

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM NEW ZEALAND

Revised MFN Exemption List of New Zealand

Revision

The following communication is circulated at the request of New Zealand to members of the Group of Negotiations on Services.

As requested by the Chairman of the Group of Negotiations on Services, New Zealand sets out below its intentions with regard to MFN exemptions entered in accordance with the provisions of the Annex to the GATS on Article II exemptions and drafted in conformity with the format contained in the Secretariat Note 2061 of 15 September 1993.

New Zealand considers that the MFN discipline lies at the heart of an effective multilateral regime on trade in services and has argued throughout the negotiations on the GATS that there should be the minimum possible deviation from that principle in the final conclusion of the Agreement. Accordingly, the exemptions which New Zealand is seeking have been kept to the minimum necessary to protect those of its international commitments which are inconsistent with MFN. It does so in the hope that all other parties will adopt the same approach.

The New Zealand entry of MFN exemptions is made on the assumption that measures within the categories identified in the Secretariat Note MTN.GNS/W/117/Rev.1, including international agreements on social security and/or medical care during temporary residence and bilateral worker exchange schemes which are intended to foster international goodwill and cultural understanding and to provide New Zealanders with opportunities to gain experience from different cultural, educational and vocational perspectives, are not seen as being measures for which it is necessary to seek exemptions from the disciplines of Article II:1 of the GATS. In this context New Zealand notes the statement of the Chairman of the GNS recorded in MTN.GNS/48. If this understanding were proven to be incorrect, then New Zealand might be obliged to modify its list of exemptions.

Also there apparently still exists a degree of uncertainty with respect to what may be entered by way of exemptions. New Zealand's entry of MFN exemptions reflects its understanding that while Article II of the GATS and its Annex, as they stand, do not rule out the listing of existing measures which are to be applied in the future, the Agreement does not provide a basis for the listing of future measures. Furthermore, New Zealand understands that participants have agreed not to seek to list measures which have been taken within the duration of Uruguay Round negotiations on initial commitments in services which would improve their negotiating position and leverage.

LIST OF ARTICLE II EXEMPTIONS FOR NEW ZEALAND

(1) Sector or Sub-Sector	(2) Description of Measure Indicating its Inconsistency with Article II	(3) Countries to which the Measure Applies	(4) Intended Duration	(5) Conditions Creating the Need for the Exemption
Audiovisual Services	National treatment, in the form of access to finance and tax concessions and simplified requirements for the temporary entry of skilled personnel into New Zealand for the purposes of the co-production of films and television programmes, is extended to audiovisual works covered under Film Co-Production Agreements or Arrangements with the countries indicated in column (3).	Canada* France* United Kingdom* and any other country where cultural co-operation might be desirable and which is prepared to exchange preferential treatment on the terms and conditions specified in such arrangements or agreements.	Indefinite	To support the development of the New Zealand film industry for cultural reasons and to share benefits with others with similar policies.

*These Agreements provide New Zealand with reciprocal access to Co-Production Agreements signed with Third Countries/Parties.

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Interpretation Services	More favourable entry conditions possible for nationals of countries listed in column (3) with requisite skills as interpreters for employment for up to two years in tourism-related industries.	Japan and other countries with whom such arrangements may be desirable.	Indefinite	New Zealand's Tourism Development Policies.
Maritime (passenger and freight)	The supply of services by officers on New Zealand ships is limited to citizens with requisite qualifications, from either New Zealand or the countries listed in column (3).	Eire Hong Kong United Kingdom Canada India Malaysia Singapore Pakistan South Africa	Indefinite	To promote local maritime recruitment and maintain maritime training standards.

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(1) Sector or Sub-Sector	(2) Description of Measure Indicating its Inconsistency with Article II	(3) Countries to which the Measure Applies	(4) Intended Duration	(5) Conditions Creating the Need for the Exemption
All Sectors	More favourable entry conditions possible for up to 20 Nationals each year for employment purposes.	Kiribati	Indefinite	New Zealand's Development Assistance policies aimed at providing income, jobskills, on the job training and work experience.
All Sectors	More favourable entry conditions possible for up to 80 Nationals at any one time for employment purposes.	Tuvalu	Indefinite	New Zealand's Development Assistance policies aimed at providing income, jobskills, on the job training and work experience.