

NEW ZEALAND-SINGAPORE (Services) Summary Fact Sheet

Table 1: Background Information

Parties	New Zealand, Singapore	
Type of Agreement	Economic Integration Agreement	
Date of signature	14 November 2000	
Date of entry into force	01 January 2001	
Review envisaged	Ministers in charge of trade negotiations agree to meet within a year of the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review the operation of the Agreement (Art. 68) as well as expand market access and/or national treatment between them, in accordance with the Asia-Pacific Economic Cooperation (APEC) objective of free and open trade in services by 2010 (Art. 20).	
Website or contact addresses	Ministry of Trade and Industry of Singapore: http://www.fta.gov.sg/ Ministry of Foreign Affairs and Trade of New Zealand: http://www.mfat.govt.nz/	
List of related WTO documents	S/C/N/169 WT/REG127/1 S/C/M/56 WT/REG127/4 WT/REG127/M/1-2-Corr.1-3 WT/REG127/5-6	Notification Agreement Terms of reference Standard format Minutes Questions and Replies

Table 2: Scope and general aspects

Scope	Sectors	All services
	Modes of supply	Parties' specific commitments on trade in services cover the four modes of supply (Art. 16 (n)).
	Definitions	A "natural person of the other Party" is a natural person who resides in the territory of that other Party or elsewhere and who under the law of the other party is a national or permanent resident of that Party. A "legal person" is any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association.
Positive/negative list		Positive list approach for services; negative list approach for investment.
Sector-specific rules		Financial services (Art. 15.3).
Sectoral exclusions		Services supplied in the exercise of governmental authority (Art. 16 (p)).

Table 3: Provisions of the Agreement

Provision	Article	Additional information
MFN /National treatment	Art. 18 Art. 28 Art. 29	Each Party accords to services and service suppliers of the other Party treatment no less favourable than that accorded to its own like services and service suppliers, subject to the conditions and qualifications set out in its schedule of commitments. The national treatment principle also applies to investors and investments, subject to limitations identified in Article 32 and Annex 3. Each Party accords to investors and investments of the other Party treatment no less favourable than that accorded, in like situations, to any non-Party, subject to limitations identified in Article 32 and Annex 3.
Market access	Art. 17	Each Party accords to services and service suppliers of the other Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its schedule of commitments. The Agreement contains provisions on market access along the lines of Art. XVI of GATS.
Movement of natural persons	Art. 72	The Agreement applies to measures affecting natural persons who are service suppliers of a Party and who are employed by a service supplier of a Party, in respect of the supply of a service. The Parties may negotiate specific commitments applying to movement of all

		categories of natural persons supplying services under the Agreement.
Elimination of discriminatory measures	Art. 20	Art. 20 sets out the general timetable and process for liberalising trade in services. The Parties undertake to review their schedules of commitments at least every two years, but earlier if so agreed, and progressively to expand these initial commitments and market access and/or national treatment between them in accordance with the APEC objective of free and open trade in services by 2010.
Treatment of third party suppliers	Art. 25	The Agreement does not address the treatment of third party services and service suppliers except in respect of Art. 25, which allows service suppliers of a non-Party who are legal persons constituted under the laws of a Party to benefit from the Agreement under Art. 25 if they engage in "substantive business operations in the territory of one or both Parties".
Denial of benefits	Art. 25	The Agreement does not address the treatment of denial of benefits except in respect of Art. 25, which allows service suppliers of a non-Party who are legal persons constituted under the laws of a Party to benefit from the Agreement if they engage in "substantive business operations in the territory of one or both Parties".
Standards/mutual recognition	Art. 22	Art. 22 provides a mechanism for mutual recognition of professional qualifications and registration. The Parties agree to facilitate the establishment of a dialogue between experts in priority areas to achieve early outcomes on recognition of professional qualifications or registration in these areas.
Safeguard mechanisms (intra-trade)	None	
Domestic regulations	Art. 21	In sectors where specific commitments are undertaken, the Parties agree to administer all measures of general application in a reasonable, objective and impartial manner. The Parties shall jointly review the results of the negotiations on disciplines for certain regulations, including qualification requirements and procedures, technical standards and licensing requirements, pursuant to Art. VI.4 of the GATS with a view to their incorporation into the Agreement.
Subsidies and state aid	Art. 23	Subsidies and state aid are not covered by the Agreement, apart from providing for consultations in the event that particular subsidy issues affecting trade in services between the Parties arise. Any disciplines emerging from WTO negotiations on services subsidies may be considered for inclusion in the Agreement.
IPR ¹	Art. 57	The Parties agree that the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights shall govern and apply to all intellectual property issues arising from the Agreement.
Government procurement ²	Part 8	The Parties committed to improve cooperation in the areas of government procurement (Art. 46.2). A single market for government procurement of goods and services between the Parties is established under Art. 46. for procurement valued at, or above, SDR 50,000. Government procurement of services is subject to each Party's schedule of commitments and the limitations set out therein (Art. 47).
Competition ³	Art. 3	The Parties are committed to protecting the competitive process rather than competitors and ensuring that the design of regulations recognises options that minimise distortions to competition. (Art 3.1). They are also committed to improving cooperation in the areas of competition (Art. 3.3)
Investment	Part 6	The disciplines on investment include MFN and national treatment requirements. A Party may, at any time, incorporate a new limitation into Annex 3 by written notification to the other Party (Art. 32.4). Art. 31 requires the Party to allow investors, on a non-

¹ This chapter exists as a separate chapter in the agreement, and is not under the Services chapter.

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		discriminatory basis, to transfer and repatriate freely and without undue delay their investments and proceeds from investment. The Agreement contains a discipline on subrogation (Art. 33). Investment dispute resolution procedure is described in Art. 34.
General reservations	Art. 71; Art. 73-76	Art. 71 provides the general exceptions that may be taken. Art. 73 covers measures to safeguard the balance of payments. Art. 74 permits New Zealand to adopt measures it deems necessary to provide more favourable treatment to Maori, including to meet its obligations under the Treaty of Waitangi. Art. 75 permits Singapore to adopt measures that it deems necessary to prevent or relieve critical shortages of imports or threats thereof. Art. 76 permits either Party to take actions considered essential to its security interests or in pursuance of its obligations under the UN Charter for the maintenance of international peace and security.
Level of government	Art. 67	Each Party is responsible for observing the Agreement's provisions and will take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and, in respect of trade in services under Part 5, by non-governmental bodies (in the exercise of powers delegated by central, regional or local government or authorities) within its territory.
Accessions	Art. 79	The Agreement is open to accession or association by any WTO Member, State or Separate Customs Territory.
Dispute resolution	Part 10	Under Art. 59 the Parties must allow adequate opportunities for consultations if a dispute arises and to make every effort to reach a mutually satisfactory resolution. They may agree at any time to good offices, conciliation or mediation (Art. 60). If such consultations fail, the Party which requested consultations may request the other Party in writing to appoint an arbitral tribunal.
Relations with other trade agreements	Art. 80; Art. 81	The Agreement does not exempt a Party from its obligations under any other international, regional or bilateral agreement (Art. 80). The Agreement does not oblige either Party to extend to the other Party benefits derived from its membership of any other existing or future Customs Union, FTA, free trade arrangement, monetary union or similar international agreement or other forms of bilateral or regional cooperation. It also does not oblige either Party to extend the benefits under the Agreement to legal or natural persons who otherwise only qualify for such benefits by virtue of a separate agreement or arrangement entered into by the other Party (Art. 81).
Institutional provisions	None	
Other	None	

Table 4a New Zealand's trade in services with Singapore (NZD m), 2006-2009

Sector	2006		2007		2008		2009	
	Exp	Imp	Exp	Imp	Exp	Imp	Exp	Imp
Communications services	../C	../C	../C	2.4	../C	../C	../C	../C
Construction services	../C	../C	../C	../C	../C	../C	../C	../C
Insurance services	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Financial services	2.2	../C	4.5	../C	../C	1.8	../C	../C
Computer and information services	5.3	4.7	5.8	4.2	3.8	2.3	4.3	4.4
Royalties and licence fees	0.7	../C	0.5	47.0	0.8	12.4	1.2	19.1
Other business services	50.1	34.2	74.6	41.4	63.7	174.5	68.9	156.8
- Merchanting	0.2	../C	../C	../C	../C	../C	../C	../C
- Operational leasing services	--	../C	../C	../C	../C	../C	../C	../C
- Miscellaneous services	49.8	25.2	73.6	36.4	60.6	40.3	64.5	42.7
- Legal, accounting, mgmt.consulting etc.	12.3	9.9	10.8	14.9	13.5	19.5	9.6	10.1
- Advertising, mkt research etc.	../C	1.5	0.9	../C	1.2	0.1	1.4	--
- Research and development	../C	../C	../C	../C	../C	../C	../C	../C
- Architectural, engineering, and technical services	1.1	../C	1.5	0.3	0.9	../C	1.7	../C
- Agricultural, mining, and on-site processing services	--	--	--	--	../C	../C	../C	../C
- Other miscellaneous services	../C	13.3	../C	20.6	../C	19.8	../C	29.9
Personal, cultural ,and recreational services	../C	0.6	../C	0.1	0.9	--	../C	..
Government services not elsewhere classified	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
TOTAL	64.4	89.3	90.9	95.8	81.0	191.3	93.8	183.3

-- too small to be expressed

.. data not available

C confidential

Source: Data provided by the Parties