

Without prejudice

## **RCEP Services: New Zealand Initial Sectoral Request list: Indonesia**

**October 2015**

New Zealand submits the following initial services request list with respect to Indonesia's initial offer to the RCEP trade in services negotiations.

New Zealand reserves the right to add to or modify this request in whole, or in part, at any time prior to the conclusion of negotiations.

**Value Add:** New Zealand requests Indonesia to undertake ratchet and MFN commitments on:

- Professional services
- Computer and related services
- Services incidental to agriculture and forestry
- Audio-visual services
- Construction and related engineering services
- Environmental services
- Education services
- Road Transport services; and
- Air Transport services.

In the subsectors specified in the sectoral request below.

### **Horizontal**

New Zealand requests Indonesia to increase its bound foreign equity participation limit to at least 70%.

- Please schedule commitments on Installers/Serviceers (i.e. installers and serviceers of machinery/equipment where such installation or servicing is a condition of the purchase of the machinery/equipment) for periods of stay not exceeding 3 months in any 12 month period.
- Please schedule commitments on independent professionals providing services on a fee or contractual basis without commercial presence for an initial stay of 1 year or for the duration of the contract.

### National Treatment

- Reference to expatriate charges: clarify purpose and indicate to what extent the charges applied to foreigners differ from those applied to nationals.
- Requirement to hold a work permit: clarify criteria used in considering applications for work permits.

### **Legal Services, including patent agents and attorney's services (CPC 861)<sup>1</sup>**

- Modes 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None").

### **Accounting Services (CPC 862)**

- Modes 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None").

### **Architectural Services (CPC 8671)**

- Mode 1: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None").
- Mode 2: National Treatment: Make a commitment with no limitations (ie., schedule "None").

Mode 3: Market Access and National Treatment: Remove limitation restricting business form to joint operations or joint ventures.

### **Engineering Services (CPC 8672)**

- Extend sectoral coverage to whole of CPC 8672.
- Mode 3: Market Access and National Treatment: Remove limitation restricting business form to joint operations or joint ventures.

### **Advisory and Consultative (CPC 86721)**

- Mode 3: Market Access: Remove restriction on business form (ie, schedule "None").
- Mode 3 National Treatment: Remove limitation on joint venture partner (ie, schedule "None").

### **Engineering Design Services for Industrial Processes and Production (CPC 86725)**

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<sup>1</sup> Patents agents and attorney's services are defined as follows: CPC 86130: legal documentation and certification services;

CPC Rev. 1 82130: patent, trademark, copyright and other intellectual property rights consultancy services; preparation, drafting and certification concerning patent, copyright and other intellectual property rights, provision of related legal services including the provision of advice and the execution of various tasks necessary for the drawing up or certification of patent, copyright and other intellectual property rights.

Patent agents and attorneys' services also include the filing of applications for patents, designs and trademarks.

- Mode 3: Market Access: Remove restriction on business form (ie, schedule "None").

Mode 3 National Treatment: Remove limitation on joint venture partner (ie, schedule "None").

#### **Integrated Engineering Services (CPC 8673)**

- Mode 3: Market Access and National Treatment: Remove limitation restricting business form to joint operations or joint ventures.

#### **Urban Planning and Landscape Architectural Services (CPC 8674)**

- Extend sectoral coverage of commitments to urban planning services (CPC 86741) and landscape architectural services (CPC 86742).
- Mode 3: Market Access and National Treatment: Remove limitation restricting business form to joint operations or joint ventures.

#### **Veterinary Services (CPC 932)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

#### **Consultancy Services Related to the Installation of Computer Hardware (CPC 841)**

- Mode 3: Market Access and National Treatment: Remove limitation restricting business form to joint operations or joint ventures.

#### **Software Implementation Services (CPC 842)**

- Mode 3: Market Access and National Treatment: Remove limitation restricting business form to joint operations or joint ventures.

#### **Data Processing Services (CPC 843)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

#### **Data Base Services (CPC 844)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

#### **Maintenance and Repair Services of Office Machinery and Equipment including computers (CPC 845)**

- Modes 3: Market Access and National Treatment: Remove limitations restricting business form to joint operations or joint ventures.

#### **Data Preparation and Other Computer Services (CPC 849)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

#### **Advertising Services (CPC 871)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie, schedule "None").

#### **Consulting Services Including Management Consulting Services (CPC 865<sup>2</sup> and 866)**

- Extend coverage to the whole of CPC 865 and CPC 866.

#### **Project management services other than for construction (CPC 86601):**

- Mode 3: Market Access: Remove restriction on business form (ie., schedule "None").
- Mode 3: National Treatment: remove restriction on joint operations and joint ventures (ie., schedule "None").

#### **Services Incidental to Agriculture and Forestry (CPC 8810, 88120, 88140)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie, schedule "None").

#### **Motion picture production and distribution services (CPC 9611)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie, schedule "None").

#### **Radio and television services (CPC 9613)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie, schedule "None").

#### **Construction and Integrated Construction Services (CPC 511, 512, 513, 514, 515, 516, 517 and 518 and to encompass integrated construction services)**

- Extend sectoral coverage to include all of CPC 511-518.

In respect of existing commitments:

CPC 511, 512, 513, 514, 515 and 518

- Mode 1: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")
- Mode 3: Market Access: Remove restriction on business form (ie., schedule "None").

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<sup>2</sup> Including consulting, organisational, advisory, guidance & operational assistance services

- Mode 3: National Treatment: Remove restriction on joint operations or joint ventures (ie., schedule "None").

**Education Services (CPC 921, 922, 923, 924 and 929 (including 92900 "all other education services not defined by level") and 92400 "community education" and "education agency services").**

Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations for private education (ie, schedule "None").

**Waste management services (CPC 9401, 9402)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

**Sanitation services (CPC9403)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

**Other Environmental Services (CPC 9404, 9405, 9406, 9409<sup>3</sup>)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a full commitment, or a commercially meaningful partial commitment

**Road Transport Services (CPC 7123 Freight Transportation) (CPC 7124 Rental of commercial vehicles with operator) (CPC 6112 + 8867) Maintenance and Repair of road transport equipment and (CPC 744 Supporting Services for road transport).**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None")

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<sup>3</sup> And including: Wastewater management (excluding water for human use)

Solid/hazardous waste management

-Refuse disposal services

-Sanitation and similar services

Protection of ambient air & climate

-Services to reduce exhaust gases and other emissions and improve air quality

Remediation & cleanup of soil & water

-Treatment, remediation of contaminated / polluted soil and water (part of CPC 94060)

Noise & vibration abatement

-Noise abatement services

Protection of biodiversity & landscape

-Nature and landscape protection services (part of CPC 94060)

Other environmental & ancillary services

-Other environmental protection services not classified elsewhere

**Air Transport Services (CPC 8868 (aircraft maintenance and repair services); and selling & marketing of air transport services and computer reservation system services, as defined in paras 6(a), 6(b) and 6(c) of the Annex on Air Transport Services; and CPC 746, 7461, 7462 and 7469)**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie, schedule "None").

**Services Auxiliary to all Modes of transport (CPC 741 (cargo handling), CPC 742 (storage and warehousing services), CPC 748 (freight transport agency services) and CPC 749 (other supporting and auxiliary transport services)<sup>4</sup>**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie, schedule "None").

**Airport Operation services**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None").

**Ground handling services**

- Modes 1, 2 and 3: Market Access and National Treatment: Make a commitment with no limitations (ie., schedule "None").

**Specialty Air Services**

- Modes 1, 2 and 3: National Treatment: Make a commitment with no limitations (ie., schedule "None").

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4 Ground Handling Services are included in these sectors and those set out under Air Transport Services. The Plurilateral Request on Air Transport Services in the WTO Doha Round GATS Negotiations includes the following services under Ground Handling: Container handling services for air transport services only (part of CPC 7411);

- Other cargo handling services for air transport services only (part of CPC 7419)
- Other supporting services for air transport (CPC 7469)