



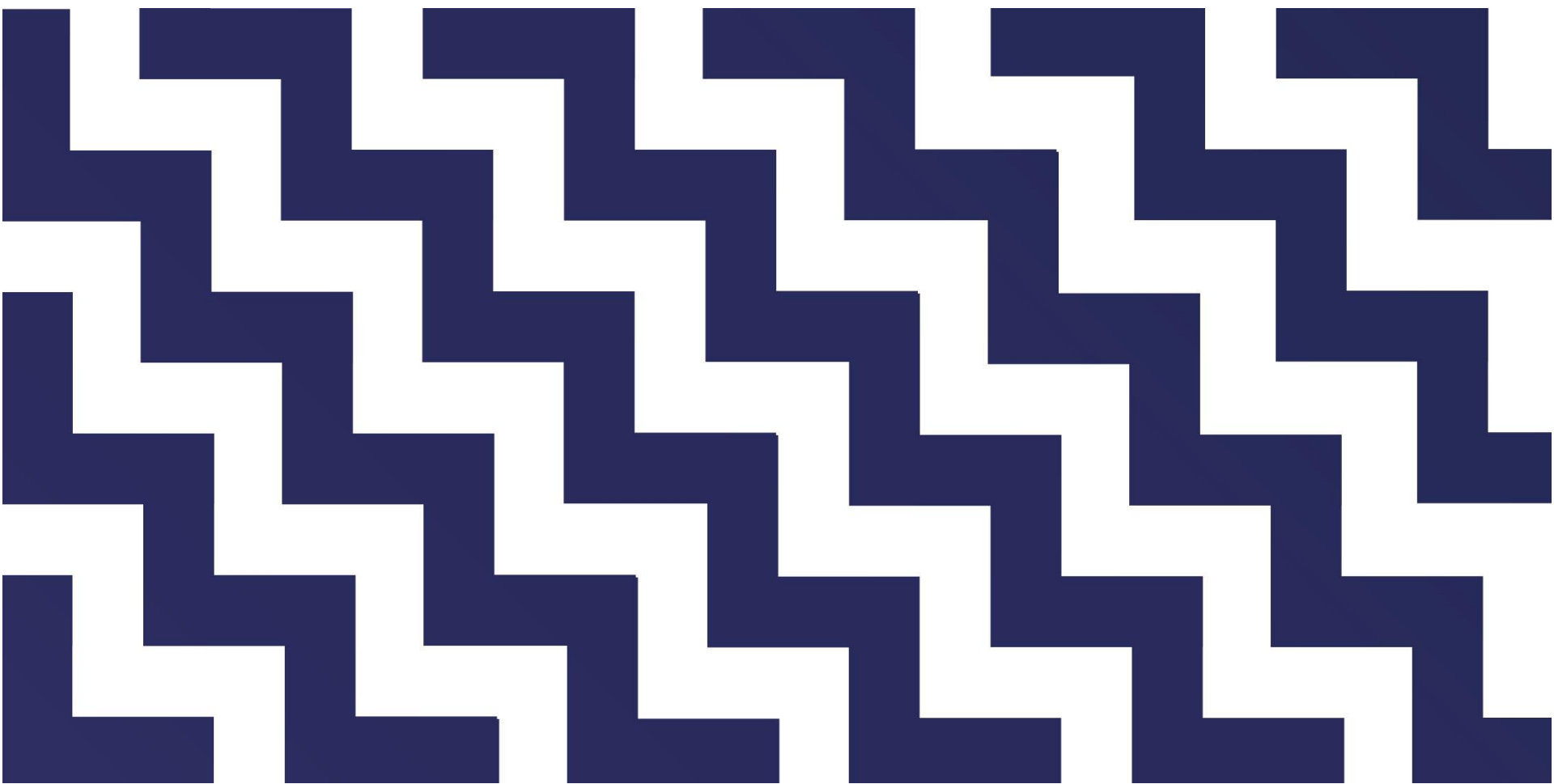
NEW ZEALAND
FOREIGN AFFAIRS & TRADE
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Trade in Services in other FTAs – RCEP

Services scheduling in RCEP

Presentation to PACER Plus Regional Workshop on Trade in Services

9 May 2023



Scheduling approach

PACER PLUS

- Schedule of **specific commitments** ('positive list')
- Commitments made on National Treatment and Market Access (and domestic regulation)
- Most-favoured nation (MFN) exemptions list:

PACER Plus Services Chapter, Article 3:

1. With respect to any measure covered by this Chapter, each Party shall accord immediately and unconditionally to services and service suppliers of another Party treatment no less favourable than that it accords to like services and service suppliers of a non-party.

2. A Party may maintain a measure inconsistent with Paragraph 1 provided that such a measure falls within the scope of any exemptions list in Annex I (Schedule of Most-Favoured-Nation Exemptions on Services and Investment).

Scheduling approach

Positive list example

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>Professional services</u>			
a) Legal services, in respect of the following areas of law: (CPC 861)			
Domestic law	1) None 2) None 3) None	1) None 2) None 3) None	
International law	1) None 2) None 3) None	1) None 2) None 3) None	
Foreign law	1) None 2) None 3) None	1) None 2) None 3) None	

Scheduling approach

Positive list example

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime transport services</u></p> <p>International transport (freight and passengers) (CPC 7211 and 7212 less cabotage – as defined in Attachment A)</p> <p><u>Maritime Auxiliary Services</u></p> <p>Storage and warehousing services (CPC 742)</p>	<p>General condition applicable to all maritime service sectors: marketing and sales of maritime transport services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound.</p> <p>1) None 2) None 3) Unbound for establishment of registered company for the purpose of operating a fleet under the New Zealand flag.</p> <p>1) Unbound* 2) None 3) None</p>	<p>1) None 2) None 3) Unbound as described in the market access column.</p> <p>1) Unbound* 2) None 3) None</p>	

Scheduling approach

RCEP

- Schedule of Specific Commitments ('positive list') and Schedule of Non-Conforming Measures ('negative list')
 - Positive-listing members: Cambodia, Lao PDR, Myanmar, Philippines, Thailand, Viet Nam, China, New Zealand
 - Negative-listing members: Brunei Darussalam, Indonesia, Malaysia, Singapore, Australia, Japan, Korea

Scheduling approach

RCEP

Article 8.3: Scheduling of Commitments

1. Each Party shall make commitments under Article 8.4 (National Treatment) and Article 8.5 (Market Access) in accordance with either Article 8.7 (Schedules of Specific Commitments) or Article 8.8 (Schedules of Non-Conforming Measures).

Scheduling approach

RCEP

Article 8.3: Scheduling of Commitments

2. A Party making commitments in accordance with Article 8.7 (Schedules of Specific Commitments) shall make commitments under the applicable paragraphs in Article 8.4 (National Treatment) and Article 8.5 (Market Access), and shall also make commitments under either Article 8.6 (Most-Favoured-Nation Treatment) or Article 8.10 (Transparency List). A Party making commitments in accordance with Article 8.7 (Schedules of Specific Commitments) may also make commitments under Article 8.9 (Additional Commitments).

Scheduling approach

RCEP

Article 8.3: Scheduling of Commitments

3. A Party making commitments in accordance with Article 8.8 (Schedules of Non-Conforming Measures) shall make commitments under the applicable paragraphs in Article 8.4 (National Treatment), Article 8.5 (Market Access), Article 8.6 (Most-Favoured-Nation Treatment), and Article 8.11 (Local Presence). A Party making commitments in accordance with Article 8.8 (Schedules of Non-Conforming Measures) may also make commitments under Article 8.9 (Additional Commitments).

Scheduling approach

Negative list example

Sector:	All
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>New Zealand reserves the right to adopt or maintain any measure taken as part of a wider process of economic integration or trade liberalisation between the parties to the <i>Australia New Zealand Closer Economic Relations Trade Agreement</i> (ANZCERTA) or the <i>Pacific Agreement on Closer Economic Relations</i> (PACER) that accords differential treatment to a Party or a non-Party.⁶</p>

Scheduling approach

RCEP

Article 8.12: Transition

A Party making commitments in accordance with Article 8.7 (Schedules of Specific Commitments) (hereinafter referred to as a “transitioning Party” in this Article) shall submit a proposed Schedule of Non-Conforming Measures (hereinafter referred to as a “Proposed Schedule” in this Article) that accords with Article 8.8 (Schedules of Non-Conforming Measures) to the Committee on Services and Investment for circulation to the other Parties, no later than three years, or for Cambodia, Lao PDR, and Myanmar, no later than 12 years, after the date of entry into force of this Agreement.

Scheduling approach

KEY DIFFERENCES

PACER Plus	RCEP
<ul style="list-style-type: none">• Positive list schedules	<ul style="list-style-type: none">• Positive and negative list schedules
<ul style="list-style-type: none">• MFN exemptions list	<ul style="list-style-type: none">• For positive lists, Parties select between MFN commitments or a Transparency List.• MFN can be scheduled in one of three ways:<ul style="list-style-type: none">- Inscribed in schedule- MFN coverage list- MFN exemptions list
	<ul style="list-style-type: none">• Transition to negative list

NZ approach & learnings

- Need to consider the context for each agreement
- Important to achieve the right balance between high ambition and protecting policy space
- New Zealand has made very similar commitments in RCEP and PACER Plus



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Pātai/Questions?

Mauri ora. Thank you!