

PROTOCOL ON TRADE IN SERVICES TO THE AUSTRALIA NEW ZEALAND CLOSER ECONOMIC RELATIONS - TRADE AGREEMENT

AUSTRALIA AND NEW ZEALAND (called "the Member States"),

CONSCIOUS of their longstanding friendship and close historic, political, economic and geographic relationship;

RECOGNISING the development of a closer economic relationship since the commencement of the Australia New Zealand Closer Economic Relations - Trade Agreement, done in Canberra on 28 March 1983¹ (called "the Agreement") and the benefits of free trade in goods;

AWARE that this relationship will be strengthened and enhanced by expanding trade in services between the two countries through a widening of the Agreement;

MINDFUL that expanded and liberalised trade in services will assist the expansion of trade in goods;

BELIEVING in the advantages of a clearly established and secure liberal trading framework for trade in services to govern exchange of services and provide confidence to their industries to take investment and planning decisions;

DESIROUS of improving the efficiency and competitiveness of their service industry sector;

RECOGNISING their commitment to securing trade liberalisation and an outward looking approach to trade;

BELIEVING that a framework of rules for trade in services will lead to a more effective use of resources and an increased capacity to contribute to economic development through international exchanges and the promotion of closer links with other countries;

CONSCIOUS of their rights and obligations under the General Agreement on Tariffs and Trade² and other multilateral and bilateral agreements and arrangements;

DESIRING to conclude a Protocol to the Agreement to provide for the widening of the closer economic relationship to cover trade in services;

HAVE AGREED as follows:

Article 1

Objectives

The objectives of the Member States in concluding this Protocol to the Agreement are:

- (a) to strengthen the relationship between Australia and New Zealand;
- (b) to liberalise barriers to trade in services between the Member States;
- (c) to improve the efficiency and competitiveness of their service industry sectors and expand trade in services between the Member States;

(d) to establish a framework of transparent rules to govern trade in services between the Member States;

(e) to facilitate competition in trade in services.

Article 2

Scope of Protocol

1. This Protocol shall apply to the provision of services in the Free Trade Area referred to in Article 2 of the Agreement.

2. The provisions of this Protocol shall apply subject to the foreign investment policies of the Member States.

3. This Protocol shall apply to any measure, in existence or proposed, of a Member State that relates to or affects the provision of a service by or on behalf of a person of the other Member State within or into the territory of the first Member State.

4. Except as otherwise provided in particular Articles, this Protocol shall not apply to the provision within or into the territory of one Member State of the services inscribed by that Member State in the Annex until such time as such services inscribed by it have been removed from the Annex in accordance with Article 10 of this Protocol.

Article 3

Definitions

Provision of services includes:

(a) the production, distribution, marketing, sale and delivery of a service; and

(b) for the purpose of the activities referred to in the previous sub-paragraph of this paragraph: