not committed this sub-sector. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**MFN EXEMPTION**

- Interpretation services – More favourable entry conditions for nationals of certain countries as interpreters in tourism-related industries. **EC Request:** Eliminate this preferential treatment.

## **POSTAL AND COURIER SERVICES**

### **EC REQUEST TO NEW ZEALAND**

New Zealand has not undertaken commitments in postal and courier services. This request is based on the EC proposal for the classification of postal and courier services. While discussions on classification in this sector are still ongoing, the EC would like to invite New Zealand to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of postal and courier services:

#### **SERVICES RELATING TO THE HANDLING<sup>1</sup> OF POSTAL ITEMS<sup>2</sup>, WHETHER FOR DOMESTIC OR FOREIGN DESTINATIONS:**

**A. Handling of addressed written communications on any kind of physical medium<sup>3</sup>, including:**

- Hybrid mail services
- Direct mail

**B. Handling of addressed parcels and packages<sup>4</sup>**

**C. Handling of addressed press products<sup>5</sup>**

**D. Handling of items referred to in A. to C. above as registered or insured mail.**

**E. Express delivery services<sup>6</sup> for items referred to in A. to C. above.**

**F. Handling of non-addressed items.**

**G. Document exchange.**

**H. Other services not elsewhere specified.**

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1 The term "handling" should be taken to include clearance, sorting, transport and delivery.

2 "Postal item" refers to items handled by any type of commercial operator, whether public or private.

3 E.g. letter, postcards.

4 Books, catalogues are included hereunder.

5 Journals, newspapers, periodicals.

6 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.

**EC Request for sub-sectors B., C., E., F. and G.:**

- Modes 1, 2 and 3: Undertake full commitments for market access and national treatment
- Mode 4: Commit as referred to in the section « Horizontal commitments ».

**EC Request for sub-sectors A. and D.:**

- Modes 1, 2 and 3: Undertake commitments for market access and national treatment.
- Mode 4: Commit as referred to in the section « Horizontal commitments ».

# TELECOMMUNICATION SERVICES

## EC REQUEST TO NEW ZEALAND

New Zealand has only partially committed this Sector. The EC requests that this Sector is committed as follows:

### **MODE 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. **EC Request:** Remove this restriction.

### **ADDITIONAL COMMITMENTS**

- New Zealand has adopted the reference paper but has amended it by indicating that "The definition of "essential facilities" will be applied only to the extent consistent with New Zealand's competition policy regime, which regulates the activities of "dominant suppliers". **EC Request:** explain the difference between the notion of "essential facilities" under the reference paper and that under New Zealand's competition policy regime.

# CONSTRUCTION AND RELATED ENGINEERING SERVICES

## EC REQUEST TO NEW ZEALAND

### E. OTHER (CPC 511+515+518)

This sub-sector is not committed for CPC 518 (renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator): and is committed only for parts of CPC 511 (pre-erection work at construction sites).

#### **EC Request:**

Extend commitments to CPC 518 and the entirety of CPC 511:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

# DISTRIBUTION SERVICES

## EC REQUEST TO NEW ZEALAND

### **A. COMMISSION AGENTS' SERVICES (CPC 621, 6111+6113+6121)**

The distribution of the following goods is not committed:

- motor vehicles (CPC 6111+6113+6121)
- agricultural raw materials and live animals (CPC 62111)
- food, beverages, tobacco (CPC 62112)
- wool and related products under CPC 2613-2615

#### **EC Request for these goods:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

### **B. WHOLESALE TRADE SERVICES (CPC 622, 6111+6113+6121)**

The distribution of the following goods is not committed:

- motor vehicles (CPC 6111+6113+6121)
- agricultural goods (CPC 6221)
- food, beverages, tobacco (CPC 6222)
- wool and related goods under CPC 2613-2615

#### **EC Request for these goods:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

### **C. RETAILING SERVICES (CPC 631+632, 6111+6113+6121+613)**

The distribution of motor fuel (CPC 613) is not committed. **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

### **D. FRANCHISING SERVICES (CPC 8929)**

This sub-sector is not committed. **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

## **ENVIRONMENTAL SERVICES**

### **EC REQUEST TO NEW ZEALAND**

New Zealand has not undertaken commitments in environmental services. This request is based on the EC proposal for the classification of environmental services. While discussions on classification in this sector are still ongoing, the EC would like to invite New Zealand to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of environmental services:

#### **A. WATER FOR HUMAN USE & WASTEWATER MANAGEMENT**

##### **Water collection, purification and distribution services through mains, except steam and hot water**

This sub-sector only concerns the distribution of water ‘through mains’ (i.e. urban sewage systems). This excludes any cross-border transportation either by pipeline or by an other means of transport, nor does it imply access to water resources.

- Mode 3: Take commitments under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

##### **Waste water services (CPC 9401)**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

#### **B. SOLID/HAZARDOUS WASTE MANAGEMENT**

##### **Refuse disposal services (CPC 94020)**

##### **Sanitation and similar services (CPC 94030)**

#### **C. PROTECTION OF AMBIENT AIR AND CLIMATE**

##### **Services to reduce exhaust gases and other emissions and improve air quality (CPC 94040)**

#### **D. REMEDIATION AND CLEANUP OF SOIL & WATER**

##### **Treatment, remediation of contaminated/polluted soil and water (part of CPC 94060)**

#### **E. NOISE & VIBRATION ABATEMENT**

##### **Noise abatement services (CPC 94050)**

## **F. PROTECTION OF BIODIVERSITY AND LANDSCAPE**

**Nature and landscape protection services (part of CPC 94060)**

## **G. OTHER ENVIRONMENTAL & ANCILIARY SERVICES**

**Other environmental protection services not classified elsewhere (CPC 94090)**

**EC Request for each of the above sub-sectors:**

- Modes 1 (where technically feasible), 2 and 3: Undertake full commitments for market access and national treatment.
- Mode 4: Refer to horizontal commitments.

## FINANCIAL SERVICES

### EC REQUEST TO NEW ZEALAND

#### INSURANCE

- Modes 1, 2 and 3: MA – Unbound for marketing and sales related to, and loss of products covered under CPC 01, 02, 211, 213-216, 2399 and 261 (mostly agricultural products). **EC Request:** Remove.
- Modes 1 and 2: MA and NT – No commitment has been taken on cross-border insurance of larger non-MAT risks. **EC Request:** Take commitments on insurance of larger risks, based on a definition to be determined in negotiations and accompanied by appropriate prudential regulations adopted by the regulatory authorities of the host country and protecting policy-holders, avoiding discrimination between operators, in line with the principles agreed in the OECD Framework for Insurance Market Liberalisation.

#### BANKING AND OTHER FINANCIAL SERVICES

- No reference is made to modes 1 and 2 in the market access and national treatment columns. **EC Request:** Clarify why no reference has been made.

## **NEWS AGENCY SERVICES**

### **EC REQUEST TO NEW ZEALAND**

New Zealand has not committed this sector (CPC 962). The EC requests that this Sector be committed as follows:

#### **EC Request (CPC 962):**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

# TRANSPORT SERVICES

## EC REQUEST TO NEW ZEALAND

### A. MARITIME TRANSPORT

New Zealand has specific commitments with certain restrictions for maritime transport. Restrictions relate in particular to: certain product groups, establishment (Mode 3), and for port-services, cargo-handling, customs clearance, container stations which are not committed.

**EC Request:** Take commitments in accordance with the attached model schedule (Annex 1). In particular for the following areas:

- 1) International transport (freight and passengers) CPC 7211 and 7212
- 2) Additional commitments for access to and use of ports facilities
- 3) Maritime auxiliary services (maritime cargo handling, storage and warehouse services, customs clearance services, container station and depot services, maritime agency services)
- 4) Multimodal activities: for inland forwarding of cargoes - commit the ability to rent or lease - or to have access to and use of multimodal facilities (as specified in the note to the schedule).
- 5) Definitions – commit definitions as specified in the model schedule.

The EC also requests the following additional maritime commitments from New Zealand:

- 6) Equipment. To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of New Zealand, when it is not carried against payment. This is requested to be committed in a new footnote:

*“9. Movement of own equipment. International maritime transport suppliers can move/reposition their own equipment (i.e. empty containers, flatbeds etc.) on their own vessels between ports of New Zealand.”*

- 7) International cargo. With the development of containerisation and high frequency networking services and with the ever-larger vessels having to limit direct port calls for physical or economic reasons, the feedering of cargoes between main ports and way ports is becoming more important as an integral part of efficient international maritime transport. An international maritime transport supplier should be allowed to operate feeder services for its own international cargo between ports of New Zealand. This is requested to be committed in a new footnote:

*“10. International maritime transport suppliers can operate vessels of any flag for the purposes of pre- and onward carriage of the international cargo between ports of New Zealand“*

In this context New Zealand may wish to take the one or more of the following principles into concern:

- Size of the port. Only valid for international cargo relayed between national ports handling more than [25.000 TEU] on an annual basis.
- Binding existing ad hoc practices. To the extent exceptions are already granted for use of foreign flagged vessels such practices could be bound to explicitly cover pre- and onward carriage of international cargo.
- Geographical limitations: Transport of international cargo between ports within the same region [or other relevant sub-national entity] remains excluded.

A final request related to maritime transport is:

8) **Rental and leasing** of vessels with crew (CPC 7213, 7223).

**EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as in horizontal commitments.

## **B. INTERNAL WATERWAYS:**

New Zealand has no commitments for this activity.

c) **Rental and leasing of vessels with crew (CPC 7213, 7223)**

**EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

## **C. AIR TRANSPORT**

New Zealand has commitments for selling and marketing, and computer reservation systems. The EC shall ask New Zealand to also consider the following areas:

1) **Maintenance and repair of aircraft and parts thereof.**

**EC Request:**

- Modes 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**2) Selling and marketing.**

New Zealand has made commitments with restrictions for certain product groups.

**EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**4) Groundhandling services, as specified in the attached definitions (Annex 2).**

**EC Request:**

- Modes 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**5) Airport management services, as specified in the attached definitions (Annex 2).**

**EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**E. RAIL TRANSPORT**

**d) Maintenance and Repair of Rail Transport Equipment (CPC 8868).**

New Zealand has no commitments for this activity.

**EC Request:**

- Modes 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**F. ROAD TRANSPORT**

**d) Maintenance and Repair of Road Transport Equipment (CPC 6112)**

New Zealand has no commitments for this activity.

**EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

## **H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT**

### **c) Freight Transport Agency/Freight Forwarding Services (CPC 748) and Pre-Shipment Inspection (part of CPC 749).**

New Zealand has commitments, which are restricted to the context of maritime transport.

#### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”



## ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	Limitations on National Treatment	ADDITIONAL COMMITMENTS
<p>TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passenger) CPC 7211 and 7212 less cabotage transport (as defined below – 1)</p>	<p>1) (a) <u>Liner Shipping</u>: none (b) <u>Bulk, tramp, and other international shipping, including passenger transportation</u>: none</p> <p>2) None</p> <p>3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none</p> <p>4) (a) Ships crews: unbound (b) Key personnel employed in relation to a commercial presence as defined under mode 3b) above: Unbound except as in horizontal section</p>	<p>1) (a) None (b) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> <p>4) (a) Unbound (b) Unbound except as in horizontal section</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>MARITIME AUXILIARY SERVICES</p> <p>Maritime Cargo Handling Services (as defined below – 4)</p> <p>Storage and warehousing Services CPC 742</p> <p>Customs Clearance Services (as defined below – 5)</p> <p>Container Station and Depot Services (as defined below – 6)</p> <p>Maritime Agency Services (as defined below – 7)</p> <p>(Maritime) Freight Forwarding Services (as defined below – 8)</p>	<p>1) Unbound* except for – no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in horizontal section</p>	<p>1) Unbound* except for no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p>	

\* A commitment on this mode of delivery is not feasible.

\*\* Public utility concession or licensing procedures may apply in case of occupation of the public domain.

## **NOTE TO THE SCHEDULE**

Where road, rail, inland waterways (and) (related) (auxiliary) services are not otherwise fully covered in (this) (a Member's) schedule, a multimodal transport operator (as defined below - 3) shall have the ability to rent or lease trucks, railway carriages or barges and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. (« Reasonable and non-discriminatory terms and conditions» means, for the purpose of (multimodal transport operations), (this additional commitment), the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date).

### **DEFINITIONS**

1. Without prejudice to the scope of activities which may be considered as «cabotage» under the relevant national legislation, this schedule does not include «maritime cabotage services », which are assumed to cover transportation of passengers or goods between a port located in ... [name of country] ... and another port located in ... [name of the country], traffic originating and terminating in the same port located in [name of country] provided that this traffic remains within ... [name of country]'s territorial waters and transportation of passengers and goods between a port located in ... [name of the country] ... and installations or structures situated on the continental shelf of [name of the country].

2. « Other forms of commercial presence for the supply of international maritime transport services » means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be constituted as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

(a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;

(b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;

(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

(d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. « Multimodal transport operators » means the person on whose behalf the bill of lading /multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

4. « Maritime cargo handling services » means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operation companies. The activities covered include the organisation and supervision of:

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

5. « Customs clearance services » (alternatively « customs house brokers' services ») means activities consisting in carrying out on behalf of another party customs formalities concerning 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.

6. « Container station and depot services » means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/ stripping, repairing and making them available for shipments.

7. « Maritime agency services » means activities consisting in representing within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

8. « Freight forwarding services » means (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)..

## **ANNEX 2 FACILITATING AIR TRANSPORT SERVICES**

### **Ground-handling Services**

Efficient ground-handling is essential to the proper functioning of air transport and competition between operators in this area ensures that proper use is made of air transport infrastructure. It helps reduce the operating costs of airlines and improves the quality of service for airport users.

For specialised groundhandling suppliers the following activities are requested:

Ground Administration – supervision and administration at the airport (CPC 7461);  
Passenger Handling – assisting arriving, departing and transfer passengers (CPC 7461);  
Baggage Handling – handling baggage in the sorting area (CPC 7461);  
Freight and Mail Handling – physical handling of freight and mail, dealing with security and customs procedures (CPC 74110 (container handling services) and 74190 (other cargo handling services);  
Ramp Handling – marshalling and moving the aircraft, loading and unloading of aircraft, transport of passengers, freight, supplies (CPC 7469).  
Aircraft Services – cleaning the aircraft, heating and cooling, removal of snow and ice (CPC 7469);  
Fuel and Oil Handling – organisation and provision of fuel and oil;  
Aircraft Maintenance – covered specifically by the Annex as above;  
Flight Operations and Crew Administration – preparation of the flight, inflight and post-flight assistance, crew administration;  
Surface Transport – organisation and execution of transport within airport – except to and from aircraft;  
Catering Services – administration, storage, preparation and delivery of bar and food supplies (CPC 6423). [Catering is listed for only for information purposes as this activity is classified and committed by New Zealand as part of tourism services]

### **Airport management services**

Airport management services constitute the core activities of airport services providers and cover: Airport operation services (excl. cargo handling), including passenger air terminal services and ground services on air fields, including runway operating services, on a fee or contract CPC 74610. Activities are also related to “other management consulting services” (CPC 86509) and activities separately specified under “other management services not elsewhere classified”(CPC 86609). A commitment will allow services suppliers to take an equity stake in - and engage in the overall operation and management of - airports when these are open for investments from private operators. Thereby it will bind existing common practices in the sector.

# ENERGY SERVICES

## EC REQUEST TO NEW ZEALAND

This Request includes services that are listed under the negotiating proposal of the EU (S/CSS/W/60). The work on the classification of these services is still underway. For this reason, some activities therefore lack reference to CPC.

The EC wishes to underline the significant contribution of an appropriate use of energy for the promotion of sustainable development.

The EC requests that this area is committed as follows:

### **A. SERVICES RELATED TO EXPLORATION AND PRODUCTION**

#### **CPC 883: Services incidental to mining**

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

#### **CPC 8675: Related scientific and technical consulting services**

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

### **C. SERVICES RELATED TO NETWORKS**

#### **C.1 Operation of transportation/transmission and distribution facilities**

##### **Services incidental to energy distribution (including operation of transmission/distribution of electricity)**

This sub-sector is not committed. **EC Request:**

- Modes 3: Take commitments for operation of networks not part of the integrated system.
- Mode 4: Commit as referred to in the section "Horizontal commitments".

### **E. SERVICES FOR THE SUPPLY OF ENERGY**

#### **E.1 Wholesale of energy products**

##### **Wholesale trade services of electricity**

**EC Request:**

- Modes 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

## **E. 2 Retail Sale of energy products**

### **Retail sale trade services of electricity**

#### **EC Request:**

- Mode 3: Take commitments for the supply to industrial customers
- Mode 4: Commit as referred to in the section "Horizontal commitments"

## **E.3 Trading of energy products**

#### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

## **E.4 Brokering of energy products**

#### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".

## **F. SERVICES FOR THE FINAL USE**

### **F.1 Energy audit**

#### **CPC 86505: Production management consulting services**

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. None.
- Mode 4: Commit as referred to in the section "Horizontal commitments".

### **F.2 Energy management**

#### **CPC 86505: Production management consulting services**

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. None.
- Mode 4: Commit as referred to in the section "Horizontal commitments".

## **G. SERVICES RELATED TO DECOMMISSIONING**

#### **EC Request:**

- Modes 3: Take full commitments, i.e. schedule "none".
- Mode 4: Commit as referred to in the section "Horizontal commitments".