

## ANNEX II

### 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), the specific sectors, sub-sectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with 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 sectors, sub-sectors, or activities listed in the entry;
  - (e) **“Description”** sets out the scope or nature of the sectors, sub-sectors, or activities covered by the entry to which the reservation applies; and
  - (f) **“Existing Measures”**, where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, sub-sectors, or activities covered by the entry.
3. In accordance with Article 9.8 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 14.10 (Non-Conforming Measures – Investment), the Articles specified in the “Obligations Concerned” element of an entry do not apply to the sectors, sub-sectors, and activities identified in the “Description” element of that entry.
  4. In the event of an inconsistency in relation to the interpretation of a Schedule entry, the “Description” element shall prevail to the extent of the inconsistency.
  5. 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.
  6. 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.
7. 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).
8. With respect to computer services, any of the following services shall be considered as “computer and related services”, regardless of whether they are delivered via a network, including the Internet:
- (a) consulting, adaptation, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, support, technical assistance, or management of or for computers or computer systems;
  - (b) computer programmes defined as the sets of instructions required to make computers work and communicate (in and of themselves), as well as consulting, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, adaptation, maintenance, support, technical assistance, management, or use of or for computer programmes;
  - (c) data processing, data storage, data hosting, or database services;

- (d) maintenance and repair services for office machinery and equipment, including computers; and
- (e) training services for staff of clients, related to computer programmes, computers, or computer systems, and not elsewhere classified.

For greater certainty, services enabled by computer and related services, other than those listed in subparagraphs (a) to (e), shall not be regarded as “computer and related services” in themselves.

9. With respect to Annex II entries on Most-Favoured-Nation Treatment relating to bilateral or multilateral international agreements, the absence of language regarding the scope of the reservation for differential treatment resulting from an amendment of those bilateral or multilateral international agreements in force or signed prior to the date of entry into force of this Agreement is without prejudice to each Party’s respective interpretation of the scope of that reservation.

## ANNEX II

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

#### Schedule of New Zealand

#### Entry No. II-1

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

	<ul style="list-style-type: none"><li>(viii) public utilities;</li><li>(ix) refuse disposal;</li><li>(x) sanitation;</li><li>(xi) waste water management;</li><li>(xii) sewage;</li><li>(xiii) waste management;</li><li>(xiv) social security and insurance; and</li><li>(xv) social welfare.</li></ul>
--	--

**Entry No. II-2**

<b>Sector</b>	Financial Services
<b>Obligations Concerned</b>	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence (Cross-Border Trade in Services)</p> <p>Performance Requirements (Investment)</p> <p>Senior Management and Boards of Directors (Investment)</p>
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to the supply of:</p> <p>(a) compulsory social insurance for personal injury caused by accident, work related gradual process disease and infection, and treatment injury; and</p> <p>(b) disaster insurance for residential property for replacement cover up to a defined statutory maximum.</p>
<b>Existing Measures</b>	<p><i>Accident Compensation Act 2001</i></p> <p><i>Earthquake Commission Act 1993</i></p>

**Entry No. II-3**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Local Presence (Cross-Border Trade in Services) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure with respect to water, including the allocation, collection, treatment, and distribution of drinking water.



**Entry No. II-4**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence (Cross-Border Trade in Services)</p> <p>Performance Requirements (Investment)</p> <p>Senior Management and Boards of Directors (Investment)</p> <p>Market Access (Cross-Border Trade in Services and Investment)</p>
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt and maintain any measure solely as part of the act of devolving a service that is provided in the exercise of governmental authority at the date of entry into force of this Agreement. Such measures may include:</p> <ul style="list-style-type: none"> <li>(a) restricting the number of service suppliers;</li> <li>(b) allowing an enterprise, wholly or majority owned by the Government of New Zealand, to be the sole service supplier or one amongst a limited number of service suppliers;</li> <li>(c) imposing restrictions on the composition of senior management and boards of directors;</li> <li>(d) requiring local presence; and</li> <li>(e) specifying the juridical form of the service supplier.</li> </ul>

**Entry No. II-5**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  Where the New Zealand Government wholly owns or has effective control over an enterprise, then New Zealand reserves the right to adopt or maintain any measures regarding the sale of any shares in that enterprise or any assets of that enterprise to any person, including according more favourable treatment to New Zealand nationals.

**Entry No. II-6**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Investment) Market Access (Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment)
<b>Description</b>	<p><u>Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure that sets out the approval criteria to be applied to the categories of overseas investment that require approval under New Zealand’s overseas investment regime.</p> <p>For the purposes of transparency, those categories, as set out in Entry No. I-7 are:</p> <ul style="list-style-type: none"> <li>(a) acquisition or control by non-government sources of 25 per cent or more of any class of shares<sup>1</sup> or voting power<sup>2</sup> in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$200 million;</li> <li>(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;</li> <li>(c) acquisition or control by government sources of 25 per cent or more of any class of shares<sup>3</sup> or voting power<sup>4</sup> in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$100 million;</li> </ul>

<sup>1</sup> For greater certainty, the term “shares” includes shares and other types of securities.

<sup>2</sup> For greater certainty, “voting power” includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

<sup>3</sup> For greater certainty, the term “shares” includes shares and other types of securities.

<sup>4</sup> For greater certainty, “voting power” includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

	<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>
<b>Existing Measures</b>	<p><i>Overseas Investment Act 2005</i>  <i>Fisheries Act 1996</i>  <i>Overseas Investment Regulations 2005</i></p>

**Entry No. II-7**

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

**Entry No. II-8**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure taken as part of a wider process of economic integration or trade liberalisation between the parties to the <i>Australia New Zealand Closer Economic Relations Trade Agreement</i> (ANZCERTA) or the <i>Pacific Agreement on Closer Economic Relations</i> (PACER) that accords differential treatment to a non-party. <sup>5</sup>

---

<sup>5</sup> For the avoidance of doubt, this includes any measure adopted or maintained under any existing or future protocol to the agreements.

**Entry No. II-9**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Local Presence (Cross-Border Trade in Services )
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure regarding the control, management, or use of:</p> <p>(a) protected areas, being areas established under and subject to the control of legislation, including resources on land, interests in land or water, that are set up for heritage management purposes (both historic and natural heritage), public recreation, and scenery preservation; or</p> <p>(b) species owned under enactments by the Crown or that are protected by or under an enactment.</p>
<b>Existing Measures</b>	<p><i>Conservation Act 1987</i> and the enactments listed in: schedule 1 of the <i>Conservation Act 1987</i>; <i>Resource Management Act 1991</i>; <i>Local Government Act 1974</i>.</p>

**Entry No. II-10**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure including nationality or residency measures in relation to:</p> <ul style="list-style-type: none"> <li>(a) animal welfare; and</li> <li>(b) the preservation of plant, animal and human life and health; including in particular: <ul style="list-style-type: none"> <li>(i) food safety of domestic and exported foods;</li> <li>(ii) animal feeds;</li> <li>(iii) food standards;</li> <li>(iv) biosecurity;</li> <li>(v) biodiversity; and</li> <li>(vi) certification of the plant or animal health status of goods.</li> </ul> </li> </ul> <p>Nothing in this reservation shall be construed to derogate from the obligations of Chapter 5 (Sanitary and Phytosanitary Measures), or the obligations of the <i>Agreement on the Application of Sanitary and Phytosanitary Measures</i> in Annex 1A to the WTO Agreement or the Sanitary Agreement.</p> <p>Nothing in this reservation shall be construed to derogate from the obligations of Chapter 7 (Technical Barriers to Trade), or the obligations of the <i>Agreement</i></p>



	<p><i>on Technical Barriers to Trade</i> in Annex 1A to the WTO Agreement.</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>
--	---

**Entry No. II-11**

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

**Entry No. II-12**

<b>Sector</b>	Business Services Fire Services
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure with respect to the provision of fire prevention and firefighting services, excluding aerial firefighting services.  The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.
<b>Existing Measures</b>	<i>Fire and Emergency New Zealand Act 2017</i>

**Entry No. II-13**

<b>Sector</b>	Business Services Research and Development
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Performance Requirements (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure with respect to:  (a) research and development services carried out by state funded tertiary institutions or by Crown Research Institutes when such research is conducted for a public purpose; or  (b) research and experimental development services on physical sciences, chemistry, biology, engineering and technology, agricultural sciences, medical, pharmaceutical, and other natural sciences, i.e. CPC 8510.

**Entry No. II-14**

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

**Entry No. II-15**

<b>Sector</b>	Business Services Fisheries and aquaculture Services related to fisheries and aquaculture
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Local Presence (Cross-Border Trade in Services) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to control the activities of foreign fishing, including fishing landing, first landing of fish processed at sea, and access to New Zealand ports (port privileges) consistent with the provisions of the United Nations Convention on the Law of the Sea.
<b>Existing Measures</b>	<i>Fisheries Act 1996</i> <i>Aquaculture Reform Act 2004</i>

**Entry No. II-16**

<b>Sector</b>	Business Services Energy Manufacturing Wholesale trade Retail
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Local Presence (Cross-Border Trade in Services) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt any measure in order to prohibit, regulate, manage, or control the production, use, distribution, or retail of nuclear energy, including setting conditions for natural persons or juridical persons to do so.

**Entry No. II-17**

<b>Sector</b>	Communication Services Audio-visual and other Services
<b>Obligations concernedConcerned</b>	Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under preferential co-production arrangements, confers national treatment on works covered by such arrangements.
<b>Existing Measures</b>	For greater transparency, section 18 of the <i>New Zealand Film Commission Act 1978</i> limits Commission funding to films with a “significant NewZealand content”. This criterion is deemed to be satisfied if made pursuant to a co-production agreement or arrangement with the partner country in question.



**Entry No. II-18**

<b>Sector</b>	Communication Services Audio-visual and other Services
<b>Obligations Concerned</b>	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)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure with respect to the promotion of film and television production in New Zealand and the promotion of local content on public radio and television, and in films.

**Entry No. II-19**

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measures with respect to:  (a) the holding of shares in the co-operative dairy company arising from the amalgamation authorised under the <i>Dairy Industry Restructuring Act 2001</i> (or any successor body); and  (b) the disposition of assets of that company or its successor bodies.
<b>Existing Measures</b>	<i>Dairy Industry Restructuring Act 2001</i>

**Entry No. II-20**

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

**Entry No. II-21**

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>(a) specifying the terms and conditions for the establishment and operation of any government endorsed allocation scheme for the rights to the distribution of export products falling within the HS categories covered by the <i>WTO Agreement on Agriculture</i> in Annex 1A to the WTO Agreement (“Agriculture Agreement”) to markets where tariff quotas, country-specific preferences or other measures of similar effect are in force; and</li> <li>(b) the allocation of distribution rights to wholesale trade service suppliers pursuant to the establishment or operation of such an allocation scheme.</li> </ul> <p>This entry is not intended to have the effect of prohibiting all investment in the provision of wholesale trade and distribution services relating to goods in the HS chapters covered by the Agriculture Agreement. The entry applies in respect of investment to the extent that the services sectors specified in this reservation are a subset of agricultural products subject to tariff quotas, country-specific preferences, or other measures of similar effect.</p>

**Entry No. II-22**

<b>Sector</b>	Agriculture, including services incidental to agriculture
<b>Obligations Concerned</b>	Senior Management and Boards of Directors (Investment) Market Access (Investment)
<b>Description</b>	<p><u>Investment</u></p> <p>New Zealand reserves the right to maintain or adopt any measure necessary to give effect to the establishment or the implementation of mandatory marketing plans (also referred to as “export marketing strategies”) for the export marketing of products derived from:</p> <ul style="list-style-type: none"> <li>(a) agriculture;</li> <li>(b) beekeeping;</li> <li>(c) horticulture;</li> <li>(d) arboriculture;</li> <li>(e) arable farming; and</li> <li>(f) the farming of animals,</li> </ul> <p>where there is support within the relevant industry that a mandatory collective marketing plan should be adopted or activated.</p> <p>For greater certainty, mandatory marketing plans, in the context of this reservation exclude measures limiting the number of market participants or limiting the volume of exports.</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>
<b>Existing Measures</b>	<i>New Zealand Horticulture Export Authority Act 1987</i>

**Entry No. II-23**

<b>Sector</b>	Health and Social services
<b>Obligations Concerned</b>	Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure with respect to all services suppliers and investors for the supply of adoption services.  The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.
<b>Existing Measures:</b>	<i>Adoption Act 1955</i> <i>Adoption (Inter-country) Act 1997</i>

**Entry No. II-24**

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

**Entry No. II-25**

<b>Sector</b>	Recreation, cultural, and sporting Library, archive, museum, and other cultural services
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Local Presence (Cross-Border Trade in Services) Performance Requirements (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measures in respect of:</p> <ul style="list-style-type: none"> <li>(a) cultural heritage of national value; including ethnological, archaeological, historical, literary, artistic, scientific, or technological heritage, as well as collections that are documented, preserved, and exhibited by museums, galleries, libraries, archives, and other heritage collecting institutions;</li> <li>(b) public archives;</li> <li>(c) library and museum services; and</li> <li>(d) services for the preservation of historical or sacred sites or historical buildings.</li> </ul>



**Entry No. II-26**

<b>Sector</b>	Transport Maritime Services
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Performance Requirements (Investment) Senior Management and Boards of Directors (Investment) Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>(a) the carriage by sea of passengers or cargo between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port in New Zealand (maritime cabotage), with the exception of the movement of empty containers. For greater certainty, maritime cabotage includes feeder services;</li> <li>(b) the establishment of registered companies for the purpose of operating a fleet under the New Zealand flag; and</li> <li>(c) the registration of vessels in New Zealand.</li> </ul>

**Entry No. II-27**

<b>Sector</b>	Distribution Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure for public health or social policy purposes with respect to wholesale and retail trade services of tobacco products and alcoholic beverages.

**Entry No. II-28**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Investment) Performance Requirements (Investment)
<b>Description</b>	<u>Investment</u>  New Zealand reserves the right to adopt or maintain any taxation measure with respect to the sale, purchase, or transfer of residential property (including interests that arise via leases, financing, and profit sharing arrangements, and acquisition of interests in enterprises that own residential property).  For greater certainty, residential property does not include non-residential commercial real estate.

**Entry No. II-29**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Senior Management and Board of Directors (Investment)
<b>Description</b>	<p><u>Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure that requires a member of the senior management to be resident in New Zealand.</p> <p>New Zealand reserves the right to adopt or maintain any measure to require:</p> <p>(a) one member of the Board of Directors to be a New Zealand national or resident in New Zealand; or</p> <p>(b) a minority of the Board of Directors to be a New Zealand national or resident in New Zealand, where that requirement would not materially impair the ability of the investor to exercise control over its enterprise, provided that the requirement is for the purpose of securing compliance with laws or regulations that are not inconsistent with this Agreement.</p>
<b>Existing Measures</b>	<p><i>Companies Act 1993</i></p> <p><i>Limited Partnerships Act 2008</i></p>

**Entry No. II-30**

<b>Sector</b>	Communication Services Postal and Courier Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>
	<p>New Zealand reserves the right to adopt or maintain any measure that would impose on postal operators additional conditions for operation in the market or de-registration where operators engage in anti-competitive behaviour.</p> <p>New Zealand reserves the right to adopt or maintain any measure that would allow it to restrict the issue of postage stamps bearing the words “New Zealand”.<sup>6</sup></p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

---

<sup>6</sup> The issue of stamps bearing the words “New Zealand” to Universal Postal Union designated operators except where the words “New Zealand” form part of the name of the operator issuing the stamps.

**Entry No. II-31**

<b>Sector</b>	Distribution Services Commission agents' services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in respect of sectors not falling within the following CPC Codes:</p> <ul style="list-style-type: none"> <li>(a) CPC 62113-62115;</li> <li>(b) CPC 62117-62118;</li> <li>(c) CPC 62111 except for 02961-02693 (ovine wool);</li> <li>(d) CPC 62112 except for CPC 21111, 21112, 21115, 21116 and 21119 (edible offals of bovine and ovine origin) and 02961-02963 (ovine wool); and</li> <li>(e) CPC 62116 except for 2613-2615 (ovine wool).</li> </ul> <p>In respect of sectors falling within the following CPC codes:</p> <ul style="list-style-type: none"> <li>(a) CPC 62111 only in respect of 02961-02693 (ovine wool);</li> <li>(b) CPC 62112 only in respect of CPC 21111, 21112, 21115, 21116 and 21119 (edible offals of bovine and ovine origin) and 02961-02963 (ovine wool); and</li> <li>(c) CPC 62116 only in respect of 2613-2615 (ovine wool).</li> </ul> <p>New Zealand reserves the right to adopt or maintain any measure regarding export distribution that relates to:</p>

	<p>(a) the allocation of distribution rights related to exports of products to export markets where tariff quotas, country specific preferences, and other measures of similar effect are found which places limitations on the numbers of services suppliers, total value of services transactions, or numbers of services operations; and</p> <p>(b) mandatory export marketing strategies where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>
--	--

**Entry No. II-32**

<b>Sector</b>	Distribution Services Wholesale trade services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in respect of sectors not falling within the following CPC codes:</p> <ul style="list-style-type: none"> <li>(a) CPC 6223-6226, and 6228;</li> <li>(b) CPC 6221 except for 02961-02963 (ovine wool);</li> <li>(c) CPC 6222 except for CPC 21111, 21112, 21115, 21116 and 21119 (edible offals of ovine and bovine origin); and</li> <li>(d) CPC 62277 except for 2613-2615 (ovine wool).</li> </ul> <p>In respect of sectors falling within the following CPC codes:</p> <ul style="list-style-type: none"> <li>(a) CPC 6221 only in respect of 02961-02963 (ovine wool);</li> <li>(b) CPC 6222 only in respect of CPC 21111, 21112, 21115, 21116 and 21119 (edible offals of ovine and bovine origin); and</li> <li>(c) CPC 62277 only in respect of 2613-2615 (ovine wool).</li> </ul> <p>New Zealand reserves the right to adopt or maintain any measure regarding export distribution that relates to:</p> <ul style="list-style-type: none"> <li>(a) the allocation of distribution rights related to exports of products to export markets where tariff quotas, country specific preferences, and other measures of similar effect are found which places limitations on the numbers of services suppliers, total value of services</li> </ul>



	<p>transactions, or numbers of services operations; and</p> <p>(b) mandatory export marketing strategies where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.</p> <p>The reservation with respect to Market Access (Investment) is only relates to the supply of a service via commercial presence.</p>
--	---

**Entry No. II-33**

<b>Sector</b>	Air and Maritime Transport Selling and marketing of air and maritime transport services
<b>Obligations Concerned</b>	Market Access (Cross Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261 (except for marketing and sales relating to CPC 21111, 21112, 21115, 21116 and 21119 (edible offals of bovine and ovine origin), CPC 2613 and 2615 (ovine wool), and CPC 02961 – 02963 (ovine wool)).</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-34**

<b>Sector</b>	Maritime Transport International Transport
<b>Obligations Concerned</b>	Market Access (Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to the establishment of a registered company for the purpose of operating a fleet under the New Zealand flag. This reservation relates to services covered under CPC Code 7211 (passenger transportation, except cabotage) and 7212 (freight transportation, except cabotage).</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-35**

<b>Sector</b>	Environmental Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"><li>(a) noise and vibration abatement services;</li><li>(b) remediation and clean-up of soil and water;</li><li>(c) protection of ambient air and climate;</li><li>(d) protection of biodiversity and landscape; and</li><li>(e) other environmental and ancillary services.</li></ul> <p>Except for consultancy services and services contracted by private industry.</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-36**

<b>Sector</b>	Professional Services
<b>Obligations Concerned</b>	Market Access (Cross-border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to the following sub-sectors:</p> <ul style="list-style-type: none"> <li>(a) auctioneering services;</li> <li>(b) insolvency and receivership services;</li> <li>(c) map-making services;</li> <li>(d) franchising services;</li> <li>(e) patent agent services;</li> <li>(f) trademark agent services;</li> <li>(g) quantity surveying and services;</li> <li>(h) scientific and technical consulting services;</li> <li>(i) printing and publishing services; and</li> <li>(j) research and development on social sciences and humanities.</li> </ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-37**

<b>Sector</b>	Business Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to the following sub-sectors:</p> <ul style="list-style-type: none"> <li>(a) leasing or rental services concerning containers;</li> <li>(b) licensing of intellectual property, including trade marks;</li> <li>(c) licensing of research and development products;</li> <li>(d) licensing of entertainment, literary, or artistic originals;</li> <li>(e) mineral exploration and evaluation;</li> <li>(f) security system services;</li> <li>(g) guard services;</li> <li>(h) investigation service;</li> <li>(i) security consulting services;</li> <li>(j) armoured car services; and</li> <li>(k) other security services.</li> </ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-38**

<b>Sector</b>	Maintenance and Repair Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to maintenance and repair services for:</p> <ul style="list-style-type: none"> <li>(a) fabricated metal products, machinery, and equipment;</li> <li>(b) other machinery and equipment;</li> <li>(c) electrical household appliances;</li> <li>(d) telecommunication equipment and apparatus;</li> <li>(e) medical, precision, and optical instruments;</li> <li>(f) consumer electronics;</li> <li>(g) commercial and industrial machinery;</li> <li>(h) elevators and escalators; and</li> <li>(i) other equipment.</li> </ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-39**

<b>Sector</b>	Health Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to the following sub-sectors:</p> <ul style="list-style-type: none"><li>(a) private health and social services; and</li><li>(b) services provided by midwives, nurses, physiotherapists, and para-medical personnel.</li></ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>



**Entry No. II-40**

<b>Sector</b>	Recreational, Cultural, and Sporting Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to recreational, cultural, and sporting services.</p> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-41**

<b>Sector</b>	Transport Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to the following sub-sectors:</p> <ul style="list-style-type: none"> <li>(a) pilotage and berthing services;</li> <li>(b) rental of vessels with crew for maritime transport services;</li> <li>(c) pushing and towing services (maritime);</li> <li>(d) local water transport services of passengers;</li> <li>(e) rental services of water vessels with operator;</li> <li>(f) cross-border supply of maritime container handling services<sup>7</sup> from the territory of the United Kingdom into the territory of New Zealand. This reservation does not apply to             <ul style="list-style-type: none"> <li>(i) transshipment (board to board or via the quay); and</li> <li>(ii) the use of on board cargo handling equipment;</li> </ul> </li> <li>(g) maintenance and repair of vessels;</li> <li>(h) vessel salvage and refloating services;</li> <li>(i) internal waterways transport;</li> </ul>

<sup>7</sup> Maritime Container Handling Services means: activities exercised by stevedoring companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities include the organisation and supervision of:

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

	<ul style="list-style-type: none"> <li>(j) supporting services for internal waterway transport;</li> <li>(k) control, inspection, and surveillance of airport and heliports;</li> <li>(l) space transport services of passengers;</li> <li>(m) space transport services of freight;</li> <li>(n) supporting services for space transport;</li> <li>(o) supporting services for rail transport services;</li> <li>(p) road transport services for mail;</li> <li>(q) maintenance and repair of road transport equipment;</li> <li>(r) parking lot services;</li> <li>(s) supporting services for road transport services;</li> <li>(t) supply of desalinated water to ships berthed at ports or in territorial waters; and</li> <li>(u) shipbuilding and repairing, and marine engine services.</li> </ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>
--	--

**Entry No. II-42**

<b>Sector</b>	Utilities Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to the following sub-sectors:</p> <ul style="list-style-type: none"><li>(a) energy services;</li><li>(b) oil and other hydrocarbon services;</li><li>(c) services supporting the petroleum industry;</li><li>(d) services related to oil and gas resources;</li><li>(e) services incidental to energy distribution; and</li><li>(f) electricity, gas, and water distribution (on own account).</li></ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>

**Entry No. II-43**

<b>Sector</b>	Other Services
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services and Investment)
<b>Description</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>New Zealand reserves the right to adopt or maintain any measure in relation to the following sub-sectors:</p> <ul style="list-style-type: none"> <li>(a) handicraft industries;</li> <li>(b) market research and public opinion polling services;</li> <li>(c) packaging services;</li> <li>(d) cemeteries and cremation services;</li> <li>(e) jewellery design;</li> <li>(f) support services to aquaculture;</li> <li>(g) services provided to extraterritorial organisations and bodies;</li> <li>(h) domestic services;</li> <li>(i) cosmetic treatment, manicuring and pedicuring services;</li> <li>(j) hairdressing and barbers services;</li> <li>(k) beauty and physical well-being services;</li> <li>(l) grant giving services;</li> <li>(m) services provided by youth organisations;</li> <li>(n) other civic betterment and community facility support services;</li> <li>(o) weather forecasting and meteorological services;</li> <li>(p) services furnished by political organisations;</li> </ul>

	<ul style="list-style-type: none"> <li>(q) services furnished by other membership organisations;</li> <li>(r) services furnished by trade unions;</li> <li>(s) services furnished by professional organisations;</li> <li>(t) services furnished by environmental advocacy groups;</li> <li>(u) other special group advocacy services;</li> <li>(v) services furnished by human rights organisations;</li> <li>(w) services furnished by business, employers and professional organisations;</li> <li>(x) specialty design services (except interior design services);</li> <li>(y) design originals; and</li> <li>(z) combined office administration services.</li> </ul> <p>The reservation with respect to Market Access (Investment) only relates to the supply of a service via commercial presence.</p>
--	---

**Entry No. II-44**

<b>Sector</b>	Other services not included elsewhere
<b>Obligations Concerned</b>	National Treatment (Cross-Border Trade in Services and Investment) Local Presence (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)
<b>Description</b>	<u>Cross-Border Trade in Services and Investment</u>  New Zealand reserves the right to adopt or maintain any measure with respect to the provision of new services other than those classified in the CPC.

**Entry No. II-45**

<b>Sector</b>	All sectors – Presence of Natural Persons
<b>Obligations Concerned</b>	Market Access (Cross-Border Trade in Services)
<b>Description</b>	<u>Cross-Border Trade in Services</u>  New Zealand reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 13 (Temporary Entry of Business Persons), that is not inconsistent with New Zealand's obligations under the GATS.



## ANNEX II

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

#### Schedule of the United Kingdom

#### Contents

<b>Introductory Notes</b> .....	2
<b>Entry No. II-1– All sectors</b> .....	3
<b>Entry No. II-2– Professional services (legal services and auditing services)</b> .....	6
<b>Entry No. II-3– Professional services (health related and retail of pharmaceuticals)</b> .....	7
<b>Entry No. II-4– Business services (collection agency services and credit reporting services)</b> .....	9
<b>Entry No. II-5– Business services (placement services)</b> .....	10
<b>Entry No. II-6– Business services (investigation services)</b> .....	11
<b>Entry No. II-7– Business services (other business services)</b> .....	12
<b>Entry No. II-8– Education services</b> .....	13
<b>Entry No. II-9– Health and social services</b> .....	14
<b>Entry No. II-10– Recreational, cultural, and sporting services</b> .....	16
<b>Entry No. II-11– Transport services and auxiliary transport services</b> .....	17
<b>Entry No. II-12– Fishing and water</b> .....	22
<b>Entry No. II-13– Energy related activities</b> .....	24
<b>Entry No. II-14– Other services not included elsewhere</b> .....	25

## **Introductory Notes**

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. II-1– All sectors**

Sector	All sectors
Obligations Concerned	<p>Market Access  National Treatment  Local Presence  Most-Favoured-Nation Treatment  Senior Management and Boards of Directors  Performance Requirements</p>
Description	<p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <p><b>(a) Public utilities</b></p> <p><u>With respect to Investment – Market Access:</u></p> <p>Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.</p> <p>Public utilities exist in sectors such as related scientific and technical consulting services, R&amp;D services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on those services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This sub-entry (a) does not apply to telecommunications and to computer and related services.</p> <p><b>(b) Most-Favoured-Nation Treatment</b></p> <p><u>With respect to Investment – Most-Favoured-Nation Treatment and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:</u></p> <p>According differential treatment pursuant to any international investment treaty or other trade agreement in force or signed prior to the date of entry into force of this Agreement.</p>

According differential treatment to a country pursuant to any existing or future bilateral or multilateral agreement which:

- (i) creates an internal market in services and investment;
- (ii) grants the right of establishment; or
- (iii) requires the approximation of legislation in one or more economic sectors.

An internal market on services and investment means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The right of establishment means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the date of entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the country where that establishment takes place.

The approximation of legislation means:

- (i) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement; or
- (ii) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at the time that it has been enacted in the law of the party or parties to the regional economic integration agreement.

According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the United Kingdom and any of the following countries or

principalities: Andorra, Monaco, San Marino, and the Vatican City State.

According differential treatment to a third country pursuant to existing or future agreements relating to air services or to related services in support of air services.

**(c) Arms, ammunitions, and war material**

With respect to Investment – Market Access, National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors, Performance Requirements and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence, Most-Favoured-Nation Treatment:

Production or distribution of, or trade in, arms, munitions, and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

**(d) Presence of natural persons**

With respect to Cross-Border Trade in Services – Market Access:

The supply of a service by the presence of natural persons, subject to the provisions of Chapter 13 (Temporary Entry of Business Persons), that is not inconsistent with the United Kingdom's obligations under the GATS.

**(e) Residential property**

With respect to Investment – National Treatment, Performance Requirements and Cross-Border Trade in Services – National Treatment:

Taxation related to the sale, purchase, or transfer of residential property (including interests that arise via leases, financing and profit-sharing arrangements, and acquisition of interests in enterprises that own residential property).

**Entry No. II-2– Professional services (legal services and auditing services)**

Sector - Sub-Sector	Professional services - legal services and auditing services
Industry Classification	Part of CPC 861, part of 862, part of 87902
Obligations Concerned	Market Access Local Presence National Treatment Senior Management and Boards of Directors
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p><b>(a) Legal services (part of CPC 861, part of 87902).</b></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation, and certification services provided by legal professionals entrusted with public functions, such as notaries, and with respect to services provided by bailiffs.</p> <p><b>(b) Auditing services (CPC – 86211, 86212 other than accounting and bookkeeping services)</b></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the cross-border supply of auditing services.</p> <p>Existing measures: <i>Companies Act 2006</i></p>

**Entry No. II-3– Professional services (health related and retail of pharmaceuticals)**

Sector	Health related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists
Industry Classification	CPC 63211, 85201, 9312, 9319
Obligations Concerned	Market Access National Treatment Local Presence
Description	<p><b>(a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists, and paramedical personnel (CPC 63211, 85201, 9312, 9319)</b></p> <p><u>With respect to Investment – Market Access:</u></p> <p>Establishment for doctors under the National Health Service is subject to medical manpower planning (CPC 93121, 93122).</p> <p><u>With respect to Cross-Border Trade in Services – Market Access, National Treatment, Local Presence</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedical personnel, and psychologists, (part of CPC 85201, CPC 9312, part of 93191).</p> <p><b>(b) Retail sales of pharmaceutical, medical, and orthopaedic goods, other services provided by pharmacists (CPC 63211)</b></p> <p><u>With respect to Investment – Market Access and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of cross-border retail sales of pharmaceuticals and of medical and orthopaedic goods, and other services provided by pharmacists. Establishment in the United Kingdom is required for the retail of</p>

pharmaceuticals and specific medical goods to the general public in the United Kingdom.



**Entry No. II-4– Business services (collection agency services and credit reporting services)**

Sector - Sub-Sector	Business Services - collection agency services, credit reporting services
Industry Classification	CPC 87901, 87902
Obligations Concerned	Market Access National Treatment Local Presence
Description	<p><u>Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of collection agency services and credit reporting services.</p>

**Entry No. II-5– Business services (placement services)**

Sector - Sub-Sector	Business services - placement services
Industry Classification	CPC 87202, 87204, 87205, 87206, 87209
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) The supply of placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209).</p> <p>(b) Requiring establishment for, and the prohibition of cross-border supply of, placement services of office support personnel and other workers.</p>

**Entry No. II-6– Business services (investigation services)**

Sector - Sub-Sector	Business services - investigation services
Industry Classification	CPC 87301
Obligations Concerned	Market Access National Treatment Local Presence Performance Requirements Senior Management and Boards of Directors
Description	<u>Investment and Cross-Border Trade in Services</u>  The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of investigation services (CPC 87301).

**Entry No. II-7– Business services (other business services)**

Sector	Business services – other business services
Industry Classification	CPC 86764, 86769, 8868
Obligations Concerned	Market Access National Treatment Local Presence
Description	<p><u>Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the cross-border supply of maintenance and repair services in relation to the following:</p> <ul style="list-style-type: none"> <li>(a) rail transport equipment;</li> <li>(b) internal waterways transport vessels;</li> <li>(c) maritime vessels;</li> <li>(d) aircraft and parts thereof (part of CPC 86764, CPC 86769, CPC 8868).</li> </ul> <p>Only recognised organisations authorised by the United Kingdom may carry out statutory surveys and certification of ships on behalf of the United Kingdom. Establishment may be required.</p>
Existing measures:	<p><i>Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations as retained in United Kingdom law by the European Union (Withdrawal) Act 2018, and as amended by the Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019</i></p>

**Entry No. II-8– Education services**

Sector	Education services
Industry Classification	CPC 92
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors Performance Requirements
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) All educational services which receive public funding or State support in any form and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis.</p> <p>(b) The supply of privately funded other education services, which means other than those classified as being primary, secondary, higher, and adult education services (CPC 929).</p>

**Entry No. II-9– Health and social services**

Sector	Health and social services
Industry Classification	CPC 931 (other than 9312, part of 93191), CPC 933
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors Performance Requirements
Description	<p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <p><b>(a) Health services – including hospital, ambulance, residential health services (CPC 931 other than 9312, part of 93191)</b></p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Performance Requirements:</u></p> <ul style="list-style-type: none"> <li>(i) the supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded;</li> <li>(ii) all privately funded health services other than hospital services;</li> <li>(iii) the participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.</li> </ul> <p><b>(b) Health and social services, including pension insurance (CPC 931 other than 9312, part of 93191)</b></p> <p><u>With respect to Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>The cross-border supply of health services, the cross-border supply of social services, as well as activities or services forming part of a public retirement plan or statutory system of social security.</p>

Sub-entries (a) and (b) do not relate to the supply of any health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other entries.

**(c) Social services, including pension insurance**

With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Performance Requirements:

- (i) the supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security;
- (ii) the supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes;
- (iii) the participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

**Entry No. II-10– Recreational, cultural, and sporting services**

Sector	Recreational, cultural, and sporting services
Industry Classification	CPC 963, 9619, 964
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors Performance Requirements
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <ul style="list-style-type: none"> <li>(a) The supply of library, archive, museum, and other cultural services (CPC 963).</li> <li>(b) The cross-border supply of entertainment services, including theatre, live bands, circus, and discotheque services (CPC 9619, 964 other than 96492).</li> <li>(c) The supply of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including, in particular, lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations (CPC 96492).</li> </ul>



**Entry No. II-11– Transport services and auxiliary transport services**

Sector	Transport services
Obligations Concerned	<p>Market Access  National Treatment  Local Presence  Most-Favoured-Nation Treatment  Performance Requirements  Senior Management and Boards of Directors</p>
Description	<p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <p><b>(a) Maritime transport and any other commercial activity undertaken from a ship</b></p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Performance Requirements and Cross-Border Trade in Services – Market Access, Local Presence, National Treatment:</u></p> <p>The nationality of the crew on a seagoing or non-seagoing vessel.</p> <p><u>With respect to Investment – Market Access, National Treatment, Most-favoured-nation treatment, Senior Management and Boards of Directors:</u></p> <p>For the purposes of registering a vessel and operating a fleet under the flag of the United Kingdom (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721), and services auxiliary to maritime transport).</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Most-Favoured-Nation Treatment Performance Requirements and Cross-Border Trade in Services-Market Access, Local Presence, National Treatment, Most-Favoured-Nation Treatment</u></p> <p>The supply of maritime cabotage services</p> <p>Maritime cabotage services cover:</p>

- (i) transportation of passengers or goods between a port or point located in the United Kingdom and another port or point located in the United Kingdom, including on its continental shelf as provided in the UN Convention on the Law of the Sea, and
- (ii) traffic originating and terminating in the same port or point located in the United Kingdom.

For greater certainty, this entry applies to related traffic in support of offshore activities.

**(b) Auxiliary services to maritime transport**

With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:

The supply of pilotage and berthing services.

Only vessels flying the flag of the United Kingdom may provide pushing and towing services (CPC 7214).

**(c) Inland waterways transport and auxiliary services to inland waterways transport**

With respect to Investment – Market Access, National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors, Performance Requirements and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence, Most-Favoured-Nation Treatment:

Inland waterways passenger and freight transportation (CPC 722), and services auxiliary to inland waterways transportation.

For greater certainty, this entry also covers the supply of cabotage transport on inland waterways (CPC 722).

**(d) Rail transport and auxiliary services to rail transport**

With respect to Investment – Market Access, National Treatment and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:

Railway passenger transportation (CPC 7111).

With respect to Investment – Market Access and Cross-Border Trade in Services – Market Access, Local Presence:

Railway freight transportation (CPC 7112).

**(e) Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport**

With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:

- (i) to require establishment and to limit the cross-border supply of road transport services (CPC 712).
- (ii) an economic needs test may apply to taxi services in the United Kingdom setting a limit on the number of service suppliers. Main criterion: Local demand as provided in applicable laws (CPC 71221).

Existing measures:

*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;*

*Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market 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; and*

*Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 as retained in United Kingdom law by the European Union (Withdrawal) Act 2018 and as amended by the Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019.*

**(f) Space transport and rental of space craft**

With respect to Investment – Market Access, National Treatment, Performance Requirements, Senior Management and Boards of Directors and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:

Transportation services via space and the rental of space craft (CPC 733, part of 734).

**(g) Air Traffic Management and Air Traffic Control**

With respect to Investment – Market Access, National Treatment and Senior Management and Boards of Directors:

- (i) NATS Holdings Ltd and its successors.
- (ii) the exercise of statutory powers and the discharge of statutory functions and duties in relation to Air Traffic Management and Air Traffic Control.

Existing measures:

*Transport Act 2000*

**(h) Most-favoured-nation exemptions**

With respect to Investment – Most-Favoured-Nation Treatment, and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:

## Road and rail transport

To accord differential treatment to a country pursuant to existing or future agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the United Kingdom and a third country (CPC 7111, 7112, 7121, 7122, 7123). That treatment may:

- (i) reserve or limit the supply of the relevant transport services between the contracting parties or across the territory of the contracting parties to vehicles registered in each contracting party; or
- (ii) provide for tax exemptions for those vehicles.

### **(i) Air services.**

With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Most-Favoured-Nation Treatment, Performance Requirements:

Air carriers and airports.

**Entry No. II-12– Fishing and water**

Sector	Fishing, aquaculture, services incidental to fishing; collection, purification, and distribution of water
Industry Classification	ISIC Rev. 3.1 0501, 0502, 41, CPC 882
Obligations Concerned	Market Access National Treatment Local Presence Most-Favoured-Nation Treatment Performance Requirements Senior Management and Boards of Directors
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p><b>(a) Fishing, aquaculture, and services incidental to fishing (ISIC Rev. 3.1 0501, 0502, CPC 882)</b></p> <p>The United Kingdom reserves the right to adopt or maintain any measure, in particular within the framework of United Kingdom’s fisheries policy, and of fishing agreements with a third country, with respect to access to and use of the biological resources and fishing grounds situated in the maritime waters coming under the sovereignty or jurisdiction of the United Kingdom.</p> <p>The United Kingdom reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> <li>(i) to the effect that the fishing activity of fishing vessels flying its flag must have an economic link (to the extent and according to the terms specified in the measure) with the United Kingdom; and</li> <li>(ii) relating to fishing vessels’ eligibility to use United Kingdom’s fishing opportunities by reference to the nationality of the owner or owners of vessels or place of incorporation of a company.</li> </ul> <p>The United Kingdom reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> <li>(i) regulating the landing of catches performed in the quotas allocated to vessels of New Zealand or of a designated third country in United Kingdom’s ports;</li> </ul>

- (ii) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels;
- (iii) according differential treatment pursuant to existing or future international agreements relating to fisheries;
- (iv) with regard to the nationality of the crew of a fishing vessel flying the flag of the United Kingdom; or
- (v) with respect to the establishment of marine or inland aquaculture facilities.

Existing measures:

*Fisheries Act 2020*

**(b) Collection, purification, and distribution of water**

With respect to Investment – Market Access, National treatment and Cross-Border Trade in Services – Market Access, Local Presence, National Treatment:

The United Kingdom reserves the right to adopt or maintain any measure with respect to activities, including services relating to the collection, purification, and distribution of water to household, industrial, commercial, or other users, including the supply of drinking water, and water management.

**Entry No. II-13– Energy related activities**

Sector	Production of energy and related services
Industry Classification	ISIC Rev. 3.1 401, 402, CPC 7131, 887 (other than advisory and consultancy services)
Obligations Concerned	Market Access Local Presence National Treatment Performance Requirements Senior Management and Boards of Directors
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure where the United Kingdom permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of New Zealand controlled by natural persons or enterprises of a third country which accounts for more than five per cent of the United Kingdom's oil, natural gas, or electricity imports, in order to guarantee the security of the energy supply of the United Kingdom. This entry does not apply to advisory and consultancy services provided as services incidental to energy distribution.</p>



**Entry No. II-14– Other services not included elsewhere**

Sector	Other services not included elsewhere
Obligations Concerned	Market Access Local Presence National Treatment Performance Requirements Senior Management and Boards of Directors
Description	<u>Investment and Cross-Border Trade in Services</u>  The United Kingdom reserves the right to adopt or maintain any measure with respect to the provision of new services other than those classified in the CPC.