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**Trans-Pacific Partnership Final Text – Annex II -
Non-Conforming Measures: New-Zealand**

Submitted by: United States



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**Capacity Building Workshop on Negotiations of
Services Chapters Under Free Trade Agreements
with a Negative List Approach**

**Lima, Peru
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Sectors: All

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure that is not inconsistent with New Zealand's obligations under Article XVI of GATS as set out in New Zealand's Schedule of Specific Commitments under GATS (GATS/SC/62, GATS/SC/62 Suppl. 1, GATS/SC/62/Suppl. 2).

For the purposes of this entry only, New Zealand's Schedule of Specific Commitments is modified as set out in Appendix A.

Sector: All

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Brunei Darussalam reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, including on the total number of foreign natural persons that may be employed in any sector, subject to the provisions of Chapter 12 (Temporary Entry for Business Persons), and in a manner that is not inconsistent with Brunei Darussalam's obligations under Article XVI of GATS.

Sector: All

Obligations Concerned: Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure relating to Article 10.5 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below:²

Legal services:

(1) and (3) None, except in the case of receivers in bankruptcy (*síndicos de quiebra*) who must be duly authorised by the Ministry of Justice (*Ministerio de Justicia*), and they can only work in the place where they reside.

(2) None.

(4) No commitments, except as indicated in Labour Code restriction.

Accounting, auditing, and bookkeeping services:

(1) and (3) None, except the external auditors of financial institutions must be inscribed in the Register of External Auditors of the Superintendence of Banks and Financial Institutions (*Superintendencia de Bancos e Instituciones Financieras*) and in the Superintendence of Securities and Insurance (*Superintendencia de Valores y Seguros*). Only firms legally incorporated in Chile as partnerships (*sociedades de personas*) or associations (*asociaciones*), and whose main line of business is auditing services, may be inscribed in the Register.

(2) None.

(4) No commitments, except as indicated in Labour Code restriction.

Taxation Services:

(1), (2), and (3): None.

(4) No commitments, except as indicated in Labour Code restriction.

² For greater certainty, nothing in this entry shall be construed to prevent the adoption or maintenance of any measure regarding the supply of a financial service by a covered investment that is not a covered investment in a financial institution.

Sector:	All
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 10.3) Local Presence (Article 10.6)
Level of Government:	Central
Measures:	D.F.L. 1 of the Ministry of Labour and Social Welfare, Official Gazette, January 24, 1994, Labour Code, Preliminary Title, Book I, Chapter III (<i>D.F.L. 1 del Ministerio del Trabajo y Previsión Social, Diario Oficial, enero 24, 1994, Código del Trabajo, Título Preliminar, Libro I, Capítulo III</i>)
Description:	<u>Cross-Border Trade in Services</u> A minimum of 85 per cent of employees who work for the same employer shall be Chilean natural persons or foreigners with more than five years of residence in Chile. This rule applies to employers with more than 25 employees under a contract of employment (<i>contrato de trabajo</i> ¹). Expert technical personnel shall not be subject to this provision, as determined by the Directorate of Labour (<i>Dirección del Trabajo</i>). An employee shall be understood to mean any natural person who supplies intellectual or material services, under dependency or subordination, pursuant to a contract of employment.

¹ For greater certainty, a contract of employment (*contrato de trabajo*) is not mandatory for the supply of cross-border trade in services.

Sector: All

Sub-Sector:

Obligations Concerned: Market Access (Article 10.5)

Level of Government: Central and Regional

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure related to Article 10.5 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below.

For the purpose of this entry:

- (a) “1” refers to the supply of a service from the territory of one Party into the territory of any other Party;
- (b) “2” refers to the supply of a service in the territory of one Party by a person of that Party to a person of the other Party;
- (c) “3” refers to the supply of a service in the territory of one Party by an investor of the other Party or a covered investment; and
- (d) “4” refers to the supply of a service by a national of one Party, in the territory of any other Party.

This entry:

- (a) applies to central level;
- (b) applies to regional level in accordance with specific commitments of Mexico under the Article XVI of GATS which exist at the date of entry into force of this Agreement; and
- (c) does not apply to municipal or local level.

This entry does not apply to entries listed in Annex I with respect to Article 10.5 (Market Access). Mexico's limitations on market access in this entry are only those limitations which are not discriminatory.

Sector or subsector	Limitations on market access
1. BUSINESS SERVICES	
1. A. Professional services ¹	
a) Legal services (CPC 861)	1), 2) and 3) None 4) Unbound except as indicated in the Temporary Entry for Business Persons Chapter.
b) Accounting, auditing and bookkeeping services (CPC 862)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
d) Consultancy and technical studies for architecture (CPC 8671)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
e) Consultancy and technical services for engineering (CPC 8672)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
f) Integrated engineering services (CPC 8673)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
g) Urban planning and landscape architectural services (CPC 8674)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
h) Related scientific and technical consulting services (CPC 8675)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

¹ In order to practise a profession in Mexico, it is necessary to have a degree that has been recognised or confirmed by the Ministry of Public Education (*Secretaría de Educación Pública*) and also to obtain a professional licence. There are special requirements to be met by engineers, architects and doctors.

ANNEX II
SCHEDULE OF SINGAPORE

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.3)
Most-Favoured-Nation Treatment (Article 10.4)
Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons.

Existing Measures: