

ANNEX I

CROSS-BORDER TRADE IN SERVICES AND INVESTMENT NON-CONFORMING MEASURES

Explanatory Notes

1. The Schedule of a Party to this Annex sets out, pursuant to Article 9.8 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 14.10 (Non-Conforming Measures – Investment), a Party’s existing non-conforming measures that are not subject to some or all of the obligations imposed by:
 - (a) Article 9.5 (National Treatment – Cross-Border Trade in Services) or Article 14.6 (National Treatment – Investment);
 - (b) Article 9.6 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services) or Article 14.7 (Most-Favoured-Nation Treatment – Investment);
 - (c) Article 9.4 (Market Access – Cross-Border Trade in Services) or Article 14.5 (Market Access – Investment);
 - (d) Article 9.7 (Local Presence – Cross-Border Trade in Services);
 - (e) Article 14.8 (Performance Requirements – Investment); or
 - (f) Article 14.9 (Senior Management and Boards of Directors – Investment).
2. Each Schedule entry sets out the following elements:
 - (a) “**Sector**” refers to the sector for which the entry is made;
 - (b) “**Sub-Sector**”, where referenced, refers to the specific sub-sector for which the entry is made;
 - (c) “**Industry Classification**”, where referenced, refers to the activity covered by the entry, according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in that entry:
 - (i) “**ISIC Rev. 3.1**” means the *International Standard Industrial Classification of All Economic Activities* (Statistical Papers, Series M No. 4, ISIC Rev. 3.1, Statistical Office of the United Nations, New York, 2002); and

- (ii) **“CPC”** means the *Provisional Central Product Classification* (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
 - (d) **“Obligations Concerned”** specifies the obligations referred to in paragraph 1 that, pursuant to Article 9.8 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 14.10 (Non-Conforming Measures – Investment), do not apply to the listed measure or measures as indicated in the introductory note for each Party’s Schedule;
 - (e) **“Level of Government”**, where referenced, indicates the level of government maintaining the listed measures;
 - (f) **“Measures”** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the “Measures” element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (g) **“Description”**, as indicated in the introductory note for each Party’s Schedule, either sets out the non-conforming measure or provides a general non-binding description of the measure for which the entry is made.
3. For greater certainty, if a Party adopts a new measure at a level of government different to the level of government originally specified in an entry, and this new measure effectively replaces (within the territory to which it applies) the non-conforming aspect of the original measure cited in the “Measures” element, the new measure shall be deemed to constitute “amendment” to the original measure within the meaning of subparagraph 1(c) of Article 9.8 (Non-Conforming Measures – Cross-Border Trade in Services) and subparagraph 1(c) of Article 14.10 (Non-Conforming Measures – Investment).
 4. The list of entries below does not include measures relating to qualification requirements and procedures, technical standards, authorisation requirements, and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article 9.4 (Market Access – Cross-Border Trade in Services), Article 9.5 (National Treatment – Cross-Border Trade in Services), Article 9.7 (Local Presence – Cross-Border Trade in Services), Article 14.5 (Market Access – Investment), or Article 14.6 (National Treatment – Investment). These measures may include, in particular, the need to obtain a licence, to satisfy universal service

obligations, to have recognised qualifications in regulated sectors, to have completed a recognised period of training, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.

5. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Article 9.4 (Market Access – Cross-Border Trade in Services) or Article 14.5 (Market Access – Investment) for any measure:
 - (a) requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation, and telecommunications;
 - (b) restricting the concentration of ownership to ensure fair competition;
 - (c) seeking to ensure the conservation and protection of natural resources and the environment (including with respect to climate change), including a limitation on the availability, number, and scope of concessions granted, and the imposition of a moratorium or ban;
 - (d) limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or
 - (e) requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practise a certain profession such as lawyers or accountants.
6. A Party's entry for a requirement to have a local presence in the territory of that Party is made against Article 9.7 (Local Presence – Cross-Border Trade in Services), and not against Article 9.4 (Market Access – Cross-Border Trade in Services) or Article 9.5 (National Treatment – Cross-Border Trade in Services).

ANNEX I

CROSS-BORDER TRADE IN SERVICES AND INVESTMENT NON-CONFORMING MEASURES

Schedule of New Zealand

Introductory Notes

1. **“Description”** sets out the non-conforming measure to which the entry applies.

In accordance with Article 9.8 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 14.10 (Non-Conforming Measures – Investment), the Articles of this Agreement specified in the “Obligations Concerned” element of an entry do not apply to the laws, regulations, rules, procedures, decisions, administrative actions, practices, or other measures identified in the “Description” element of that entry.

Entry No. I-1

| | |
|------------------------------|--|
| Sector | All Sectors |
| Obligations Concerned | National Treatment (Investment) Market Access (Investment) |
| Measures | <i>Companies Act 1993</i> <i>Financial Reporting Act 2013</i> |
| Description | <p><u>Investment</u></p> <p>1. Consistent with New Zealand’s financial reporting regime established under the <i>Companies Act 1993</i> and <i>Financial Reporting Act 2013</i>, the following types of entities are required to prepare financial statements that comply with generally accepted accounting practice, and have those statements audited and registered with the Registrar of Companies (unless exceptions to any of those requirements apply):</p> <p>(a) any body corporate that is incorporated outside New Zealand (“overseas company”) that carries on business in New Zealand within the meaning of the <i>Companies Act 1993</i> and which is “large”,¹</p> <p>(b) any “large” New Zealand company in which shares that in aggregate carry the right to exercise or control the exercise of 25 per cent or more of the voting power at a meeting of the company are held by:²</p> |

¹ An overseas company or subsidiary of an overseas company is “large” in respect of an accounting period if at least one of the following applies:

- (a) as at the balance date of each of the two preceding accounting periods, the total assets of the entity and its subsidiaries (if any) exceed NZ\$20 million; or
- (b) in each of the two preceding accounting periods, the total revenue of the entity and its subsidiaries (if any) exceeds NZ\$10 million.

An audit report is required unless the New Zealand business of that overseas company is not “large” and the law where the company is incorporated does not require an audit.

² A New Zealand company is “large” in respect of an accounting period if at least one of the following paragraphs applies:

- (a) as at the balance date of each of the two preceding accounting periods, the total assets of the entity and its subsidiaries (if any) exceed NZ\$60 million; or
- (b) in each of the two preceding accounting periods, the total revenue of the entity and its subsidiaries (if any) exceeds NZ\$30 million.

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| | <ul style="list-style-type: none"> (i) a subsidiary of a body corporate incorporated outside New Zealand; (ii) a body corporate incorporated outside New Zealand; or (iii) a person not ordinarily resident in New Zealand; or <p>(c) any “large” company incorporated in New Zealand which is a subsidiary of an overseas company.³</p> <p>2. If a company is required to prepare financial statements and if they have one or more subsidiaries, they must, instead of preparing financial statements in respect of themselves, prepare group financial statements that comply with generally accepted accounting practice in relation to that group. This obligation does not apply if:</p> <ul style="list-style-type: none"> (a) that Company (A) is itself a subsidiary of a body corporate (B), where body corporate (B) is: <ul style="list-style-type: none"> (i) incorporated in New Zealand; or (ii) registered or deemed to be registered under Part 18 of the <i>Companies Act 1993</i>; and (b) group financial statements in relation to a group comprising B, A, and all other subsidiaries of B that comply with generally accepted accounting practice are completed; and (c) a copy of the group financial statements referred to in subparagraph (b) and a copy of the auditor’s report on those statements are |
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³ An overseas company or subsidiary of an overseas company is “large” in respect of an accounting period if at least one of the following applies:

- (a) as at the balance date of each of the two preceding accounting periods, the total assets of the entity and its subsidiaries (if any) exceed NZ\$20 million; or
- (b) in each of the two preceding accounting periods, the total revenue of the entity and its subsidiaries (if any) exceeds NZ\$10 million.

An audit report is required unless the New Zealand business of that overseas company is not “large” and the law where the company is incorporated does not require an audit.

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| | <p>delivered for registration under the <i>Companies Act 1993</i> or for lodgement under another Act.</p> <p>3. If an overseas company is required to prepare:</p> <ul style="list-style-type: none">(a) financial statements under the <i>Companies Act 1993</i> it must also, if its New Zealand business meets the asset and revenue thresholds that apply in respect of “large” overseas companies, prepare, in addition to the financial statements of the large overseas company itself, financial statements for its New Zealand business prepared as if that business were conducted by a company formed and registered in New Zealand; and(b) group financial statements under the <i>Companies Act 1993</i>, and if the group’s New Zealand business meets the asset and revenue thresholds that apply in respect of “large” overseas companies, the group financial statements that are prepared must include, in addition to the financial statements of the group, financial statements for the group’s New Zealand business prepared as if the members of the group were companies formed and registered in New Zealand. |
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Entry No. I-2

| | |
|------------------------------|---|
| Sector | Agriculture, including services incidental to agriculture |
| Obligations Concerned | National Treatment (Cross-Border Trade in Services and Investment) Market Access (Cross-Border Trade in Services and Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) |
| Measures | <i>Dairy Industry Restructuring Act 2001</i> |
| Description | <p><u>Cross-Border Trade in Services and Investment</u></p> <p>The <i>Dairy Industry Restructuring Act 2001</i> (“DIRA”) and Regulations provide for the management of a national database for herd testing data. The DIRA:</p> <ul style="list-style-type: none"> (a) provides for the New Zealand government to determine arrangements for the database to be managed by another dairy industry entity. In doing so the New Zealand government may: <ul style="list-style-type: none"> (i) take into account the nationality and residency of the entity, persons that own or control the entity, and the senior management and board of directors of the entity; and (ii) restrict who may hold shares in the entity, including on the basis of nationality; (b) requires the transfer of data by those engaged in herd testing of dairy cattle to the Livestock Improvement Corporation or successor entity; (c) establishes rules regarding access to the database and that access may be denied on the basis that the database’s intended use could be “harmful to the New Zealand dairy industry”, which may take into account the |

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| | nationality or residency of the person seeking access. |
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Entry No. I-3

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| Sector | Communication Services Telecommunications |
| Obligations Concerned | National Treatment (Investment) Senior Management and Boards of Directors (Investment) |
| Measures | <i>Constitution of Chorus Limited</i> |
| Description | <u>Investment</u> The Constitution of Chorus Limited requires New Zealand government approval for the shareholding of any single overseas entity to exceed 49.9 per cent. At least half of the Board directors are required to be New Zealand citizens. |

Entry No. I-4

| | |
|------------------------------|---|
| Sector | Agriculture, including services incidental to agriculture |
| Obligations Concerned | Senior Management and Boards of Directors (Investment) Market Access (Investment) |
| Measures | <i>Primary Products Marketing Act 1953</i> |
| Description | <p><u>Investment</u></p> <p>Under the <i>Primary Products Marketing Act 1953</i>, the New Zealand Government may impose regulations to enable the establishment of statutory marketing authorities with monopoly marketing and acquisition powers (or lesser powers) for “primary products”, being products derived from beekeeping, fruit growing, hop growing, deer farming or game deer, or goats, being the fur bristles or fibres grown by the goat.</p> <p>Regulations may be issued under the <i>Primary Products Marketing Act 1953</i> concerning a broad range of the marketing authority’s functions, powers, and activities. In particular, regulations may require that board members or personnel be nationals of or resident in New Zealand.</p> |

Entry No. I-5

| | |
|------------------------------|---|
| Sector | Air Transportation |
| Obligations Concerned | National Treatment (Investment) Senior Management and Boards of Directors (Investment) Market Access (Investment) Performance Requirements (Investment) |
| Measures | <i>Civil Aviation Act 1990</i> Ministerial Guidelines |
| Description | <u>Investment</u> Only a licensed air transport enterprise may provide international scheduled air services as a New Zealand international airline. Licences to provide international scheduled air services as a New Zealand international airline are subject to certain conditions to ensure compliance with New Zealand's air services agreements. Such conditions may include requirements that an airline is substantially owned and effectively controlled by New Zealand nationals, has its principal place of business in New Zealand, or is subject to the effective regulatory control of the New Zealand Civil Aviation Authority. |

Entry No. I-6

| | |
|------------------------------|--|
| Sector | Air Transportation |
| Obligations Concerned | National Treatment (Investment) Senior Management and Boards of Directors (Investment) Performance Requirements (Investment) |
| Measures | Constitution of Air New Zealand Limited |
| Description | <p><u>Investment</u></p> <p>No one foreign national may hold more than 10 per cent of shares that confer voting rights in Air New Zealand unless they have the permission of the Kiwi Shareholder.⁴ In addition:</p> <ul style="list-style-type: none">(a) at least three members of the Board of Directors must be ordinarily resident in New Zealand;(b) more than half of the Board of Directors must be New Zealand citizens;(c) the Chairperson of the Board of Directors must be a New Zealand citizen; and(d) the location of the Head Office of Air New Zealand, and its principal place of business, shall be in New Zealand. |

⁴ The Kiwi Share in Air New Zealand is a single NZ\$1 special rights convertible preference share issued to the Crown. The Kiwi Shareholder is Her Majesty the Queen in Right of New Zealand.

Entry No. I-7

| | |
|------------------------------|--|
| Sector | All Sectors |
| Obligations Concerned | National Treatment (Investment) Market Access (Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) |
| Measures | <i>Overseas Investment Act 2005</i> <i>Fisheries Act 1996</i> <i>Overseas Investment Regulations 2005</i> |
| Description | <p><u>Investment</u></p> <p>Consistent with New Zealand’s overseas investment regime as set out in the relevant provisions of the <i>Overseas Investment Act 2005</i>, the <i>Fisheries Act 1996</i>, and the <i>Overseas Investment Regulations 2005</i>, the following investment activities require prior approval from the New Zealand Government:</p> <ul style="list-style-type: none"> (a) acquisition or control by non-government sources of 25 per cent or more of any class of shares⁵ or voting power⁶ 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 shares⁷ |

⁵ For greater certainty, the term “shares” includes shares and other types of securities.

⁶ 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.

⁷ For greater certainty, the term “shares” includes shares and other types of securities.

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| | <p>or voting power⁸ in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$100 million;</p> <p>(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;</p> <p>(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</p> <p>(f) any transaction, regardless of dollar value, that would result in an overseas investment in fishing quota.</p> <p>Overseas investors must comply with the criteria set out in the overseas investment regime and any conditions specified by the regulator and the relevant Minister or Ministers.</p> <p>This entry should be read in conjunction with Entry No II-6.</p> |
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⁸ 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.

Entry No. I-8

| | |
|------------------------------|--|
| Sector | All Sectors |
| Obligations Concerned | Performance Requirements (Investment) |
| Measures | <i>Income Tax Act 2007</i> <i>Goods and Services Tax Act 1985</i> <i>Estate and Gift Duties Act 1968</i> <i>Stamp and Cheque Duties Act 1971</i> <i>Gaming Duties Act 1971</i> <i>Tax Administration Act 1994</i> |
| Description | <u>Investment</u> Any existing non-conforming taxation measures. |

ANNEX I

CROSS-BORDER TRADE IN SERVICES AND INVESTMENT NON-CONFORMING MEASURES

Schedule of the United Kingdom

Contents

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Introductory Notes

1. **“Description”** provides a general non-binding description of the measure for which the entry is made.
2. **“Obligations Concerned”** specifies the obligations referred to in paragraph 1 of Article 9.8 (Non-Conforming Measures – Cross-Border Trade in Services) and paragraph 1 of Article 14.10 (Non-Conforming Measures – Investment) that do not apply to the measures listed in the “Measures” element.
3. In the interpretation of an entry, all elements of the entry shall be considered. An entry shall be interpreted in the light of the relevant obligations against which the entry is taken. The “Measures” element shall prevail over other elements.
4. For the avoidance of doubt, and recalling:
 - (a) subparagraph 3(b) of Article 9.3 (Scope – Cross-Border Trade in Services) and paragraph 5 of Article 14.10 (Non-Conforming Measures – Investment) relating to the exclusion of government procurement; and
 - (b) subparagraph 3(d) of Article 9.3 (Scope – Cross-Border Trade in Services) and paragraph 6 of Article 14.10 (Non-Conforming Measures – Investment) relating to the exclusion of subsidies or grants provided by a Party,

in relation to Research and Development (“R&D”) services, Chapter 9 (Cross-Border Trade in Services) and Chapter 14 (Investment) shall not interfere with the ability of the United Kingdom to grant exclusive rights or authorisations, for publicly funded R&D services, to nationals of the United Kingdom or enterprises of the United Kingdom having their registered office, central administration, or principal place of business in the United Kingdom.

Entry No. I-1– Health, Social, and Education Services

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|-----------------------|--|
| Sector | Health, social, and education services |
| Obligations Concerned | Market Access National Treatment Senior Management and Boards of Directors |
| Level of Government | Central and Regional |
| Description | <p><u>Investment</u></p> <p>The United Kingdom, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social, or education services (CPC 93, 92), may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by investors of New Zealand or their enterprises. With respect to such a sale or other disposition, the United Kingdom may adopt or maintain any measure relating to the nationality or residency of senior management or members of the boards of directors, as well as any measure limiting the number of suppliers.</p> <p>For the purposes of this entry:</p> <p>(a) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality or residency requirements, or imposes limitations on the numbers of suppliers as described in this entry, shall be deemed to be an existing measure; and</p> <p>(b) “state enterprise” means an enterprise owned or controlled through ownership interests by the United Kingdom and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.</p> |
| Measures | As set out in the Description element as indicated above. |

Entry No. I-2– Professional services (legal services)

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|-------------------------|--|
| Sector - Sub-Sector | Professional services - legal services |
| Industry Classification | Part of CPC 861 |
| Obligations Concerned | Market Access National Treatment Local Presence |
| Level of Government | Central and Regional |
| Description | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>Residency (commercial presence) may be required by the relevant professional or regulatory body for the provision of some United Kingdom domestic legal services. Non-discriminatory legal form requirements apply.</p> <p>Residency may be required by the relevant professional or regulatory body for the provision of certain United Kingdom domestic legal services in relation to immigration.</p> |
| Measures | <p>For England and Wales, the <i>Solicitors Act 1974</i>, the <i>Administration of Justice Act 1985</i> and the <i>Legal Services Act 2007</i>.</p> <p>For Scotland, the <i>Solicitors (Scotland) Act 1980</i> and the <i>Legal Services (Scotland) Act 2010</i>.</p> <p>For Northern Ireland, the <i>Solicitors (Northern Ireland) Order 1976</i>.</p> <p>For the United Kingdom, the <i>Immigration and Asylum Act 1999</i>.</p> <p>In addition, the measures applicable in England and Wales, Scotland, or Northern Ireland include any requirements set by professional and regulatory bodies.</p> |

Entry No. I-3– Professional services (intellectual property agents)

| | |
|-----------------------|---|
| Sector - Sub-Sector | Professional services - intellectual property agents |
| Obligations Concerned | Local Presence Most-Favoured-Nation Treatment |
| Level of Government | Central |
| Description | <u>Cross-Border Trade in Services</u> Local presence is required for the provision of intellectual property agency services. |
| Measures | <i>Copyright, Designs and Patents Act 1988.</i> |

Entry No. I-4– Professional services (veterinary services)

| | |
|-------------------------|---|
| Sector - Sub-Sector | Professional services - veterinary services |
| Industry Classification | CPC 932 |
| Obligations Concerned | Market Access Local Presence |
| Level of Government | Central |
| Description | <u>Cross-Border Trade in Services</u> Only members of the Royal College of Veterinary Surgeons (“RCVS”) may provide veterinary services in the United Kingdom. RCVS guidelines may require physical presence for the provision of veterinary services. |
| Measures | <i>Veterinary Surgeons Act 1966.</i> |

Entry No. I-5– Business services

| | |
|-------------------------|---|
| Sector - Sub-Sector | Business services - rental or leasing services without operators and other business services |
| Industry Classification | Part of CPC 831 |
| Obligations Concerned | Market Access National Treatment Local Presence Most-Favoured-Nation Treatment |
| Level of Government | Central |
| Description | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>For rental or leasing of aircraft without crew (dry lease) aircraft used by an air carrier of the United Kingdom are subject to applicable aircraft registration requirements. A dry lease agreement to which a United Kingdom carrier is a party shall be subject to requirements in the national law on aviation safety, such as prior approval and other conditions applicable to the use of third countries' registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control (CPC 83104).</p> <p>With respect to computer reservation system (“CRS”) services, where the United Kingdom air carriers are not accorded, by CRS services suppliers operating outside the United Kingdom, equivalent (meaning non-discriminatory) treatment to that provided in the United Kingdom, or where United Kingdom CRS services suppliers are not accorded, by non-United Kingdom air carriers, equivalent treatment to that provided in the United Kingdom, measures may be taken to accord equivalent discriminatory treatment, respectively, to the non-United Kingdom air carriers by the CRS services suppliers operating in the United Kingdom, or to the non-United Kingdom CRS services suppliers by United Kingdom air carriers.</p> |
| Measures | <i>Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) as retained in United Kingdom law by the European Union (Withdrawal) Act 2018 and as amended by the Operation of Air Services (Amendment etc.) (EU Exit) Regulations (S.I. 2018/1392).</i> |

Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 as retained in United Kingdom law by the European Union (Withdrawal) Act 2018 and as amended by the Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1080).

Entry No. I-6– Communication services

| | |
|-------------------------|--|
| Sector - Sub-Sector | Communication services - postal and courier services |
| Industry Classification | Part of CPC 71235, part of 73210, part of 751 |
| Obligations Concerned | Market Access |
| Level of Government | Central |
| Description | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>The organisation of the siting of letter boxes on the public highway, the issuing of postage stamps, and the provision of the registered mail service used in the course of judicial or administrative procedures may be restricted. For greater certainty, postal operators may be subject to particular universal service obligations or a financial contribution to a compensation fund.</p> |
| Measures | <p><i>Postal Services Act 2011</i></p> <p><i>Postal Services Act 2000</i></p> |

Entry No. I-7– Transport services and services auxiliary to transport services

| | |
|-----------------------|--|
| Sector - Sub-Sector | Transport services - auxiliary services for water transport, auxiliary services to rail transport, road transport and services auxiliary to road transport, services auxiliary to air transport services |
| Obligations Concerned | Market Access Local Presence Senior Management and Boards of Directors |
| Level of Government | Central and Regional |
| Description | <p>(a) Services auxiliary to air transport services</p> <p><u>With respect to Investment – Market Access and Cross-Border Trade in Services – Market Access:</u></p> <p>The level of openness of groundhandling services depends on the size of airport. The number of suppliers in each airport may be limited. For big airports, this limit may not be less than two suppliers.</p> <p>Measures: <i>The Airports (Groundhandling) Regulations 1997 (S.I. 1997/2389).</i></p> <p>(b) Supporting services for all modes of transport</p> <p><u>With respect to Cross-Border Trade in Services – Local Presence:</u></p> <p>Customs services, including customs clearance services and services relating to use of temporary storage facilities or customs warehouses, may only be provided by persons established in the United Kingdom. For the avoidance of doubt, this includes United Kingdom residents, persons with a permanent place of business in the United Kingdom or a registered office in the United Kingdom.</p> <p>Measures: <i>Taxation (Cross-Border Trade) Act 2018.</i> <i>Customs and Excise Management Act 1979.</i></p> <p>(c) Auxiliary services for water transport</p> <p><u>With respect to Investment – Market Access and Cross-Border Trade in Services – Market Access:</u></p> |

For port services, the managing body of a port or the competent authority, may limit the number of providers of port services for a given port service.

Measures:

Regulation (EU) 2017/352 of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports, Article 6 as retained in United Kingdom law by the European Union (Withdrawal) Act 2018 and as amended by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/671).

Port Services Regulations 2019.

(d) Road transport and Services auxiliary to road transport

With respect to Investment – Senior Management and Boards of Directors:

Transport Managers within the Road Haulage sector may be required to be resident in the United Kingdom.

Measures:

Goods Vehicles (Licensing of Operators) Act 1995.

Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC as retained in United Kingdom law by the European Union (Withdrawal) Act 2018 and as amended by the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708).

Entry No. I-8– Energy related activities

| | |
|-------------------------|--|
| Sector - Sub-Sector | Energy related activities - mining and quarrying |
| Industry Classification | ISIC Rev 3.1 11 |
| Obligations Concerned | Market Access |
| Level of Government | Central and Regional |
| Description | <p><u>Investment and Cross-Border Trade in Services</u></p> <p>A licence is necessary to undertake exploration and production activities, both onshore and offshore. But mining and quarrying services may be provided to that licence holder without restriction.</p> <p>This entry applies to production licences issued with respect to both onshore and offshore activities. To be a Licensee, a company must have a place of business within the United Kingdom. That means either:</p> <p>(a) a staffed presence in the United Kingdom;</p> <p>(b) registration of a United Kingdom company at Companies House; or</p> <p>(c) registration of a United Kingdom branch of a foreign company at Companies House.</p> <p>To be a party to a licence that covers a producing field, a company must either:</p> <p>(a) be registered at Companies House as a United Kingdom company; or</p> <p>(b) carry on its business through a fixed place of business in the United Kingdom as defined in section 148 of the <i>Finance Act 2003</i> (which normally requires a staffed presence).</p> <p>This entry does not cover the provision of mining and quarrying services to the licence holder. Those services may be provided without restriction, provided that the holder of the production licence meets the criteria above.</p> |
| Measures | <i>Petroleum Act 1998.</i> |