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Committee on Government Procurement

Original: English

**PROPOSED MODIFICATIONS TO APPENDIX I OF NEW ZEALAND UNDER THE REVISED
AGREEMENT ON GOVERNMENT PROCUREMENT**

**COMMUNICATION FROM NEW ZEALAND PURSUANT TO ARTICLE XIX:1¹ OF THE
REVISED AGREEMENT ON GOVERNMENT PROCUREMENT**

The following communication, dated 20 April 2018, is being circulated at the request of the Delegation of New Zealand.

1. Pursuant to paragraph 1 of Article XIX of the revised Agreement on Government Procurement (hereinafter "the revised Agreement"), New Zealand hereby notifies the Committee on Government Procurement of the following modifications to its Annex 3, Appendix I of the revised Agreement:

- a. Remove "New Zealand Fire Service Commission" from the List of Entities in Annex 3 as it has been disestablished;
- b. Add "Fire and Emergency New Zealand" to the List of Entities in Annex 3 in substitution for "New Zealand Fire Service Commission"; and
- c. Add the following Note to Annex 3: "Fire and Emergency New Zealand: This Agreement only covers procurement that was previously covered by the New Zealand Fire Service Commission. For the avoidance of doubt, the following procurements are excluded from cover: any procurement by Fire and Emergency New Zealand that was previously conducted by Rural Fire Authorities, Rural Fire Committees and/or Territorial Authorities (for the purposes of their functions under the Forest and Rural Fires Act 1977)."

2. The above modification arises from the following:

- a. On 1 July 2017, Fire and Emergency New Zealand (FENZ) was constituted pursuant to section 8 of the Fire and Emergency New Zealand Act 2017.
- b. FENZ replaced the Fire Service Commission and was also an amalgamation of certain functions, assets, rights and responsibilities and a number of entities. These entities included a number of Rural Fire Committees, Rural Fire Authorities and Territorial Authorities.

3. The above modifications do not alter the level of mutually agreed coverage provided in New Zealand's Appendix I.

¹ Article XIX:1 reads as follows: *Notification of Proposed Modification* A Party shall notify the Committee of any proposed rectification, transfer of an entity from one annex to another, withdrawal of an entity or other modification of its annexes to Appendix I (any of which is hereinafter referred to as "modification"). The Party proposing the modification (hereinafter referred to as "modifying Party") shall include in the notification: (a) for any proposed withdrawal of an entity from its annexes to Appendix I in exercise of its rights on the grounds that government control or influence over the entity's covered procurement has been effectively eliminated, evidence of such elimination; or (b) for any other proposed modification, information as to the likely consequences of the change for the mutually agreed coverage provided for in this Agreement.

4. Attachment A to this document shows (in strikeout or underlining) the proposed modifications by New Zealand to the corresponding pages of Annex 3 of Appendix I. Attachment B indicates how these pages would appear after the proposed modifications have been accepted.²

² Attachments A and B are in English only.

ATTACHMENT A**ANNEX 3****OTHER ENTITIES**

Unless otherwise specified, this Agreement covers procurement by entities listed in this Annex, subject to the following thresholds:

Thresholds:

Goods	SDR 400,000
Services	SDR 400,000
Construction Services	SDR 5,000,000

List of entities:

1. Accident Compensation Corporation (Note 1);
2. Civil Aviation Authority of New Zealand;
3. Energy Efficiency and Conservation Authority;
4. Housing New Zealand Corporation;
5. Maritime New Zealand;
6. New Zealand Antarctic Institute;
7. ~~New Zealand Fire Service Commission~~ **Fire and Emergency New Zealand (Note 5);**
8. New Zealand Qualifications Authority;
9. New Zealand Tourism Board;
10. New Zealand Trade and Enterprise;
11. New Zealand Transport Agency;
12. Ōtākaro Limited (Note 4);
13. Sport New Zealand (Note 2);
14. Tertiary Education Commission;
15. Education New Zealand;
16. Airways Corporation of New Zealand Limited;
17. Meteorological Service of New Zealand Limited;
18. KiwiRail Holdings Limited;
19. Transpower New Zealand Limited (Note 3).

Notes to Annex 3

1. Accident Compensation Corporation: This Agreement does not cover procurement of pension fund management, public insurance and fund placements, investments and financial services related to securities or trading on an exchange.

2. Sport New Zealand: The Agreement does not apply to the procurement of goods and services containing confidential information related to enhancing competitive sport performance.

3. Transpower New Zealand Limited: The following procurements are excluded from cover:

- a. Electrical stringing services (part of the total range of activities covered by CPC Prov. 5134);
- b. Tower painting services (part of the total range of activities covered by CPC Prov. 5173);
- c. For greater certainty, projects funded directly by private sector customers where those projects would not be undertaken except for the funding provided by those customers.

4. Ōtākaro Limited: All obligations in the Agreement specifically relating to Annex 1 entities shall apply. For greater certainty, the thresholds are SDR 130,000 for Goods and Services and SDR 5,000,000 for Construction Services, and all agencies subordinate to Ōtākaro are covered.

5. Fire and Emergency New Zealand: This Agreement only covers procurement that was previously covered by the New Zealand Fire Service Commission. For the avoidance of doubt, the following procurements are excluded from cover: any procurement by Fire and Emergency New Zealand that was previously conducted by Rural Fire Authorities, Rural Fire Committees and/or Territorial Authorities (for the purposes of their functions under the Forest and Rural Fires Act 1977).

ATTACHMENT B**ANNEX 3****OTHER ENTITIES**

Unless otherwise specified, this Agreement covers procurement by entities listed in this Annex, subject to the following thresholds:

Thresholds:

Goods	SDR 400,000
Services	SDR 400,000
Construction Services	SDR 5,000,000

List of entities:

1. Accident Compensation Corporation (Note 1);
2. Civil Aviation Authority of New Zealand;
3. Energy Efficiency and Conservation Authority;
4. Housing New Zealand Corporation;
5. Maritime New Zealand;
6. New Zealand Antarctic Institute;
7. Fire and Emergency New Zealand (Note 5);
8. New Zealand Qualifications Authority;
9. New Zealand Tourism Board;
10. New Zealand Trade and Enterprise;
11. New Zealand Transport Agency;
12. Ōtākaro Limited (Note 4);
13. Sport New Zealand (Note 2);
14. Tertiary Education Commission;
15. Education New Zealand;
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