

Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: New Zealand

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
1. Tariffs			
(1) Import-weighted average of MFN applied tariff	3.51% (1998 data used as 1996 data not available)	1.53%	Since 1998, New Zealand has liberalised its tariff through unilateral reductions, as well as comprehensive Free Trade Agreements with Singapore, Thailand, China, Chile, Brunei, and the ASEAN economies.
(2) Simple average of MFN applied Tariff	5.33% (1998 data used as 1996 data not available)	2.38	New Zealand has also concluded negotiations, but not yet implemented agreements with Malaysia, Hong Kong, and the Gulf Cooperation Countries.
(3) Tariff average, based on import tariff revenue	2.72% (1998 data used as 1996 data not available)	0.65%	New Zealand is currently negotiating with the Republic of Korea, and India. Negotiations are about to begin for the expanded Trans-Pacific Partnership which will include, amongst others, the United States and Peru.
(4) Zero tariff lines as a percentage of all tariff lines	54.30% (1998 data used as 1996 data not available)	57.71%	
(5) Zero tariff imports as a percentage of all imports	63.65% (1998 data used as 1996 data not available)	73.71%	
(6) Standard deviation for applied tariff	21.30% (1998 data used as 1996 data not available)	3.00%	
(7) Transparency in tariff regime	(Description of illustrative measures)	Tariff available online	
2. Non-Tariff Measures			
(1) Quantitative	New Zealand does not	New Zealand does not impose	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
import restrictions/prohibitions	impose quantitative import restrictions or prohibitions inconsistent with WTO rules.	quantitative import restrictions or prohibitions inconsistent with WTO rules.	
(2) Import licensing	0	0	
(3) Import levies	0	0	
(4) Export subsidies	0	0	
(5) Other non-tariff measures maintained	New Zealand applies only NTMs permitted under GATT Articles.	New Zealand applies only NTMs permitted under GATT Articles.	
3. Services			
(1) Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the GATS	(Number of sectors as of 1995) 27		
(2) Number of	(Number of sectors as		

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS	of 1995) 2		
(3) Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS		35	
(4) Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under		1	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
the GATS			
(5) Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS	1 (Australia and New Zealand Closer Economic Relations 1983)	5 (New Zealand Singapore Closer Economic Partnership, Trans-Pacific Strategic Economic Partnership, New Zealand-China Free Trade Agreement, ASEAN-Australia/NZ Free Trade Agreement, and New Zealand and Malaysia Free Trade Agreement.) NB: Copies of all these Agreements can be found at: http://www.mfat.govt.nz/Trade-and-Economic-Relations/Trade-Agreements/index.php	The Trans-Pacific Strategic Economic Partnership, which uses a negative listing approach, is an example of best practice in this area.
(6) Number of sectors in which licensing and qualification	3 (Communication and audio-visual-services and business services. In regards to communication and		

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
<p>requirements apply specifically to foreign service providers</p>	<p>audio-visual services the acquisition of licences or management rights to use the radio frequency spectrum, or any interest in such licences or management rights, under the Radio Communications Act 1989 by foreign governments or agents on behalf of foreign government is subject to the written approval of the Chief Executive of the Ministry of Economic Development. In regards to business services, the relevant restriction relates to patent attorneys. Only qualified New Zealanders, British subjects and citizens of</p>		

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	the Republic of Ireland can register as patent attorneys.)		
(7) Measures to improve transparency in services	Article 13, Australia - New Zealand Closer Economic Relations Trade Agreement, Protocol on Trade in Services (refer copy attached).	<p>Part 11, General Provisions, Article 69, New Zealand and Singapore Closer Economic Partnership (refer copy attached).</p> <p>Chapter 14 (Transparency) and Article 12.13 of Chapter 12 (Services), Trans-Pacific Strategic Economic Partnership (refer copy attached).</p> <p>Chapter 13 (Transparency), New Zealand-China Free Trade Agreement (refer copy attached).</p> <p>Article 11, Chapter 8 (Services), ASEAN-Australia/NZ Free Trade Agreement (refer copy attached).</p>	Chapter 14 of the New Zealand and Malaysia Free Trade Agreement, Chapter 13 of the New Zealand-China Free Trade Agreement and Chapter 14 and Article 12.13 of the Trans-Pacific Strategic Economic Partnership are all examples of best practice.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		Chapter 14 (Transparency), New Zealand and Malaysia Free Trade Agreement (refer copy attached).	
4. Investment			
(1) Restrictions on foreign investment	<p>New Zealand's overseas investment regime was set out in the Overseas Investment Act 1973. In 1996 the following investment activities required prior approval:</p> <ul style="list-style-type: none"> -acquisition or control of 25% or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds \$10 million. -commencement of business operations or 	<p>New Zealand's overseas investment regime is set out in the Overseas Investment Act 2005. In 2009 the following investment activities required prior approval:</p> <p>Investments in significant business assets:</p> <p>(a) the acquisition of rights or interests in securities of a person if—</p> <p>(i) the overseas person has a 25% or more ownership or control interest in A or an increase in an existing 25% or more ownership or control interest in A; and</p> <p>(ii) the value of the securities or consideration provided, or the</p>	<p>The Overseas Investment Act was reviewed in 2005, with a number of steps taken to reduce barriers to investment. For example the threshold for business investment was raised to \$100 million. The same broad categories of investments that required screening were retained.</p> <p>The Act is currently under review with the aim of ensuring that the regime does not deter investment while still providing protection for sensitive assets.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>acquisition of an existing business in New Zealand where the total expenditures to be incurred exceed \$10 million -acquisition or control, regardless of dollar value, of certain categories of land regarded as sensitive according to New Zealand's overseas investment legalisation.</p> <p>The acquisition of commercial fishing quota or annual catch entitlement or the acquisition or control, regardless of dollar value, of 25% or more of any class of shares or voting power in a New Zealand entity that owns such quota or entitlement.</p>	<p>value of the assets of A, exceeds \$100 million; or</p> <p>(b) the establishment by an overseas person, of a business in New Zealand if the total expenditure expected to be incurred exceeds \$100 million; or</p> <p>(c) the acquisition by an overseas person, of property in New Zealand if the total value of consideration provided exceeds \$100 million.</p> <p>Investments in sensitive land, as defined in the Act</p> <p>Investments in fishing quota: - the acquisition of fishing quota or ownership or control of 25% or more of an entity that owns or controls an interest in fishing quota.</p> <p>There are restrictions on the</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	There were also restrictions on the level of foreign ownership in Telecom New Zealand and Air New Zealand.	level of foreign ownership permitted in Telecom New Zealand and Air New Zealand.	
(2) Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements)	None	None	
(3) Restrictions on transfers of capital	None	None	
(4) Consistency with APEC Non-Binding Investment Principles	All	All	
(5) Number of BITs and FTAs/RTAs which NT and MFN are		1 NZ/China FTA	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
ensured in relation to foreign investment			
BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment		1	
(6) Measures to improve transparency in investment	<i>Ex ante</i> New Zealand's overseas investment regime is highly transparent. The process and criteria for making applications is explicitly set out in the Overseas Investment Act 1973.	<i>Ex ante</i> New Zealand's overseas investment regime is highly transparent. The process and criteria for making applications is explicitly set out in the Overseas Investment Act 2005. The Overseas Investment Office website also provides a reference point for using friendly explanations of the legislation, and up to date guidance on the OIO's	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>interpretation of the legislation. There have all been significant moves to improve transparency of the regime ex post. Since 1996 a monthly summary of all decisions under the Act has been available to interested persons, and mid-2006 these decisions have been published on the OIO website. There are also continuous improvements to the guidance material, and searchability of the site.</p> <p>As noted above, the Overseas Investment Act is currently under review.</p>	
5. Standards and Conformance			
(1) Number of domestic standards aligned with the target international standards for	The total number of New Zealand standards is 2,150. Of this number, 891 are current Joint Australia/New Zealand Standards (450	As at 30 June 2009, there were 3,036 Standards in New Zealand's national catalogue. Of these, 1,333 (44%) were aligned with ISO and IEC equivalents and 2,456 (81%) were aligned with Australia.	New Zealand's general policy position is to encourage competition, productivity and innovation, primarily through the imposition of minimal transaction and compliance costs on business. Technical regulations (which are typically performance-based rather than prescriptive) are maintained to achieve essential health, safety and environmental requirements. International standards are adopted as the basis for New Zealand's technical regulations wherever possible, to facilitate trade and minimise the costs of complying with regulations in an international market place.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Voluntary Action Plan (VAP)	internationally aligned) and 170 are international standards approved for New Zealand use. In total this means that 620 (28.8%) are internationally aligned.	<p>New Zealand has adopted 154 international standards.</p> <p>Please note that this does not include standards set by the New Zealand Food Safety Authority (NZFSA) or import health standards set by Biosecurity New Zealand (BNZ).</p> <p>New Zealand has continuously achieved 100% alignment with the VAP priority area standards.</p>	<p>Specific strategies have been used to achieve the objective of increased alignment with international standards. These include harmonization and recognition of the standards of other countries providing equivalent outcomes.</p> <p>New Zealand continues to participate in international standardization activities including as a participant or observer in 148 ISO and 116 IEC technical committees and sub-committees. New Zealand is an active participant in the international standard setting bodies recognized under the SPS Agreement, Codex, OIE and IPPC. To facilitate trade and minimize the costs of complying with regulations in an international market place, New Zealand's technical regulations are based on international standards wherever possible.</p> <p>In addition, Standards New Zealand has signed several Memoranda of Understanding to facilitate standards development and alignment with international standards. These include with the national standards bodies in Australia, Malaysia, Sri Lanka; a tripartite MoU with Australia and PNG and a Cooperation Arrangement with China.</p>
(2) Description of conformity assessment process including participation in and implementation of mutual recognition	<p>In many regulated sectors, New Zealand unilaterally recognised test and inspection reports and certificates of compliance provided by competent bodies in other markets.</p> <p>The intention was to</p>	<p>In many regulated sectors, New Zealand continues to unilaterally recognise test and inspection reports and certificates of compliance provided by competent bodies in other markets.</p> <p>In addition, New Zealand has concluded an extensive network of bilateral mutual</p>	<p>The TTMRA between Australia and New Zealand covers both goods and service providers. It is a comprehensive arrangement based on the principles of acceptance of equivalence of regulatory outcomes and confidence in the respective regulatory approaches. Because mutual recognition is the default position, the TTMRA has become a central driver of regulatory cooperation and a cornerstone of both governments' efforts to create a seamless economic market. It also places greater disciplines on both governments when contemplating the introduction of new and diverging standards and regulations there by supporting further regulation alignment.</p> <p>New Zealand is looking to extend its current suite of bilateral MRAs to include other</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
arrangements	conclude MRAs to provide for the recognition of test report and certificates of compliance produced by the competent authorities in other countries.	<p>recognition arrangements including:</p> <ol style="list-style-type: none"> 1 Trans Tasman Mutual Recognition Arrangement - TTMRA (1998); 2 APEC Food MRA (1997); 3 APEC Toy MRA (1998) 4 Endorsement of the APEC TEL MRA (1998); 5 NZ/EU MRA (1999); 6 NZ/EFTA MRA (2000); 7 NZ/Singapore MRA (2001); 8 Participation in Parts I, II and III of APEC EE MRA (2003); 9 NZ/Chinese Taipei MRA (2005); 10 NZ/China MRA (2008). <p>These MRAs enable test and inspection reports and certificates produced in New Zealand to be accepted by the other economy as proof of</p>	<p>economies and sectors. At the same time, New Zealand is developing and negotiating other arrangements such as regulatory cooperation arrangement. These aim to facilitate trade by improving regulatory effectiveness and reducing transaction costs on businesses. An example of this is the 2008 NZ/China MRA. The MRA covers a range of electrical and electronic products that are subject to the China Compulsory Certification (CCC) system and are either declared articles or subject to supplier declaration in New Zealand. The two main objectives of the MRA are to facilitate trade by making it easier for exporters to meet relevant testing, inspection and certification requirements in each economy; and to assist regulators to manage risks relating to electrical safety.</p> <p>New Zealand has been actively supporting the Chair APEC EE MRA Joint Regulatory Advisory Committee. In 2009, New Zealand was instrumental in revising the terms of reference of the Committee to include a more explicit focus on regulatory cooperation and is currently a member of Steering Committee established to support the Chair with the running of JRAC.</p> <p>New Zealand continues to take an active role in a number of APEC Policy Dialogues addressing specific issues of regulatory recognition of conformity assessment.</p> <p>The New Zealand standards and conformity assessment bodies are committed to progressing the operation of the global, regional and bilateral arrangements they are parties to</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>compliance with specific regulatory requirements. This facilitates trade by removing a layer of transaction costs for business.</p> <p>In the voluntary sector, New Zealand's accreditation bodies are signatories to a network of bilateral and multilateral MRAs including:</p> <ul style="list-style-type: none"> - ILAC MRA (2000); - IAF MLAs (for QMS, EMS and Product in 1998 and 2004 respectively); - APLAC MLA (1997, 2003 and 2006); and - PAC MLAs (for QMS, EMS and product in 1998, 2003 and 2004 respectively). <p>Participation in these MRAs and MLAs supports the acceptance of conformity assessment results and encourages and supports the development of national accreditation authorities in the Asia Pacific</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>region as well as globally.</p> <p>In the area of metrology (chemical and legal), New Zealand is a signatory to the CIPM MRA (1999); and OIML MAA (2005).</p>	
(3) Efforts to raise transparency and objectivity of standards	<p>As a WTO member, New Zealand requires all technical regulations to conform with the WTO TBT and SPS Agreements.</p> <p>New Zealand's standards development process is very open, involving wide consultation and industry participation.</p> <p>Standards that are likely to affect international trade are notified to the WTO via New Zealand's</p>	<p>New Zealand's standards development process continues to be open and transparent.</p> <p>In 2005, the Standards New Zealand website underwent a major overhaul. The improved web shop and on-line Subscription Services make it easier to find and access standards. In addition, standards cited in legislation can also be easily located. Public comments and submissions on draft standards can be processed electronically. Since then, there have been on-going technical refinements to continue to improve ease of</p>	<p>New Zealand is at a pre-publication stage of a Regulatory Information Portal. This is an outcome of the 2007 review of New Zealand's standards and conformance infrastructure. The Portal will provide information about New Zealand's legislation and regulations that apply to businesses, their products and services. It will also provide links to regulators, standards and accreditation bodies as well as to New Zealand's mutual recognition arrangements. The aim of the Portal is to help businesses, exporters, importers, and other stakeholders to gain a better understanding of the regulatory environment government specified products and services.</p> <p>In terms of supporting transparency in the international context, New Zealand's FTAs contain provisions to improve the transparency and objectivity of standards, technical regulations and conformity assessment procedures, including obligations to give reasons on request when these are not accepted as equivalent by the other party.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>notification enquiry points. Standards New Zealand is New Zealand's TBT notification enquiry point (www.standards.co.nz), while the Ministry of Agriculture & Forestry (MAF) is the SPS notification enquiry point (www.maf.govt.nz).</p> <p>Standards New Zealand has adopted the WTO TBT Agreement Code of Good Practice for the Preparation, Adoption and Application of Standards, and operates a SPEX website that facilitates efficient working of the standards development process.</p>	<p>use and support new product and service offerings.</p> <p>New Zealand has been a strong advocate of the transparency procedures under the SPS Agreement. New Zealand developed a comprehensive procedural step-by-step manual to assist in the establishment and maintenance of National Notification Authority and National Enquiry Points. The procedural manual has recently been adopted by the SPS Committee. New Zealand also proposed a mentoring system, which has been adopted by the SPS Committee, to provide technical assistance to developing countries to help them meet their transparency obligations under the SPS Agreement. New Zealand is currently partnered with five developing countries as a mentor.</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>New Zealand complies with the APEC Leaders' Transparency Standards for Standards and Conformance.</p> <p>Policy proposals which will have legislative implications are subject to a regulatory impact analysis. This process was recently updated to also include consideration of New Zealand's international obligations, including transparency, during the broader policy development process.</p>	
6. Customs Procedures			
(1) Adoption of HS2007 nomenclature	--	<p>Adopted.</p> <p>Since January 2007 New Zealand's applied MFN tariff has been based on the HS2007 nomenclature. It is applied at the HS eight-digit level and has</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		7,288 lines (excluding 7 lines under HS Chapter 98 ¹); this change cut 144 lines from the previous (HS2002) customs tariff. The tariff comprises MFN and several preferential rates that are granted under bilateral and plurilateral agreements and unilateral concession schemes.	
(2) Conformity with the Revised Kyoto Convention	--	Acceded. New Zealand acceded to the revised Kyoto Convention on 7 July 2000, and has accepted 18 of the 25 Chapters that comprise the Specific Annexes (nine without reservation). New Zealand has placed 13 reservations against the 116 Recommended Practices that comprise the accepted Chapters.	
(3) Transparency	New Zealand Customs	Establishment of the Border	The establishment of a Joint Industry Consulting Group in the late 1990's was the first step

¹ HS Chapter 98, titled "miscellaneous New Zealand Provisions", includes deployment and emergency relief goods as well as ship and aircraft stores exported from New Zealand.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	operated an industry complaints programme and undertook client satisfaction surveys. The principles of service were being imbedded into the department's operating style and applied across the business units.	Sector Industry Stakeholder Forum	<p>towards a permanent and genuine industry liaison and advisory process for clients. The objectives were to transfer the benefits of Customs modernisation to industry, strengthen relations at a personal level and identify ways in which Customs can enhance the activities of industry groups.</p> <p>Today, this initiative has been transformed into The Border Sector Industry Stakeholder Forum (the Forum). This is a joint border agency/industry forum made up of representatives from key border-related industries and interests and members of agencies that make up the Border Sector Governance Group (core membership is New Zealand Customs Service, Department of Labour, Ministry of Agriculture and Forestry, Ministry of Transport, Department of Internal Affairs, and the New Zealand Food Safety Authority). The Forum provides border agencies and key industry stakeholders with an avenue for ensuring industry and border agency interests and strategic directions are mutually understood and aligned where appropriate and possible.</p> <p>A National Call Centre has operated since the late 1990's and there is a Customs Freephone. The service standard is for at least 99 percent availability on 24 hours a day, 7 days a week basis.</p> <p>New Zealand Customs Internet site details the rules and requirements for people, goods and craft entering or leaving New Zealand and details on legislation.</p>
(4) Use of information technology and automation (e.g. Single	NZC operated a number of disparate systems on a mainframe database. These were also a	The JBMS Stage 2 business case has been considered by the Government, and approval given to develop a request for proposal (RFP) subject to	Customs and MAF have proposed the build of a replacement information management system that would meet the border management needs of both Customs and MAF, and better support the needs of other government agencies. The proposed system is being called the Joint Border Management System (JBMS). JBMS will reduce the compliance burden and compliance costs for traders through the introduction of a trade single window.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Window, Harmonised Trade Data Elements, Paperless Trading, etc.)	large number of standalone systems and databases. Import entries were cleared within 4 hours. Export entries within 24 hours. The process was a mixture of manual and electronic.	decisions on funding to be made as part of Budget 2010. If approval to proceed is received in the Budget, Customs and MAF expect to be able to issue the RFP in or around May 2010.	<p>The implementation of CusMod in 1997 meant the re-design of systems and processes in key areas – client service, intelligence, passenger processing and goods and revenue management – improving efficiency and improving levels of service. The use of ‘intelligence’ became central to New Zealand Customs investigation and inspection processes with interactions based on risk management. The system uses UN EDIFACT standards. <u>All</u> transactions are lodged and processed electronically and, if no interaction is required, release is provided within seconds. To enhance facilitation, where possible, required interaction is done by way of post-entry audit.</p> <p>CusMod is due for replacement and Customs has joined with the Ministry of Agriculture and Fisheries in a proposal to build a replacement information management system that would meet the border management needs of both agencies, and better support the needs of other government agencies. The proposed system is being called the Joint Border Management System (JBMS). JBMS will reduce the compliance burden and compliance costs for traders through the introduction of a trade single window. The new system would use WCO Data Model version 3.</p>
(5) Measures to secure trade (e.g. AEO, etc.)	The focus was on ‘at the border’ activity rather than pre or post-border. Targeting was done on an individual port basis [rather than a national basis].	Secure Exports Scheme MRA with United States and MRA with Japan	<p>Intelligence is now the driver of all operational activity. 100% of goods and passenger movements are risk-assessed. This activity is coordinated through a National Targeting Centre that identifies risk according to national priorities. The ‘border’ is being pushed offshore with the requirement, through new legislation, for the pre-arrival lodgement of information relating to goods, craft and passenger movements.</p> <p>New Zealand Customs also hosts the National Maritime Coordination Centre, an operational unit working on behalf of a range of government agencies that coordinates and allocates whole-of-government maritime surveillance and patrol assets for civilian purpose.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>An AEO scheme [New Zealand's Secure Export Scheme] has been established as a voluntary arrangement between the Government and individual businesses to develop and maintain an internationally recognised level of security across the New Zealand supply chain. This scheme covers some 60% of New Zealand's exports.</p> <p>Building on the SES, New Zealand Customs has now signed two Mutual Recognition Arrangements (MRA) – with the United States and with Japan. Other MRAs are under consideration.</p>
(6) Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.)	Tariff classification opinions were provided within 15 days of lodgement.	<p>Joint Time Release Study with Australia Customs and Border Protection.</p> <p>Advance Classification Ruling System</p>	<p>New Zealand Customs provides binding rulings to external clients on tariff and excise classifications, tariff concession interpretations, origin qualification, and interpretation of rules of origin.</p> <p>New Zealand Customs Service is undertaking a Joint Time Release Study (TRS) with Australia Customs and Border Protection. This is the first time that the scope of a TRS has been extended to include export entries.</p>
7. Intellectual Property (IP)			
(1) Ratification and implementation of the major multilateral agreements relating to IP	<ol style="list-style-type: none"> 1. TRIPS 2. Berne Convention for protection of Literary and Artistic Works 1928 3. Paris Convention 	NZ Government has made a policy decision to join another 3 international agreements. A Bill that will give affect to this decision is currently making its way through the parliamentary	<p>The Trade Marks (International Treaties and Enforcement) Amendment Bill is the legislative vehicle being used to facilitate the government's decisions to join the:</p> <ul style="list-style-type: none"> • Nice Agreement, • Singapore Treaty and

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
rights	<p>for the protections of industrial property 1883</p> <p>4. WIPO Convention</p> <p>5. UPOV 78 Convention</p> <p>6. Madrid Agreement for the repression of false or deceptive indicators of source on goods</p> <p>Universal Copyright Convention</p>	process.	<ul style="list-style-type: none"> Madrid Protocol; <p>The Bill was introduced into Parliament on 8 September 2008 and is likely to be implemented by 2011.</p>
(2) Measures to ensure the expeditious granting of IP rights	Paper-based application process for patents, trade marks and plant variety rights..	<p>On-line application process for patents, designs, trade marks and plant variety rights, and access to registers.</p> <p>Amendments were made to relevant legislation in order to permit the modernization of registry processes through the use new technology. The Trades Marks Act 2002, for example, introduced simplified procedures for registering a</p>	<p>The new Intellectual Property Office New Zealand website allows:</p> <ul style="list-style-type: none"> Searching of patent, trade mark and design databases, renewal of patents, trade marks or designs online, and filing trade mark applications and non-fee bearing correspondence. Access to the information library that contains all forms, fees, publications, pamphlets, help guides and hearings decisions. A monthly Journal is also available online and a self service section is provided on the site to assist clients find the information they need.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		trade mark in order to reduce costs to applicants and to reduce business compliance costs generally.	
(3) Measures to provide for the effective enforcement of IP rights	Civil enforcement procedures provided for all types of IPR rights, Border protection measures available against the importation of goods suspected of infringing copyright or a registered trade mark; and criminal procedures and penalties available for acts of copyright piracy.	Border protection measures expanded to cover in-transit shipments of goods suspected of infringing copyright or a registered trade mark; and criminal offences now also provided for counterfeiting registered trade marks and trafficking in counterfeit goods. Further Two relevant proposals currently being considered – (see next column)	<p>The Trade Marks (International Treaties and Enforcement) Amendment Bill 2008 introduced into Parliament on 8 Sep 2008 for the purpose of:</p> <ul style="list-style-type: none"> • Providing for the Ministry of Economic Development and the New Zealand Customs Service investigative powers to enforce the criminal offence provisions in the Trade Marks and Copyright Acts; and • Making improvements Customs' administration of the border protection measures in the Trade Marks and Copyright Acts against the importation of goods suspected of infringing copyright or a registered trade mark. <p>New Zealand along with a number of trading partners, including the United States, Australia, Canada, the European Union, Japan, Korea, Mexico and Switzerland, have been engaged in discussions over the development of a plurilateral Anti-Counterfeiting Trade Agreement. The goal is to set a new, higher benchmark for intellectual property rights enforcement, and in particular copyright and trade marks, that countries can join on a voluntary basis.</p>
(4) Measures to harmonise IP rights systems		1. Creation of Single Economic Market with Australia	1. To develop a seamless trans-Tasman business environment, or "single economic market", by reducing compliance costs and other regulatory barriers. A joint work programme, with Australia, to explore the possibility for coordination in the areas of

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
in the APEC region		<p>2. Negotiation and agreement of Free Trade Agreements: - e.g., China</p>	<p>patents, plant variety rights and trade marks. The ultimate objective for the work programme is to provide for a seamless intellectual property rights processing regime in each of these areas.</p> <p>2. The Free Trade Agreement between New Zealand and China (NZ-China FTA) was signed on 7 April 2008 and came into force on 1 October 2008. Intellectual property rights covered include copyright, trademarks and patents. The Agreement contains mechanisms to promote cooperation and consultations between New Zealand and China on IP issues. Each country has agreed to enter into consultations at the request of the other to resolve any IP issue that arises within the scope of the FTA.</p> <p>The NZ-China FTA reaffirms New Zealand and China's commitments on intellectual rights under the TRIPS (Trade-related aspects of intellectual property rights) agreement and other multilateral agreements. The parties have agreed to cooperate on eliminating trade in products infringing intellectual property rights, subject to the laws of each party.</p> <p>Each country has agreed to establish and maintain transparent intellectual property rights regimes and systems that:</p> <ul style="list-style-type: none"> • Provide certainty over the protection and enforcement of intellectual property rights • Minimise compliance costs for business, and • Facilitate international trade through the dissemination of ideas, technology and creative works.
(5) Public	In 1996, the Intellectual	Over the last 13 years, IPONZ	Examples:

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
education about IP	Property Office of New Zealand (IPONZ) focused on trade mark, patent and design examination and IP related registry services. General information sheets on the registration process were available. IP awareness education events were limited to a few local school visits and the annual Mystery Creek Field days trade show.	has broadened its scope by using new technologies and including schools. .	<p>A free phone help line was established in 2001.</p> <p>In 2009, introduced online services and access to publications and trusted public registers 24/7. The www.iponz.govt.nz website includes: general IP asset guides (e.g. http://www.iponz.govt.nz/cms/what-is-ip/education), student and teacher resources (e.g. http://www.iponz.govt.nz/cms/what-is-ip/student-and-teacher-educational-resources); information about plant variety rights, copyright, and offers Skype connection to the help line. IPONZ has implemented an IP Awareness Strategy and is working closely with the New Zealand Ministry of Education to get intellectual property education into the classroom.</p>
(6) International cooperation on IP rights		<p>Cooperation is on-going and is reflected in a variety of areas, including:</p> <ol style="list-style-type: none"> 1. Policy-level discussions 2. Border procedures and processes 3. Trade access discussions 	NZ continues to focus on improving cooperation on IP rights. For example, in the recent free Trade Agreement with China, the parties have agreed to cooperate on eliminating trade in products infringing intellectual property rights, subject to the laws of each party.
(7) Measures to promote transparency of	Paper-based systems with only some registry information stored in	The Internet has been extensively used to improve the accessibility of publicly held IP	Over the last 13 years, publicly held IP information has become more accessible and transparent through the use of new technologies. Any person, anywhere in the world and at any time, can now access information on: IP laws (statute, regulation), IP right registers

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
IP rights requirement (for example, the APEC Leaders' Transparency Standards)	electronic formats. Access to register during normal office hours.	information., for example: 1. NZ Parliament website contains digital information on all IP legislation and related regulations, including any proposed laws changes and calls for public submissions; 2. Intellectual Property Office website contains a searchable database, on-line applications and related information. Ministry of Economic Development website contains general information on IP rights, proposed changes and alerts calling for public submissions.	(e.g. patents, trade marks) and application procedures. As well as the comprehensive information about the current IP system, the Internet is also used to publicize and invite public comment any changes to relevant laws or wider IP rights system. Because of the widespread availability of the Internet (in homes, schools, public libraries), government-held IP information is now more readily available to the public and businesses.
8. Competition Policy			
(1) Development of competition laws and establishment of competition authority	Competition law developed (Commerce Act 1986) and competition authority established (NZ Commerce Commission)	Competition law developed (Commerce Act 1986) and competition authority established (NZ Commerce Commission)	- <i>Commerce Amendment Act 2008</i> : this amended the regulatory control provisions in the Commerce Act to preserve incentives for regulated infrastructure businesses to invest while at the same time protecting consumers from excessive prices and poor quality. It includes generic provisions that enable price and quality control to be imposed where competition is limited and it provides for the regulation of electricity lines, gas pipeline services and airports.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
(2) Consistency with APEC Principles to Enhance Competition Policy and Deregulation and efforts to become consistent with the Principles	All	All	
(3) International cooperation on Competition law/policy	<p>New Zealand Commerce Commission able to voluntarily enter into information sharing and cooperation agreements with other international competition agencies.</p> <p>New Zealand contributes to dialogue on competition policy with other APEC economies and other international fora as</p>	<p>The NZCC has cooperation agreements with:</p> <ul style="list-style-type: none"> - the ACCC (2007) - the Commissioner of Competition (Canada) and the ACCC (2000) - the Taiwan Fair Trade Commission and the ACCC (2002) - the Secretary of State for Trade and Industry, OFT, and the ACCC (2003) 	<ul style="list-style-type: none"> - NZ coordinated the development of the APEC model measure for competition policy in FTAs in 2008. - 2007 Cooperation Agreement between the ACCC and NZCC - 2006 Cooperation Protocol for Merger Review between the ACCC and NZCC - A Bill has been introduced into Parliament that will allow the NZCC to share information that it has compulsorily acquired with overseas competition and consumer protection regulators, and use its powers to assist an overseas regulator with its investigation.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	appropriate.		
9. Government Procurement			
(1) Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners	Purchasing policy guidelines and Guide for suppliers published	Policy Guide for Purchasers (updated) and Mandatory Rules for Procurement by Departments published on internet	The Mandatory Rules for Procurement by Departments (2006) require procurements at or over \$100,000 to be advertised and for a post award notice to be published on the government tenders service website. Tender notices must include any conditions that suppliers must fulfil to participate in the procurement process and tender documentation must contain all information necessary for suppliers to prepare and submit responsive tenders.
(2) Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers	Central govt - None Local govt - some (but local government is encouraged to follow government procurement policy, including non-discrimination)	Central govt - None Local govt – some local governments may require preferences to local suppliers	The Mandatory Rules for Procurement by Departments require departments to accord all potential suppliers equal opportunity and equitable treatment on the basis of their financial, technical and commercial capacity and specifically prohibit offsets.
(3) Reciprocity requirements in providing access to government procurement	Not existing	Not existing	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
markets			
(4) Consistency with the APEC Non-binding Principles on Government Procurement	NA	All	The APEC Non-binding Principles on Government Procurement are incorporated in the Government Procurement Policy Framework.
(5) Introduction of electronic means for government procurement	Introduced	Introduced	The Government Electronic Tenders Service is available to all government agencies (including local government) to post notices of intended procurement, tender documents, post award notices, and annual procurement plans.
10. Deregulation/Regulatory Reform			
(1) Reviews of existing regulations	Some	All	<p>The Government is committed to continuous improvement of the stock of existing regulation.</p> <p>In August 2009 the government issued the <i>Government Statement on Regulation: Better Regulation, Less Regulation</i>. Key commitments in the statement include:</p> <ul style="list-style-type: none"> • The government will introduce new regulation only when we are satisfied that it is required, reasonable and robust; • The government will review existing regulation in order to identify and remove requirements that are unnecessary, ineffective or excessively costly. <p>Work is underway to give effect to the <i>Government Statement on Regulation</i> and related initiatives with regard to existing regulation.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>This includes exploring options for a more systematic approach to the ex-post review of existing regulations. Components of this more systematic approach include: regulatory scanning, post-implementation reviews of significant proposals, regulatory plans, regular regulatory reporting and work to consider the establishment of a New Zealand Productivity Commission.</p> <p>A key initiative in this area is regulatory scanning. This involves progressively embedding into departments' everyday business systems and processes for systematically, comprehensively and on an ongoing basis looking at the legislation/regulation they are responsible for (primary, secondary and tertiary) to identify whether it is, or may be, unnecessary, ineffective or excessively costly. Departments are required to report periodically on the results of their scanning.</p> <p>Regulatory scanning is an important element in embedding and driving a culture of continuous improvement of existing regulation, and ensuring that all possible opportunities for regulatory reform and review are identified and taken forward via the appropriate process.</p> <p>The Treasury also has responsibility for setting a prioritised regulatory review work programme and co-ordinating across government agencies to deliver on this programme.</p> <p>Thirteen major regulatory regimes are currently being reviewed as part of the 2009 Regulatory Review Programme - Air Quality Standards, Building Act, Electricity institutional arrangements, Employment Relations Act, Food Act, Foreshore and Seabed Act, Holidays Act, Overseas Investment Act, Resource Management, Telecommunications Act, Weathertight Homes Resolution Services Act, Climate Change Response Act and Dairy</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>Restructuring (Raw Milk) Regulations.</p> <p>Work is also underway on reducing unnecessary red tape on business (fixing laws that impose unnecessary compliance costs on business and are relatively straightforward to address). An annual Regulatory Reform Bill provides the opportunity to make these smaller regulatory fixes.</p> <p>There are also ongoing reviews of regulations at the departmental level.</p> <p>Other options being considered for lifting regulatory quality include the use of a business cost calculator as a tool to identify and quantify business compliance costs.</p>
(2) Reviews of new or proposed regulations	Some	All	<p>The New Zealand Regulatory Impact Analysis (RIA) regime is the primary tool for improving the quality of new regulation.</p> <p>With regard to new regulation, work is underway to give effect to the Government Statement on Regulation and to implement related initiatives, including further enhancements to the RIA regime. These include changes to the "significance" criteria that guide when the Treasury's RIA Team independently assesses the quality of regulatory proposals (the RIS and the underlying RIA) and the quality assurance criteria used.</p> <p>Enhanced certification requirements for new regulatory proposals, including for Regulatory Impact Statements, have been agreed and will be implemented from November 2009.</p> <p>Another initiative designed to improve the quality of new (as well as existing) regulation is regulatory plans. From 2010, departments will be required to produce annual regulatory plans of all known and anticipated proposals to introduce, amend, repeal or review</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>legislation. The potential benefits of regulatory plans include:</p> <ul style="list-style-type: none"> • supporting engagement with Ministers on regulatory priorities, both within portfolios and across government; • provide early warning to, and support early engagement by, agencies with mutual policy interests or regulatory quality responsibilities; • help minimise regulatory duplication or gaps; • help determine that timeframes are realistic; and appropriate. <p>A further reform under consideration is the possible enactment of a Regulatory Responsibility Act to increase accountability and transparency around law making by putting principles of responsible law making into legislation.</p>
(3) Consistency with APEC Principles to Enhance Competition and Regulatory Reform	All	All	No further action required, as New Zealand is fully compliant with the Principles.
(4) Improving transparency in regulatory regimes	All New Zealand laws, regulations, procedural rules and administrative rulings of general application relating to regulatory	New Zealand laws and regulations are also published online at www.legislation.govt.nz , and specific rules and regulations are published on the relevant	The recent enhancements to the RIA regime further support the APEC Leaders' Transparency Standards on Regulatory Reform.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>reform are published.</p> <p>Regulatory reform measures that a Government proposes to adopt are published in advance, and interested persons are provided a reasonable opportunity to comment on such proposed measures.</p> <p>In particular:</p> <ul style="list-style-type: none"> • Government agencies generally undertake public consultation on regulatory proposals; • The Government will announce measures it proposes to adopt; and • The Parliamentary process (in 	<p>Government Agency's website.</p> <p>Many Cabinet Papers, detailing the consideration of regulatory proposals, are now publicly released on the internet.</p> <p>Since 2007:</p> <ul style="list-style-type: none"> • All Regulatory Impact Statements have been required to be published; and • All public consultation documents on proposed regulation have been required to comply with the Regulatory Impact Analysis regime. 	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	particular Hearings by Select Committees considering regulatory proposals) allow for interested persons to comment on proposed measures.		
11. WTO Obligation/ Rules of Origin			
(1) WTO/UR Agreements not yet fully implemented	Nil	Nil	
(2) Ensuring application of rules of origin in an impartial, transparent and neutral manner	In 1996 the New Zealand Government had signed up to ANZCERTA. The ROO in this agreement have since been revised and updated to reflect New Zealand's more	In 2009, the New Zealand Government has signed onto the following FTAs AANZFTA P4 NZ-China NZ-Malaysia	All ROO schedules are published on government websites and all freely available to the public. Recently the government has been making available "tariff finder" portals which readily indicate any specific ROO a member of the public may need, free of charge.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	modern and trade facilitating approach.	<p>NZ-Singapore NZ-Thailand NZ-Australia (ANZCERTA)</p> <p>In each agreement, New Zealand has sought a consistent change in tariff classification (CTC) approach to rules of origin in its FTAs. This approach ensures that the ROO are</p> <ul style="list-style-type: none"> • simple for customs agencies to administer and businesses to use • are neutral across sectors (i.e. consistent overarching principles sit behind all ROO based on the principle of substantial transformation as defined under a CTC approach except where it is technically necessary to depart) • facilitate trade through 	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		the recognition of the increasingly globally integrated nature of manufacturing processes	
12. Dispute Mediation			
Dispute mediation methods, process and bodies are available to foreign businesses	<p>New Zealand was committed to the process of consultation prior to entering into dispute mediation along the lines prescribed by inter alia, the WTO and WIPO.</p> <p>New Zealand was a party to:</p> <ul style="list-style-type: none"> - the Convention on the Settlement of Investment Disputes between States and Nationals of other States; - the New York 	<p>New Zealand continues to strongly support the cooperative resolution of disputes. All of the mechanisms referred to in 1996 continue to be in place.</p> <p>Since 1996, New Zealand has adopted international procedural rules for dispute settlement between private parties in its jurisdiction. The Arbitration Act 1996 (in force 1997) enacted the Model Law on International Commercial Arbitration adopted by UNCITRAL. The Act applies to international and domestic arbitration. Arbitration</p>	<p>New Zealand has concluded free-trade agreements that provide for dispute settlement proceedings involving consultations followed by recourse to arbitration. They also offer the possibility of good offices, conciliation and mediation as alternatives to arbitration. These agreements are:</p> <ul style="list-style-type: none"> - the NZ/Singapore Closer Economic Partnership Agreement; - the NZ/Thailand Closer Economic Partnership Agreement; - the Trans-Pacific Strategic Economic Partnership Agreement between New Zealand and Brunei Darussalam, Chile and Singapore; - the NZ/China Free Trade Agreement; - the Agreement establishing the ASEAN-Australia-NZ Free Trade Area (expected to enter into force in 2010); and - the Malaysia/NZ Free Trade Agreement (expected to enter into force in 2010) <p>All of these agreements (except for the Trans-Pacific Strategic Economic Partnership) provide mechanisms for the resolution of investment disputes between a Party and an investor of another Party.</p> <p>NZ and the Gulf Cooperation Council have concluded negotiations on a free trade agreement, the text of which includes dispute settlement mechanisms. NZ expects that the</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>Convention on the Recognition and Enforcement of Arbitral Awards - the dispute settlement procedures of WIPO</p> <p>NZ domestic court, mediation and arbitration proceedings were available to foreign businesses. NZ also had an array of bilateral agreements for reciprocal enforcement of judgments in civil and commercial matters, so that judgments from overseas jurisdictions could be enforced in NZ and vice versa.</p> <p>Mediation, arbitration and other ADR</p>	<p>proceedings are available to foreign businesses. In 2007, the Act was amended to improve its operation, and incorporate updates in the UNCITRAL Model Law adopted by the UN General Assembly in 2006.</p> <p>In January 2008, NZ ratified the Convention establishing the Multilateral Investment Guarantee Agency (MIGA). The MIGA offers a mediation facility for disputes between investors and governments.</p>	<p>free trade agreement currently being negotiated with Korea will also include dispute settlement mechanisms.</p> <p>NZ has signed, and is currently working towards the entry into force of, the Agreement between the Government of New Zealand and the Government of Australia on Trans-Tasman Court Proceedings and Regulatory Enforcement (the TTCP). The TTCP is an Agreement to streamline the process for resolving civil court proceedings with a trans-Tasman element to reduce costs and improve efficiency, and reduce existing impediments to enforcing certain judgments and regulatory sanctions.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	procedures were available in New Zealand and actively encouraged by the Arbitrators' and Mediators' Institute of New Zealand (AMINZ) (www.aminz.org.nz) and the Leading Edge Alternative Dispute Resolvers (LEADR) (www.leadrnz.co.nz).		
13. Mobility of Business People			
(1) Number of visa free or visa waiver arrangements	High level of visa free access for short term visitors.	58 visa free / waiver arrangements (all concluded). (See appended Table)	
Visa free or visa waiver arrangements with APEC member economies	11 agreements on visa free access with APEC economies, allowing entry for business travel up to 3 month.	Same as in 1996. These economies are: Australia, Brunei Darussalam, Canada, Chile, Hong Kong, Japan, Republic of Korea, Malaysia, Mexico, Chinese Taipei and the United States.	
(2) Participation in	No	Yes. Joined in 1998.	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
the APEC Business Travel Card scheme			
(3) Other efforts to facilitate mobility of business people than the above		<ul style="list-style-type: none"> Establishing closer economic partnerships with Thailand. In 2008 established Free Trade Agreement with China. Smart-Gate border clearance for Australian passport holders travelling to NZ., introduced at Auckland International Airport in December 2009. Ongoing development of biometric capacity. 	<p>New Zealand Immigration Policy is constantly being reviewed to ensure it is fit for purpose and enables the facilitation to New Zealand of those migrants wanted and needed, including business people. In particular, a new business migration policy was agreed in the past year.</p> <p>Information about the policy changes referred to above can be found in the Immigration New Zealand Operational Manual at www.immigration.govt.nz</p>
(4) Average time to approve for short term business visit visa	No data is available on 1996 visa processing times.	1 day (from the time the application is accepted)	
14. Trade Facilitation			
(1) Consistency with APEC Principles on Trade	--	All	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Facilitation			
(2) Implementation of Trade Facilitation Action and Measures (approved in 2002)	(Number of items implemented as of 2004)	All	
15. Promotion of High-Quality RTAs/FTAs			
(1) Number of RTAs/FTAs concluded/signed	1	10	
RTAs/FTAs concluded/signed with APEC member economies	ANZCERTA (CER) with Australia	P4 (with Brunei Darussalam, Chile, and Singapore); New Zealand – Singapore Closer Economic Partnership; New Zealand – Thailand Closer Economic Partnership; New Zealand – China FTA; AANZFTA (with Australia, New Zealand and ASEAN); New Zealand – Malaysia FTA; New Zealand – Hong Kong FTA	
(2) Number of	nil	3	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
RTAs/FTAs under negotiation			
RTAs/FTAs being negotiated with APEC member economies	nil	Korea (last round of negotiations 14-18 December); and TPP (first round of negotiations due to occur in March 2010)	
(3) Consistency with APEC Model Measures for RTAs and FTAs	High level of consistency	New Zealand has pursued high-quality agreements which has resulted in a high level of consistency with APEC model measures.	Our most recently concluded FTA is the New Zealand- Hong Kong, China CEP FTA. New Zealand is committed to the inclusion of legally-binding provisions on labour and environment in the context of our FTAs. The key elements of the New Zealand approach are to agree a set of common understandings and commitments on labour and environment as they relate to trade and sustainable economic development; establish an institutional framework and mechanisms for cooperative activities and capacity building; provide a means of consultation and communication between parties on relevant issues.
16. Voluntary Self-Reporting			
(1) Other Efforts in Support of the Bogor Goals: (Description)		New Zealand's labour provisions in FTA side agreements provide for the parties commitment to the ILO's fundamental labour principles and rights as contained in the 1998 Declaration on	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Fundamental Principles and Rights at Work. The labour provisions also provide for consultation mechanisms over any matter or issue concerning the labour provisions application, which includes these issues.</p> <p>New Zealand's labour provisions in FTA side agreements contain provisions recognising the value of promoting public awareness of labour laws and policies domestically and/or of clear and well understood labour provisions.</p> <p>New Zealand's labour provisions in FTA chapters or side agreements provide a mechanism for the Parties to work cooperatively and communicate to achieve mutual obligations and to promote aspirations on labour in areas of</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		specific interest and benefit.	
(2) <i>As needed for other actions</i>		<p>New Zealand is active in the WTO and in APEC with respect to supporting initiatives aimed at liberalising trade and investment in environmental goods and services (EGS). In the WTO context New Zealand supports progress being made towards liberalising trade in EGS under paragraph 31 of the Doha Declaration. New Zealand also supports APEC being used as a forum for action and cooperation, including information exchange, to contribute to progress towards the liberalisation of EGS.</p> <p>Environmental provisions in FTA chapters and side agreements provide a mechanism for the Parties to work cooperatively to build capacity for improved environmental performance, to address environmental issues</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>of mutual interest and concern, and to achieve shared goals for sustainable development.</p> <p>NZ has Environmental cooperation agreements with Thailand, P4 countries (Chile, Singapore, Brunei), China, Philippines, Malaysia.</p>	
(3) <i>As needed for other actions</i>			

SERVICES TRANSPARENCY SUPPLEMENT:

AUSTRALIA - NEW ZEALAND CLOSER ECONOMIC RELATIONS TRADE AGREEMENT

Article 13 – Transparency

1. Each Member State shall make public promptly all laws, regulations, judicial decisions and administrative pertaining to trade in services.
2. Each Member State shall, to the extent possible, provide maximum possible opportunity for comment by interested parties on proposed laws, regulations, procedures and administrative pertaining to trade in services.
3. The provisions of paragraph 1 and 2 of this Article are to be interpreted as widely as possible consistent with not requiring a Member State to disclose confidential information contrary to national security, the public interest or prejudice legitimate commercial interests.

AGREEMENT BETWEEN NEW ZEALAND AND SINGAPORE ON A CLOSER ECONOMIC PARTNERSHIP

PART 11: GENERAL PROVISIONS

Article 69 Transparency

1. Each Party shall promptly make public all laws, rules, regulations, judicial decisions and administrative rulings of general application pertaining to trade in goods, services, and investment; shall promptly make available administrative guidelines which significantly affect trade in services covered by its commitments; and shall endeavour to make available promptly administrative guidelines which significantly affect trade in goods and investment.
2. Each Party shall endeavour to provide opportunity for comment by the other Party on its proposed laws, rules, regulations and procedures affecting trade in goods and services and investments if it is of the view that any such proposed laws, rules, regulations and procedures are likely to affect the rights and obligations of either Party under this Agreement.
3. Each Party shall respond promptly to all requests by the other Party for specific information on any of its measures of general application. Each Party shall establish one or more enquiry points to provide specific information upon request on all such measures.
4. In view of the importance of transparency of domestic legislation and procedures affecting trade in goods and the supply of services and in investment to the operation of this Agreement, the Parties shall discuss any concerns which may arise in this area at the reviews referred to in Article 68, in order to address means of overcoming such concerns.

TRANS-PACIFIC STRATEGIC ECONOMIC PARTNERSHIP AGREEMENT

CHAPTER 12 TRADE IN SERVICES

Article 12.13: Transparency

1. Each Party shall publish promptly or otherwise make publicly available international agreements pertaining to or affecting trade in services to which it is a signatory.
2. Each Party shall respond promptly to all requests by any other Party for specific information on any of its measures of general application which pertain to or affect the operation of this Chapter or international agreements within the meaning of Paragraph 1.
3. Each Party shall also designate one or more enquiry points to provide specific information to the other Parties, upon request, on all such matters.

CHAPTER 14 TRANSPARENCY

Article 14.1: Definitions

For the purposes of this Chapter:

Administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations and that is relevant to the implementation of this Agreement but does not include:

- (a) a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of another Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

Article 14.2: Publication

1. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made available¹ in such a manner as to enable interested persons and Parties to become acquainted with them.
2. When possible, each Party shall:
 - (a) publish in advance any measure referred to in Paragraph 1 that it proposes to adopt; and
 - (b) provide, where appropriate, interested persons and Parties with a reasonable opportunity to comment on such proposed measures.

Article 14.3: Administrative Proceedings

With a view to administering in a consistent, impartial, and reasonable manner all measures affecting matters covered by this Agreement, each Party shall ensure in its administrative proceedings applying measures referred to in Article 14.2(1) to particular persons, goods, or services of the other Parties in specific cases that:

(a) wherever possible, persons of another Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in question;

(b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(c) its procedures are in accordance with domestic law.

Article 14.4: Review and Appeal

1. Each Party shall, where warranted, establish or maintain judicial, quasijudicial, or administrative tribunals, or procedures for the purpose of the prompt review and correction of final administrative actions regarding matters covered by this Agreement, other than those taken for prudential reasons. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.

2. Each Party shall ensure that, in any such tribunals or procedures, the Parties to the proceedings are provided with the right to:

(a) a reasonable opportunity to support or defend their respective positions; and

(b) a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decision shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article 14.5: Contact Points

1. Each Party shall designate a contact point or points to facilitate communications among the Parties on any matter covered by this Agreement.

2. On the request of another Party, the contact points shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communications with the requesting Party.

Article 14.6: Notification and Provision of Information

1. Where a Party considers that any proposed or actual measure might materially affect the operation of this Agreement or otherwise substantially affect another Party's interests under this Agreement, that Party shall notify the interested Party, to the extent possible, of the proposed or actual measure.
2. On request of another Party, a Party shall provide information and respond to questions pertaining to any actual or proposed measure, whether or not that other Party has been previously notified of that measure.
3. Any notification, request, or information under this Article shall be conveyed to the other Parties through their contact points.
4. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

CHINA - NEW ZEALAND FREE TRADE AGREEMENT

CHAPTER 13 - TRANSPARENCY

Article 167 Definitions

For the purposes of this Chapter:

Administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations and that is relevant to the implementation of this Agreement but does not include:

- a. a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of another Party in a specific case; or
- b. a ruling that adjudicates with respect to a particular act or practice.

Article 168 Publication

1. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly, but in no case later than 90 days after implementation or enforcement, published or otherwise made available in such a manner as to enable interested persons of the other Party and the other Party to become acquainted with them.

2. To the extent possible, each Party shall:

- a. publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and
- b. provide, where appropriate, interested persons of the other Party and the other Party with a reasonable opportunity to comment on such proposed measures.

Article 169 Administrative Proceedings

1. With a view to administering in a consistent, impartial, and reasonable manner all measures affecting matters covered by this Agreement, each Party shall ensure, in its administrative proceedings applying measures referred to in Article 168.1 to particular persons, goods, or services of the other Party in specific cases that:

- a. wherever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in question;
- b. such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and
- c. its procedures are in accordance with domestic law.

Article 170 Review and Appeal

1. Each Party shall, where warranted, establish or maintain judicial, quasi-judicial or administrative tribunals, or procedures for the purpose of the prompt review and correction of final administrative actions regarding matters covered by this Agreement, other than those taken for prudential reasons. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.
2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceedings are provided with the right to:
 - a. a reasonable opportunity to support or defend their respective positions; and
 - b. a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.
3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decision shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article 171 Contact Points

1. Each Party shall designate a contact point or points, and provide details of such contact points to the other Party, to facilitate communications between the Parties on any matter covered by this Agreement.
2. The Parties shall notify each other promptly of any amendments to the details of their contact points.
3. Each Party shall ensure its contact points are able to coordinate and facilitate a response on any matter covered by this Agreement, including any enquiries referred to in Article 172.

4. On the request of the other Party, the contact points shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communications with the requesting Party.

Article 172 Notification and Provision of Information

1. Where a Party considers that any proposed or actual measure might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement, that Party shall notify the other Party, to the extent possible, of the proposed or actual measure.

2. On request of the other Party, a Party shall within 30 days of receipt of the request provide information and respond to questions pertaining to any actual or proposed measure, whether or not that other Party has been previously notified of that measure.

3. Any notification, request, or information under this Article shall be conveyed to the other Party through their contact point.

4. Notwithstanding paragraph 3, the notification referred to in paragraph 1 shall be regarded to have been conveyed when it has been made available by appropriate notification to the WTO.

5. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

ASEAN, AUSTRALIA AND NEW ZEALAND FREE TRADE AGREEMENT

CHAPTER 8 - TRADE IN SERVICES

Article 11 - Transparency

1. The Parties recognise that transparent measures governing trade in services are important in facilitating the ability of service suppliers to gain access to, and operate in, each others' markets. Each Party shall promote regulatory transparency in trade in services.

Article 12 - Publication

1. Each Party shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force:
 - a. all relevant measures of general application affecting trade in services; and
 - b. all international agreements pertaining to, or affecting, trade in services to which a Party is a signatory.
2. To the extent possible, each Party shall make the measures and international agreements of the kind referred to in Paragraph 2 available on the internet.
3. Where publication referred to in Paragraphs 2 and 3 is not practicable, such information shall be made otherwise publicly available.
4. To the extent provided for under its domestic legal framework, each Party shall endeavour to provide a reasonable opportunity for comments by interested persons of the Parties on measures referred to in Paragraph 2(a) before adoption.

NEW ZEALAND – MALAYSIA FREE TRADE AGREEMENT

CHAPTER FOURTEEN

TRANSPARENCY

Article 14.1 Definitions

For the purposes of this Chapter, **administrative ruling of general application** means an administrative ruling or interpretation that applies to all persons and fact situations and that is relevant to the implementation of this Agreement but does not include: (a) a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of the other Party in a specific case; or (b) a ruling that adjudicates with respect to a particular act or practice.

Article 14.2 Publication

1. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made available¹³ in such a manner as to enable interested persons of the other Party to become acquainted with them.

2. To the extent possible, each Party shall: (a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and (b) provide, where appropriate, interested persons and the other Party with a reasonable opportunity to comment on such proposed measures.

Article 14.3 Administrative Proceedings

1. With a view to administering in a consistent, impartial, and reasonable manner all measures affecting matters covered by this Agreement, each Party shall ensure in its administrative proceedings applying measures referred to in Article 14.2(1) (Publication) to particular persons, goods, or services of the other Party in specific cases that:

- (a) wherever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in question;
- (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and
- (c) its procedures are in accordance with domestic law.

Article 14.4

Review and Appeal

1. Each Party shall, where warranted, establish or maintain judicial, quasijudicial, or administrative tribunals, or procedures for the purpose of the prompt review and correction of final administrative actions regarding matters covered by this Agreement, other than those taken for prudential reasons. Such tribunals shall be independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.
2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceedings are provided with the right to:
 - (a) a reasonable opportunity to support or defend their respective positions; and
 - (b) a decision based on the evidence and submissions of record.
3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article 14.5

Notification and Provision of Information

1. Where a Party considers that any proposed or actual measure might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement, that Party shall, where possible, notify the other Party of the proposed or actual measure.
2. On request of the other Party, a Party shall, where possible, provide information and respond to questions pertaining to any actual or proposed measure, whether or not that other Party has been previously notified of that measure.
3. Any notification, request, or information under this Article shall be conveyed to the other Party through its Contact Point.
4. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

TRANS-PACIFIC STRATEGIC ECONOMIC PARTNERSHIP AGREEMENT

CHAPTER 12 TRADE IN SERVICES

Article 12.13: Transparency

1. Each Party shall publish promptly or otherwise make publicly available international agreements pertaining to or affecting trade in services to which it is a signatory.
2. Each Party shall respond promptly to all requests by any other Party for specific information on any of its measures of general application which pertain to or affect the operation of this Chapter or international agreements within the meaning of Paragraph 1.
3. Each Party shall also designate one or more enquiry points to provide specific information to the other Parties, upon request, on all such matters.

CHAPTER 14 TRANSPARENCY

Article 14.1: Definitions

For the purposes of this Chapter:

Administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations and that is relevant to the implementation of this Agreement but does not include:

- (a) a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of another Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

Article 14.2: Publication

1. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made available¹ in such a manner as to enable interested persons and Parties to become acquainted with them.
2. When possible, each Party shall:

- (a) publish in advance any measure referred to in Paragraph 1 that it proposes to adopt; and
- (b) provide, where appropriate, interested persons and Parties with a reasonable opportunity to comment on such proposed measures.

Article 14.3: Administrative Proceedings

1. With a view to administering in a consistent, impartial, and reasonable manner all measures affecting matters covered by this Agreement, each Party shall ensure in its administrative proceedings applying measures referred to in Article 14.2(1) to particular persons, goods, or services of the other Parties in specific cases that:

- (a) wherever possible, persons of another Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in question;
- (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and
- (c) its procedures are in accordance with domestic law.

Article 14.4: Review and Appeal

1. Each Party shall, where warranted, establish or maintain judicial, quasijudicial, or administrative tribunals, or procedures for the purpose of the prompt review and correction of final administrative actions regarding matters covered by this Agreement, other than those taken for prudential reasons. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.

2. Each Party shall ensure that, in any such tribunals or procedures, the Parties to the proceedings are provided with the right to:

- (a) a reasonable opportunity to support or defend their respective positions; and
- (b) a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decision shall be implemented by, and shall govern the

practice of, the offices or authorities with respect to the administrative action at issue.

Article 14.5: Contact Points

1. Each Party shall designate a contact point or points to facilitate communications among the Parties on any matter covered by this Agreement.
2. On the request of another Party, the contact points shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communications with the requesting Party.

Article 14.6: Notification and Provision of Information

1. Where a Party considers that any proposed or actual measure might materially affect the operation of this Agreement or otherwise substantially affect another Party's interests under this Agreement, that Party shall notify the interested Party, to the extent possible, of the proposed or actual measure.
2. On request of another Party, a Party shall provide information and respond to questions pertaining to any actual or proposed measure, whether or not that other Party has been previously notified of that measure.
3. Any notification, request, or information under this Article shall be conveyed to the other Parties through their contact points.
4. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

Visa free economies for entry to NZ as at December 2009 (in addition to Australia and UN laissez-passer holders)

Andorra	Hungary	Poland
Argentina	Iceland	Portugal
Austria	Ireland	Romania
Bahrain	Israel	Qatar
Belgium	Italy	San Marino
Brazil	Japan	Saudi Arabia

Brunei	Korea (South)	Singapore
Bulgaria	Kuwait	Slovak Republic
Canada	Latvia	Slovenia
Chile	Liechtenstein	South Africa
Cyprus	Lithuania	Spain
Czech Republic	Luxembourg	Sweden
Denmark	Malaysia	Switzerland
Estonia	Malta	Taiwan
Finland	Mexico	United Arab Emirates
France	Monaco	United States of America
Germany	Netherlands	Uruguay
Greece	Norway	Vatican City
Hong Kong	Oman	