

## New Zealand's Bogor Goals Progress Report (as at 13 August 2012)\*

### Highlights of Achievements and Areas for Improvement

- Initiatives in some services sectors are encouraging more competition. Changes in legislation are improving competition policy framework.
- 100 percent alignment with APEC Voluntary Action Plan priority area standards. New Zealand standards have a high level of alignment with those of Australia.
- Amendments in legislation related are better assisting to address infringements related to intellectual property rights.
- Comprehensive regulatory review system of existing regulations, as well as proposed regulations to improve efficiency.
- All legislation can be accessed and downloaded through the internet. Transparency system allows anyone in New Zealand to request for official information.

### Summary of Updates

#### Tariffs

Tariff levels are currently at 0 percent, 5 percent or 10 percent.

As agreed in the ASEAN-Australia-New Zealand FTA, Malaysia-New Zealand FTA and Hong Kong, China – New Zealand Closer Economic Partnership Agreement, tariffs for goods originating in New Zealand's counterparts are being reduced or eliminated according to the corresponding tariff liberalization schedule.

#### Services

In architectural and engineering services, the Trans-Tasman Mutual Recognition Agreement came into force in March 2012 and entitles practitioners granted occupational licensing in New Zealand or Australia to register to practice the equivalent occupation in both places without need to undergo for future testing or examination.

In telecommunications, changes to the Telecommunications Act 2001 provide for co-investment between the government and the private sector. These changes also split Telecom New Zealand into a network infrastructure provider and a retail services provider, which will ensure increasing competition in this sector through the provision by infrastructure providers of open access at the network level.

In educational services, the Education Amendment Act 2011 allows the New Zealand Qualifications Authority to lift the threshold to private training establishments to be registered and to strengthen the monitoring of and sanctions on poor quality providers.

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\* This brief report was prepared with information from New Zealand's submission of 2012 APEC Individual Action Plan (IAP) template and the minutes of the meeting of New Zealand's WTO Trade Policy Review from June 2009.

## **Investment**

Overseas Investment Regulations introduced in December 2009 new factors to the benefits test for potential foreign investments in sensitive land. These factors allow Ministers to decide on the convenience of these potential investments based on New Zealand's economic interests.

## **Standards and Conformance**

As of June 2011, New Zealand had 3013 standards in its catalogue. Thirty- one percent were identical to the International Standardization Organization (ISO) standards and 10 percent were modified adoptions of ISO or IEC standards. Eighty- one percent of all standards were aligned with Australia. New Zealand achieved 100 percent alignment with the APEC Voluntary Action Plan priority area standards.

New Zealand has been an active participant in bilateral recognition agreements. A regulatory Cooperation Arrangements was signed with Chinese Taipei in February 2010, covering electrical and electronic products, gas products and other consumer goods. Similarly, an arrangement on cooperation in the field of consumer products and safety was signed with China in June 2010.

New Zealand is participating actively in relevant international fora such as the WTO TBT and SPS Committees. In addition, in the area of legal metrology, New Zealand has an active participation in the International Organization for Legal Metrology (OIML) and the Asia-Pacific Legal Metrology Forum (APLMF). In general consumer product safety, New Zealand participates in the International Consumer Product Health & Safety Organization (ICPHSO) as well as in the International Consumer Product Safety Caucus (ICPSC).

While some economies expressed concerns in relation to particular New Zealand's sanitary and phytosanitary (SPS) requirements during New Zealand's 2009 WTO Trade Policy Review, New Zealand confirmed its SPS regime provides fair, non-discriminatory and transparent rules in line with international guidelines, in particular the WTO SPS Agreement.

## **Customs Procedures**

Mutual Recognition Arrangements have been signed with the United States, Japan and Korea to recognize customs security and facilitation programs and to provide benefits for recognized traders in those markets.

## **Intellectual Property Rights**

Amendments have been made to the Trade Marks Act 2002 to implement the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, as well as the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, and ratify the Singapore Treaty on the Law of Trademarks.

The Copyright Act 1994 was amended to assist right holders to address infringements occurring over peer-to-peer file sharing networks.

The amendments in these two acts provide competent authorities with warranted and non-warranted search and seizure powers to combat criminal offenses related to copyright piracy and trade mark counterfeiting.

### **Competition Policy**

New Zealand has been working on initiatives to improve competition policy. For example, the Commerce (Cartels and Other Matters) Amendment Bill was introduced in October 2011. The Bill introduces criminal sanctions for hard-core cartel conduct and aims to clarify the scope of legitimate collaborative activities via new exceptions and clearance mechanism.

Furthermore, the Electricity Industry Act 2010 improved regulatory efficiency in the electricity sector by increasing the independence of the economic regulator and transferring some functions such as grid upgrade approvals and energy efficiency to other agencies.

### **Government Procurement**

A single access e-commerce portal “eMarketplace” was established to provide agencies access to catalogues of multiple suppliers’ products available under the All-of-government contracts.

### **Deregulation/Regulatory Review**

New Zealand has implemented a system in which departments report and review the regulation they are responsible for. Thirteen major regulatory reviews in a number of areas such as electricity, telecommunications and investments, among others, were completed recently. All regulatory regimes are subject to a high-level assessment against principles of best-practice regulation such as: growth supporting, proportionate, flexible and durable, certain and predictable, transparent and capable regulator.

Regulatory Impact Assessments are now being used systematically to review new or proposed regulation.

### **Mobility of Business People**

Chinese Taipei was added to New Zealand’s visa waiver scheme in November 2009.

### **Transparency**

All legislation must be published and offered for sale at a reasonable price. Legislation can also be viewed and downloaded free of charge at Legislation Direct ([www.legislation.govt.nz](http://www.legislation.govt.nz)). All statutory notices must be published in the New Zealand Gazette.

According to the Official Information Act, anyone who is in New Zealand can request official information. This also applies for New Zealand citizens living overseas and corporate bodies with a place of business in New Zealand. Enquiries from other economies can be dealt with through inter-governmental consultative channels or by direct approach to the responsible agency.

Government agencies in charge of particular areas also offer high-level transparency standards by including regulations, procedures, requirements and other relevant information in their websites.

### **RTA/FTAs**

Currently, New Zealand has eight agreements in force, being the most recent ones the Malaysia – New Zealand FTA in force from August 2010 and the Hong Kong, China – New Zealand Closer

Economic Partnership, which was in force since January 2011. New Zealand is also involved in six negotiations with economic partners all around the world.