

# Free Trade Agreement (FTA) on Trade in Services

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# Chapter 8. Trade in Services

## Article 1

### Scope and Coverage

1. This Chapter applies to measures by a Party affecting trade in services.
2. For the purposes of this Chapter, measures by a Party means measures taken by:
  - a. central, regional, or local governments and authorities; and
  - b. non-governmental bodies in the exercise of powers delegated by central, regional, or local governments or authorities.
3. In fulfilling its obligations and commitments under this Chapter, each Party shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and non-governmental bodies within its territory.
4. This Chapter shall not apply to measures affecting:
  - a. government procurement;
  - b. subsidies or grants including government-supported loans, guarantees, and insurance, provided by a Party or to any conditions attached to the receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services, service consumers or service suppliers;
  - c. services supplied in the exercise of governmental authority within the territory of each respective Party, as defined in Article 2(q) (Definitions), or
  - d. in respect of air transport services, measures affecting traffic rights however granted; or measures affecting services directly related to the exercise of traffic rights, other than measures affecting:
    - i. aircraft repair and maintenance services;

- ii. the selling and marketing of air transport services; and
  - iii. computer reservation system services.
- 5. The Parties note the multilateral negotiations pursuant to the review of the *GATS Annex on Air Transport Services*. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement so as to incorporate the results of such multilateral negotiations.
- 6. Nothing in this Chapter shall apply to measures affecting natural persons seeking access to the employment market of another Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

## Article 2

### Definitions

For the purposes of this Chapter:

- a. **aircraft repair and maintenance services** means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance;
- b. **commercial presence** means any type of business or professional establishment, including through:
  - i. the constitution, acquisition or maintenance of a juridical person; or
  - ii. the creation or maintenance of a branch or a representative office, within the territory of a Party for the purpose of supplying a service;
- c. **computer reservation system services** means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;
- d. **juridical person** means any entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or government-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;
- e. **juridical person of a Party** means a juridical person which is either:

- i. constituted or otherwise organised under the law of that Party, and is engaged in substantive business operations in the territory of that Party or any other Party; or
- ii. in the case of supply of a service through commercial presence, owned or controlled by:
  - A. natural persons of that Party; or
  - B. juridical persons of that Party identified under Subparagraph (e)(i);
- f. In the case of Thailand and Viet Nam, a **juridical person** is:
  - i. **owned** by persons of a Party if more than 50 per cent of the equity interest in it is beneficially owned by persons of that Party;
  - ii. **controlled** by persons of a Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;
  - iii. **affiliated** with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;
- g. **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- h. **measures by a Party affecting trade in services** includes measures in respect of:
  - i. the purchase or use of, or payment for, a service;
  - ii. the access to and use of, in connection with the supply of a service, services which are required by those Parties to be offered to the public generally; and
  - iii. the presence, including commercial presence, of persons of a Party for the supply of a service in the territory of the other Party;
- i. **monopoly supplier of a service means** any person, public or private, which in the relevant market of the territory of a Party is authorised or established formally

or in effect by that Party as the sole supplier of that service;

j. **natural person of a Party** means a natural person who resides in the territory of that Party or elsewhere and who under the law of that Party:

- i. is a national of that Party; or
- ii. has the right of permanent residence<sup>[1]</sup> in that Party, in the case of a Party which accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, provided that no Party is obligated to accord to such permanent residents treatment more favourable than would be accorded by that Party to such permanent residents;

k. **person** means a natural person or a juridical person;

l. **sector of a service** means:

- i. with reference to a specific commitment, one or more, or all, subsectors of that service, as specified in a Party's schedules of specific commitments in Annex 3 (Schedules of Specific Services Commitments); and
- ii. otherwise, the whole of that service sector, including all of its subsectors;

m. **selling and marketing of air transport services** means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;

n. **services** includes any service in any sector except services supplied in the exercise of governmental authority;

o. **service of another Party** means a service which is supplied:

- i. from or in the territory of that other Party; or
- ii. in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that

other Party;

- p. **service supplier** means a person that supplies a service<sup>[2]</sup>;
- q. **a service supplied in the exercise of governmental authority** means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;
- r. **supply of a service** includes the production, distribution, marketing, sale and delivery of a service;
- s. **trade in services** means the supply of a service:
  - i. from the territory of one Party into the territory of any other Party;
  - ii. in the territory of one Party to the service consumer of any other Party;
  - iii. by a service supplier of one Party, through commercial presence in the territory of any other Party;
  - iv. by a service supplier of one Party, through presence of natural persons of a Party in the territory of any other Party; and
- t. **traffic rights** means the right for scheduled and non-scheduled services to operate and/or carry passengers, cargo and mail for remuneration or hire from, to within, or over the territory of a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership, and control.

## Article 3

### National Treatment

1. In sectors inscribed in its schedules of specific commitments in Annex 3 (Schedules of Specific Services Commitments) or Annex 4 (Schedules of Movement of Natural Persons Commitments), and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of any other Party, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.<sup>[3]</sup>

2. A Party may meet the requirement of Paragraph 1 by according to services and service suppliers of any other Party, either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.
3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the Party compared to like services or service suppliers of any other Party.

#### Article 4

##### Market Access

1. With respect to market access through the modes of supply identified in Article 2(s) (Definitions), each Party shall accord services and service suppliers of any other Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its schedules of specific commitments in Annex 3 (Schedules of Specific Services Commitments) or Annex 4 (Schedules of Movement of Natural Persons Commitments).<sup>[4]</sup>
2. In sectors where market access commitments are undertaken, the measures which a Party shall not maintain or adopt either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its schedules of specific commitments in Annex 3 (Schedules of Specific Services Commitments) or Annex 4 (Schedules of Movement of Natural Persons Commitments), are defined as:
  - a. limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
  - b. limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
  - c. limitations on the total number of service operations or on the total quantity of services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test<sup>[5]</sup>;
  - d. limitations on the total number of natural persons that may be employed

in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test;

- e. measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and
- f. limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

## Article 5

### Additional Commitments

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to Article 3 (National Treatment) or Article 4 (Market Access), including those regarding qualifications, standards or licensing matters. Such commitments shall be set out in a Party's schedules of specific commitments in Annex 3 (Schedules of Specific Services Commitments) and Annex 4 (Schedules of Movement of Natural Persons Commitments).

## Article 6

### Review of Commitments

The Parties shall enter into successive rounds of negotiations, beginning not later than three years from the date of entry into force of this Agreement, and periodically thereafter as determined by the FTA Joint Committee, with a view to further improving specific commitments under this Chapter so as to progressively liberalise trade in services among the Parties.

## Article 7

### Consultations on Most-Favoured-Nation Treatment

1. Subject to Paragraph 2, if, after this Agreement enters into force, a Party enters into any agreement on trade in services with a non-Party in which it provides treatment to services or service suppliers of that non-Party more favourable than it accords to like services or service suppliers of other Parties under this Agreement, any other Party may request consultations to discuss the possibility of extending, under this Agreement, treatment no less favourable than that provided



under the agreement with the non-Party. The requested Party shall enter into consultations with the requesting Party bearing in mind the overall balance of benefits. The requesting Party shall notify all the other Parties of their request for consultations under this Paragraph.

2. No Party shall be obliged to apply Paragraph 1 with respect to treatment provided under any bilateral or plurilateral agreement between an individual ASEAN Member State, or individual ASEAN Member States, and non-Parties or Australia or New Zealand.
3. The consulting Parties shall notify the results of the consultations to all other Parties as soon as practicable and by no later than the next meeting of the Services Committee established pursuant to Article 24 (Committee on Trade in Services) following the conclusion of consultations.
4. Notwithstanding Paragraph 1, a Party shall not be obliged to enter into consultations in relation to treatment provided under any international agreement that entered into force or was signed prior to the date of entry into force of this Agreement including, in respect of agreements on the liberalisation of trade in goods or services or investment, any measures taken as part of a wider process of economic integration or trade liberalisation between the parties to such agreements.

## Article 8

### Schedules of Specific Commitments

1. Each Party shall set out in a schedule the specific commitments it undertakes under Article 3 (National Treatment), Article 4 (Market Access) and Article 5 (Additional Commitments). With respect to sectors where such commitments are undertaken, each schedule shall specify:
  - a. terms, limitations and conditions on market access;
  - b. conditions and qualifications on national treatment;
  - c. undertakings relating to additional commitments;
  - d. where appropriate, the time-frame for implementation of such commitments; and

- e. the date of entry into force of such commitments.
2. Measures inconsistent with both Market Access and National Treatment shall be inscribed in the column relating to Market Access. In this case, the inscription will be considered to provide a condition or qualification to National Treatment as well.
3. Schedules of specific services commitments shall be set out in Annex 3 (Schedules of Specific Services Commitments) of this Agreement. The specific commitments in respect of the supply of a service by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party shall be set out in Annex 4 (Schedules of Movement of Natural Persons Commitments) of this Agreement.

## Article 9

### Modification of Schedules

1. A Party may modify or withdraw any commitment in its schedule of specific commitments in Annex 3 (Schedules of Specific Services Commitments) or Annex 4 (Schedules of Movement of Natural Persons Commitments), at any time after three years have elapsed from the date on which this Agreement enters into force, in accordance with the procedures set out in Article XXI of GATS, *mutatis mutandis*, and the Procedures for the Implementation of Article XXI of GATS set out in WTO document S/L/80 of 29 October 1999 (the GATS Article XXI Procedures), *mutatis mutandis*, as amended from time to time.
2. For the avoidance of doubt, references in Article XXI of GATS and the GATS Article XXI Procedures to the "Secretariat" and the "Council for Trade in Services" shall each be read as references to the FTA Joint Committee.

## Article 10

### Domestic Regulation

1. In sectors where specific commitments are undertaken, each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.
2. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, do not constitute unnecessary barriers to trade in services, the Parties shall jointly

review the results of the WTO negotiations on disciplines on such measures, pursuant to Article VI.4 of GATS, and shall amend this Article, as appropriate, after consultations among the Parties, to bring the results of those negotiations into effect under this Agreement. The Parties note that the disciplines arising from such negotiations shall aim to ensure that qualification requirements and procedures, technical standards and licensing requirements and procedures are, *inter alia*:

- a. based on objective and transparent criteria, such as competence and the ability to supply the service;
  - b. not more burdensome than necessary to ensure the quality of the service; and
  - c. in the case of licensing procedures, not in themselves a restriction on the supply of the service.
3. In sectors in which a Party has undertaken specific commitments under Article 3 (National Treatment), Article 4 (Market Access) and Article 5 (Additional Commitments), pending the incorporation of the disciplines referred to in Paragraph 2, that Party shall not apply licensing and qualification requirements and technical standards that nullify or impair such specific commitments under this Agreement in a manner which:
  - a. does not comply with the criteria outlined in Paragraph 2(a), (b) or (c); and
  - b. could not reasonably have been expected of that Party at the time the specific commitments in those sectors were made.
4. In determining whether a Party is in conformity with its obligations under Paragraph 3(a), account shall be taken of international standards of relevant international organisations applied by that Party.<sup>[6]</sup>
5. Where authorisation is required for the supply of a service on which a specific commitment has been made, the competent authorities of that Party shall:
  - a. in the case of an incomplete application, at the request of the applicant, identify all the additional information that is required to complete the

application and provide the opportunity to remedy deficiencies within a reasonable timeframe;

- b. within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application;
  - c. at the request of the applicant, provide, without undue delay, information concerning the status of the application under consideration; and
  - d. if an application is terminated or denied, to the maximum extent possible, inform the applicant in writing, and without delay, the reasons for such action. The applicant will have the possibility of resubmitting, at its discretion, a new application.
6. In sectors where specific commitments regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competency of professionals of the other Parties.
7. Subject to its domestic laws and regulations, each Party shall permit service suppliers of the other Parties to use the business names under which they ordinarily trade in the territories of the other Parties and otherwise ensure that the use of business names is not unduly restricted.

## Article 11

### Transparency

1.
  1. The Parties recognise that transparent measures governing trade in services are important in facilitating the ability of service suppliers to gain access to, and operate in, each others' markets. Each Party shall promote regulatory transparency in trade in services.

### Publication

1.
  1. Each Party shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force:

- a. all relevant measures of general application affecting trade in services; and
  - b. all international agreements pertaining to, or affecting, trade in services to which a Party is a signatory.
2. To the extent possible, each Party shall make the measures and international agreements of the kind referred to in Paragraph 2 available on the internet.
3. Where publication referred to in Paragraphs 2 and 3 is not practicable, such information<sup>[7]</sup> shall be made otherwise publicly available.
4. To the extent provided for under its domestic legal framework, each Party shall endeavour to provide a reasonable opportunity for comments by interested persons of the Parties on measures referred to in Paragraph 2(a) before adoption.

#### Contact Points

1. Each Party shall designate a contact point to facilitate communications among the Parties on any matter covered by this Chapter. Upon the request of another Party, the contact point shall:
  - a. identify the office or official responsible for the relevant matter; and
  - b. assist as necessary in facilitating communications with the requesting Party with respect to that matter.
2. Each Party shall respond promptly to all requests by any other Party for specific information on:
  - a. any measures referred to in Paragraph 2(a) or international agreements referred to in Paragraph 2(b); and
  - b. any new, or any changes to existing, laws, regulations or administrative guidelines which significantly affect trade in services covered by the Party's specific commitments under this Chapter, whether or not the other Party has been previously notified of the new or changed law, regulation or administrative guideline.

## Article 12

### Development and Application of Regulations

#### Administrative Processes

1.

1. With a view to administering in a consistent, impartial and reasonable manner its laws, regulations, procedures and administrative rulings of general application affecting trade in services, each Party shall ensure that its administrative agencies, in applying such laws, regulations, procedures and administrative rulings to particular services or service suppliers of another Party in specific cases through administrative processes, including adjudication, rule-making, licensing, determination and approval processes:
  - a. to the extent provided under its domestic legal framework, and where possible, provide service suppliers of the other Party that are directly affected by an administrative process with reasonable notice that the process is taking place;
  - b. to the extent provided under its domestic legal framework, endeavour to afford such service suppliers with reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the process and the public interest permit; and
  - c. follow procedures that are in accordance with its laws.

#### Review and Appeal

1. Each Party shall maintain judicial, arbitral or administrative tribunals or procedures for the purpose of the prompt review<sup>[8]</sup>, and, where warranted, correction of final administrative actions resulting from the processes covered by Paragraph 1. Where such procedures or tribunals are not independent of the agency entrusted with the administrative action concerned, each Party shall ensure that the tribunals or procedures provide for an objective and impartial review.
2. Each Party shall ensure that, in any such tribunal or under any such procedures, the parties to any proceedings are provided with the right to:

- a. a reasonable opportunity to support or defend their respective positions;  
and
  - b. a decision in accordance with the Party's laws.
3. Each Party shall ensure, subject to appeal or further review as provided in its law, that any decision referred to in Paragraph 3(b) shall be implemented in accordance with its laws.

#### Article 13

##### Disclosure of Confidential Information

Nothing in this Chapter shall be construed as requiring a Party to provide to the other Parties confidential information the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or which would prejudice the legitimate commercial interests of particular juridical persons, public or private.

#### Article 14

##### Monopolies and Exclusive Service Suppliers

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 3 (National Treatment) and Article 4 (Market Access).
2. Where a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Party's specific commitments, the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.
3. If a Party has a reason to believe that a monopoly supplier of a service of any other Party is acting in a manner inconsistent with Paragraph 1 or 2, it may request the Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.
4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:
  - a. authorises or establishes a small number of service suppliers; and

- b. substantially prevents competition among those suppliers in its territory.

## Article 15

### Business Practices

1. Parties recognise that certain business practices of service suppliers, other than those falling under Article 14 (Monopolies and Exclusive Service Suppliers), may restrain competition and thereby restrict trade in services.
2. Each Party shall, at the request of any other Party, enter into consultations with a view to eliminating practices referred to in Paragraph 1. The Party addressed shall accord full and sympathetic consideration to such a request and shall co-operate through the supply of publicly available non-confidential information available to the requesting Party. The requested Party may also provide other information available to the requesting Party, subject to its domestic law and to the conclusion of satisfactory agreement concerning the safeguarding of its confidentiality by the requesting Party.

## Article 16

### Recognition

1. For the purpose of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of Paragraph 3, a Party may recognise the education or experience obtained, requirements met, licences or certifications granted in a particular country. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.
2. A Party that is a party to an agreement or arrangement of the type referred to in Paragraph 1, whether existing or future, shall afford adequate opportunity for other interested Parties to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for any other Party to demonstrate that education, experience, licences, or certifications obtained or requirements met in that other Party's territory should be recognised.
3. A Party shall not accord recognition in a manner which would constitute a means of discrimination between other Parties in the application of its standards or criteria for the authorisation, licensing or certification of service suppliers, or a



disguised restriction on trade in services.

4. Where appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Parties shall work in co-operation with relevant inter-governmental and non-governmental organisations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.
5. Each Party shall encourage competent bodies in its territory to enter into negotiations for agreements or arrangements on recognition of professional qualification requirements, qualification procedures, licensing or registration requirements, and licensing or registration procedures with a view to the achievement of early outcomes.

#### Article 17

##### Payments and Transfers

1. Except under the circumstances envisaged in Article 4 (Measures to Safeguard the Balance of Payments) of Chapter 15 (General Provisions and Exceptions), a Party shall not apply restrictions on international transfers or payments for current transactions relating to its specific commitments.
2. Nothing in this Chapter shall affect the rights and obligations of any of the Parties as members of the International Monetary Fund under the IMF Articles of Agreement, including the use of exchange actions which are in conformity with the IMF Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistent with its specific commitments regarding such transactions, except under Article 4 (Measures to Safeguard the Balance of Payments) of Chapter 15 (General Provisions and Exceptions) or at the request of the International Monetary Fund.

#### Article 18

##### Subsidies

1. Notwithstanding Article 1.4(b) (Scope and Coverage), the Parties shall review the issue of disciplines on subsidies related to trade in services in light of any disciplines agreed under Article XV of GATS.
2. Parties recognise that, in certain circumstances, subsidies may have distortive

effects on trade in services. Any Party which considers that it is adversely affected by a subsidy of another Party may request consultations with that Party on such matters. Such request shall be accorded sympathetic consideration.

## Article 19

### Safeguard Measures

1. The Parties note the multilateral negotiations pursuant to Article X of GATS on the question of emergency safeguard measures based on the principle of non-discrimination. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement so as to incorporate the results of such multilateral negotiations.
2. In the event that the implementation of the commitments made in this Agreement causes substantial adverse impact to a service sector of a Party before the conclusion of the multilateral negotiations referred to in Paragraph 1, the affected Party may request consultations with the other Party or Parties. The requested Party or Parties shall enter into consultations with the requesting Party on the commitments that the requested Party or Parties consider may have caused substantial adverse impact and on the possibility of the requesting Party adopting any measure to alleviate such impact. The requesting Party shall notify all the other Parties of their request for consultations under this Paragraph.
3. Any measures taken pursuant to Paragraph 2 shall be mutually agreed by the Parties concerned.
4. The consulting Parties shall notify the results of the consultations to all other Parties as soon as practicable and by no later than the next meeting of the Services Committee established pursuant to Article 24 (Committee on Trade in Services) following the conclusion of consultations.

## Article 20

### Increasing Participation for Newer ASEAN Member States

In order to increase the benefits of this Chapter for the newer ASEAN Member States, and in accordance with the objectives of and the Preamble to this Agreement and the objectives of Chapter 12 (Economic Co-operation), the Parties recognise the importance of according special and differential treatment to the newer ASEAN Member States and facilitating their participation in this Chapter through negotiated specific commitments relating to:

- a. strengthened domestic services capacity and its efficiency and competitiveness, *inter alia*, through access to technology on a commercial basis;
- b. improved access to distribution channels and information networks;
- c. commitments in sectors of export interest to newer ASEAN Member States; and
- d. recognising that commitments by each newer ASEAN Member State may be made in accordance with its individual stage of development.

## Article 21

### Denial of Benefits

A Party may deny the benefits of this Chapter:

- a. to the supply of any service, if it establishes that the service is supplied from or in the territory of a non-Party;
- b. in the case of the supply of a maritime transport service, if it establishes that the service is supplied:
  - i. by a vessel registered under the laws of a non-Party, and
  - ii. by a person of a non-Party which operates and/or uses the vessel in whole or in part;
- c. to a service supplier, that is a juridical person, if it establishes that it is not a service supplier of another Party.

## Article 22

### Treatment and Protection of Commercial Presence

1. Chapter 11 (Investment) does not apply to measures adopted or maintained by a Party to the extent that they are covered by this Chapter.
2. Notwithstanding Paragraph 1, the following Articles and Section of Chapter 11 (Investment) apply, *mutatis mutandis*, to measures affecting the supply of services by a service supplier of a Party through commercial presence in the territory of another Party:
  - a. Article 6 (Treatment of Investment);

- b. Article 7 (Compensation for Losses);
- c. Article 8 (Transfers);
- d. Article 9 (Expropriation and Compensation);
- e. Article 10 (Subrogation); and
- f. Section B (Investment Disputes between a Party and an Investor).

## Article 23

### Miscellaneous Provisions

1. The GATS *Annex on Telecommunications* shall be incorporated into and shall form part of this Agreement, *mutatis mutandis*.
2. Additional provisions on financial services and telecommunications are set out in this Chapter's Annexes.

## Article 24

### Committee on Trade in Services

1. The Parties hereby establish a Committee on Trade in Services (Services Committee), consisting of representatives of the Parties.
2. The Services Committee's functions shall be:
  - a. to conduct reviews of commitments in accordance with Article 6 (Review of Commitments);
  - b. if the multilateral negotiations referred to in Article 19.1 (Safeguard Measures) have not concluded within three years from entry into force of this Agreement, to enter into discussion on the question of emergency safeguard measures based on the principle of non-discrimination for the purpose of considering appropriate amendments to this Chapter;
  - c. to enter into discussions on the application of most-favoured-nation treatment to trade in services for the purpose of considering appropriate amendments to this Chapter, in conjunction with the first review of commitments under Article 6 (Review of Commitments);
  - d. to review the implementation of this Chapter;

- e. to consider any other matters identified by the Parties; and
  - f. to report to the FTA Joint Committee as required.
3. The Services Committee shall conclude the discussions referred to in Paragraph 2(a) to (c) within five years of entry into force of this Agreement, unless the Parties agree otherwise.
  4. The Services Committee shall meet as mutually determined by the Parties as required under this Article and Article 6 (Review of Commitments). Meetings may be conducted in person, or by any other means as mutually determined by the Parties.

<sup>1</sup> Where a Party has made a reservation with respect to permanent residents in its schedules under this Agreement, that reservation shall not prejudice the Parties' rights and obligations in GATS.

<sup>2</sup> Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or a representative office, the service supplier (i.e. juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the territory where the service is supplied.

<sup>3</sup> Specific commitments assumed under this Article shall not be construed to require any Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

<sup>4</sup> If a Party undertakes a market-access commitment in relation to the supply of a services through the mode of supply referred to in Article 2(s)(i) (Definitions) and if the cross-border movement of capital is an essential part of the service itself, that Party is thereby committed to allow such movement of capital. If a Party undertakes a market-access commitment through the mode of supply referred to in Article 2(s)(iii) (Definitions), it is hereby committed to allow related transfers of capital into its territory.

<sup>5</sup> Subparagraph (c) does not cover measures of a Party which limit inputs for the supply of services.

<sup>6</sup> The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of all the Parties.

<sup>7</sup> For greater certainty, the Parties agree that such information may be published in each Party's chosen language.

<sup>8</sup> For avoidance of doubt, "review" includes merits review only where provided for under the Party's law.

# Annex on Financial Services

## Article 1

### Scope and Definitions

1. This Annex applies to measures affecting the supply of financial services.  
Reference to the supply of a financial service in this Annex shall mean the supply of a service as defined in Article 2(s) (Definitions) of Chapter 8 (Trade in Services).
2. For the purposes of Article 2(n) (Definitions) of Chapter 8 (Trade in Services), "services supplied in the exercise of governmental authority" means the following:
  - a. activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;
  - b. activities forming part of a statutory system of social security or public retirement plans; or
  - c. other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.
3. For the purposes of Article 2(n) (Definitions) of Chapter 8 (Trade in Services), if a Party allows any of the activities referred to in Paragraph (2)(b) or (c) to be conducted by its financial service suppliers in competition with a public entity or a financial service supplier, "services" shall include such activities.
4. Article 2(q) (Definitions) of Chapter 8 (Trade in Services) shall not apply to services covered by this Annex.

## Article 2

### Definitions

For the purposes of this Annex:

- a. a **financial service** is any service of a financial nature offered by a financial service supplier of a Party. Financial services include all insurance and insurance-related services, and all banking and other financial services (excluding insurance).  
Financial services include the following activities: *Insurance and insurance-related services*

- i.
  - i. Direct insurance (including co-insurance):
    - A. life; and
    - B. non-life;
  - ii. Reinsurance and retrocession;
  - iii. Insurance intermediation, such as brokerage and agency; and
  - iv. Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

*Banking and other financial services (excluding insurance)*

- ii. Acceptance of deposits and other repayable funds from the public;
- iii. Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;
- iv. Financial leasing;
- v. All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts;
- vi. Guarantees and commitments;
- vii. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
  - A. money market instruments (including cheques, bills, certificates of deposits);
  - B. foreign exchange;
  - C. derivative products including, but not limited to, futures and options;
  - D. exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;
  - E. transferable securities; and



- F. other negotiable instruments and financial assets, including bullion;
- viii. Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
  - ix. Money broking;
  - x. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;
  - xi. Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
  - xii. Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
  - xiii. Advisory, intermediation and other auxiliary financial services on all the activities listed in Subparagraphs (v) to (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy;
- b. a **financial service supplier** means any natural or juridical person of a Party wishing to supply or supplying financial services but the term “financial service supplier” does not include a public entity;
- c. **public entity** means:
- i. a government, a central bank or a monetary authority, of a Party, or an entity owned or controlled by a Party, that is principally engaged in carrying out governmental functions or activities for governmental purposes, not including an entity principally engaged in supplying financial services on commercial terms; or
  - ii. a private entity, performing functions normally performed by a central bank or monetary authority, when exercising those functions; and
- d. **self-regulatory organisation**:

- i. in the case of Australia and New Zealand, means any non-governmental body, including any securities or futures exchange or market, clearing or payment settlement agency, or other organisation or association that exercises its own or delegated regulatory or supervisory authority over financial service suppliers or financial institutions; and
- ii. in the case of ASEAN Member States, means any non-governmental body, including any securities or futures exchange or market, clearing or payment settlement agency, other organisation or association that is recognised by legislation as a self-regulatory organisation and exercises regulatory or supervisory authority over financial service suppliers or financial institutions pursuant to legislation or delegation from central, regional or local governments or authorities.

### Article 3

#### Domestic Regulation

1. Notwithstanding any other provision of this Agreement, a Party shall not be prevented from taking measures for prudential reasons, including for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the financial system or to ensure the stability of the exchange rate<sup>[1]</sup> subject to the following:
  - a. where such measures do not conform with the provisions of this Agreement, they shall not be used as a means of avoiding the Party's commitments or obligations under this Agreement;
  - b. for measures to ensure the stability of the exchange rate such measures shall be no more than necessary and phased out when conditions no longer justify their institution or maintenance; and
  - c. for measures to ensure the stability of the exchange rate such measures shall be applied on a most-favoured-nation basis.
2. Nothing in this Agreement shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

## Article 4

### Recognition

1. A Party may recognise prudential measures of any international standard setting body, another Party, or a non-Party in determining how the Party's measures relating to financial services shall be applied. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the international standard setting body, another Party, or a non-Party concerned or may be accorded autonomously.
2. A Party that is a party to such an agreement or arrangement referred to in Paragraph 1, whether future or existing, shall afford adequate opportunity for other interested Parties to negotiate their accession to such agreements or arrangements, or to negotiate comparable ones with it, under circumstances in which there would be equivalent regulation, oversight, implementation of such regulation, and, if appropriate, procedures concerning the sharing of information between the parties to the agreement or arrangement.
3. Where a Party accords recognition autonomously, it shall afford adequate opportunity for any other Party to demonstrate that such circumstances as referred to in Paragraph 2 exist.

## Article 5

### Regulatory Transparency

1. The Parties recognise that transparent measures governing the activities of financial institutions and cross-border financial service suppliers are important in facilitating their ability to gain access to and operate in each other's market.
2. Each Party shall ensure that measures of general application adopted or maintained by a Party are promptly published or otherwise made publicly available.<sup>[2]</sup>
3. Each Party shall take such reasonable measures as may be available to it to ensure that the rules of general application adopted or maintained by self-regulatory organisations<sup>[3]</sup> of the Party are promptly published or otherwise made publicly available.<sup>[2]</sup>
4. Each Party shall maintain or establish appropriate mechanisms for responding to inquiries from interested persons of another Party regarding measures of general

application to which this Annex applies.<sup>[4]</sup>

5. Each Party's regulatory authorities shall use its best endeavours to make available to interested persons of another Party their requirements, including any documentation required, for completing applications relating to the supply of financial services.
6. On the request of an applicant in writing, regulatory authorities of a Party shall inform the applicant of the status of its application in writing. If an authority requires additional information from the applicant, it shall notify the applicant without undue delay.
7. Each Party's regulatory authorities shall make administrative decisions on a completed application of a financial service supplier of another Party seeking to supply a financial service in that Party's territory within 180 days and shall notify the applicant of the decision in writing without undue delay:
  - a. an application shall not be considered complete until all relevant proceedings are conducted and the regulatory authorities consider all necessary information is received;
  - b. where it is not practicable for a decision to be made within 180 days, the regulatory authority shall notify the applicant without delay and shall endeavour to make the decision within a reasonable time thereafter.
8. On the request of an unsuccessful applicant in writing, a regulatory authority that has denied an application shall endeavour to inform the applicant of the reasons for denial of the application in writing.

## Article 6

### Financial Services Exceptions

Nothing in this Chapter shall be construed to prevent the adoption or enforcement by a Party of measures necessary to secure compliance with laws or regulations that are not inconsistent with this Chapter, including those relating to the prevention of deceptive and fraudulent practices or to deal with the effects of a default on financial services contracts, subject always to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised restriction on investment

in financial institutions or trade in financial services.

## Article 7

### Transfers of Information and Processing of Information

1. A Party shall not take measures that:
  - a. prevent transfers of information, including transfers of data by electronic means, necessary for the conduct of the ordinary business of a financial service supplier;
  - b. prevent the processing of information necessary for the conduct of the ordinary business of a financial service supplier; or
  - c. prevent transfers of equipment necessary for the conduct of the ordinary business of a financial service supplier, subject to importation rules consistent with international agreements.
  
2. Nothing in Paragraph 1:
  - a. restricts the right of a Party to protect personal data, personal privacy and the confidentiality of individual records and accounts including in accordance with its domestic laws and regulations so long as such right shall not be used as a means of avoiding the Party's commitments or obligations under this Agreement;
  - b. prevents a regulator of a Party for regulatory or prudential reasons from requiring a financial service supplier in its territory to comply with domestic regulation in relation to data management and storage and system maintenance, as well as to retain within its territory copies of records; or
  - c. shall be construed to require a Party to allow the cross-border supply or the consumption abroad of services in relation to which it has not made specific commitments, including to allow non-resident suppliers of financial services to supply, as a principal, through an intermediary or as an intermediary, the provision and transfer of financial information and financial data processing as referred to in Article 2(a)(xv) (Definitions).

## Article 8

### Dispute Settlement

Members of arbitral tribunals established pursuant to Chapter 17 (Consultations and Dispute Settlement) for disputes on prudential issues and other financial matters shall have the necessary expertise relevant to the specific financial service under dispute.

<sup>1</sup> The measures to ensure the stability of the exchange rate shall not be adopted or maintained for the purpose of protecting a particular sector.

<sup>2</sup> For greater certainty, the Parties agree that such information may be published in each Party's chosen language.

<sup>3</sup> This Paragraph only applies to a Party when that Party has established self- regulatory organisations.

<sup>4</sup> The Parties confirm their shared understanding that interested persons in this Article should only be persons whose direct financial interest could be potentially affected by the adoption of the regulations of general application.

# Annex on Telecommunications

## Article 1

### Scope and Coverage

1. This Annex applies to measures by a Party affecting trade in public telecommunications transport networks and services.
2. Notwithstanding Paragraph 1, this Annex shall not apply to measures by a Party affecting the distribution of broadcasting and audio-visual services, as defined in each Party's domestic legal framework.
3. Nothing in this Annex shall be construed to require a Party to allow the supply of public telecommunications transport networks or services in relation to which it has not made specific commitments under this Chapter.

## Article 2

### Definitions

For the purposes of this Annex:

- a. **co-location (physical)** means access to space in order to install, maintain or repair equipment at premises owned or controlled and used by a major supplier to supply public telecommunications transport services;
- b. **cost-oriented** means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;
- c. **essential facilities** means facilities of a public telecommunications transport network or service that:
  - i. are exclusively or predominantly provided by a single or limited number of suppliers; and
  - ii. cannot feasibly be economically or technically substituted in order to provide a service;
- d. **facilities-based suppliers** means suppliers of public telecommunications transport networks or services that:

- i. are licensed carriers in Australia;
  - ii. are classified as Access Seekers in accordance with the Telecommunications Act 2001 as amended from time to time in New Zealand;
  - iii. are the Infrastructure Provider for the Telecommunication Industry (InTi) licensees in Brunei Darussalam;
  - iv. are licensed as network facility provider and licensed network services provider under domestic law in Cambodia;
  - v. are licensed as telecommunication network provider in Indonesia;
  - vi. are authorised to establish an enterprise to provide telecommunications service under the Telecommunications Act of 2001 in Lao PDR;
  - vii. are licensed as Network Facilities Provider and Network Services Provider in Malaysia;
  - viii. are telecommunications operators licensed as network facility provider and/or network service provider; and operators authorised by the Ministry of Communications, Posts and Telegraphs to provide facility based services in Myanmar;
  - ix. are licensed public telecommunications entities as defined in the Public Telecommunications Policy Act of the Philippines;
  - x. are facilities-based operators in Singapore;
  - xi. are duly licensed under domestic law as facilities-based supplier in Thailand; and
  - xii. are facilities-based operators duly licensed in Viet Nam;
- e. **interconnection** means linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier;
- f. **leased circuits**<sup>[1]</sup> means telecommunications facilities between two or more designated points that are set aside for the dedicated use of, or availability to, a



particular user;

- g. **major supplier** means a supplier which has the ability to materially affect the terms of participation, having regard to price and supply, in the relevant market for the supply of public telecommunications transport networks or services, or parts thereof, as a result of:
  - i. control over essential facilities; or
  - ii. use of its position in the market;
- h. **non-discriminatory** means treatment no less favourable than that accorded to any other user of like public telecommunications transport networks or services in like circumstances;
- i. **public telecommunications transport network** means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;
- j. **public telecommunications transport service** means any telecommunications transport service required, explicitly or in effect, by a Party to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone and data transmission typically involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information;
- k. **telecommunications** means the transmission and reception of signals by any electromagnetic means;
- l. **telecommunications regulatory body** means any body or bodies in the territory of a Party which is or are responsible, under the Party's domestic legal framework, for the regulation of telecommunications; and
- m. **user** means service consumers and service suppliers.

### Article 3

#### Transitional Arrangements

Noting each Party's different stage of development, and noting each Party's commitments under GATS, a Party may delay the application of Article 4 (Competitive Safeguards), Article 6 (Interconnection), Article 7 (Co-location), Article 8 (Leased Circuits

Services) and Article 9.2 (Resolution of Disputes) in accordance with the timetable set out in this Annex's Appendix on Transitional Arrangements.

#### Article 4

##### Competitive Safeguards

1. Subject to Article 3 (Transitional Arrangements), each Party shall prevent suppliers of public telecommunications transport networks or services who, alone or together, are major suppliers in its territory, from engaging in or continuing anti-competitive practices.
2. The anti-competitive practices referred to in this Article shall include:
  - a. engaging in anti-competitive cross-subsidisation;
  - b. using information obtained from competitors with anti-competitive results; and
  - c. not making available to other suppliers of telecommunications transport networks or services, in a timely fashion, technical information about essential facilities or commercially relevant information, which is necessary for such suppliers to provide public telecommunications transport networks or services.

#### Article 5

##### Licensing

1. Each Party shall ensure that, where a licence is required, all measures relating to the licensing of suppliers of public telecommunications transport networks or services in its territory are published or, where publication is not practicable, otherwise made publicly available, including:
  - a. circumstances in which a licence is required;
  - b. licence application procedures;
  - c. criteria used to assess licence applications;
  - d. standard terms and conditions applicable to licences;
  - e. the period of time normally required to reach a decision concerning a

licence application;

- f. the cost of and/or fees for applying for and/or obtaining a licence; and
- g. the period of validity of a licence.

2. Each Party shall ensure that the reasons for the denial of a licence are made known to an applicant upon request.

## Article 6

### Interconnection<sup>[2]</sup>

1. Subject to Article 3 (Transitional Arrangements), each Party shall ensure that major suppliers in its territory provide interconnection to suppliers of public telecommunications transport networks or services of other Parties at any technically feasible point in the major supplier's network. Such interconnection shall be:
  - a. provided in a timely fashion, on terms and conditions (including technical standards and specifications), and at cost-oriented rates, that are reasonable (having regard to economic feasibility), non-discriminatory and transparent;
  - b. sufficiently unbundled, such that the supplier of public telecommunications transport networks or services seeking interconnection need not pay for network components or facilities that it does not require for the service to be provided;
  - c. of a quality no less favourable than that provided for the major supplier's own like services, or for like services of non-affiliated service suppliers, or for its subsidiaries or other affiliates; and
  - d. provided upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.
2. Each Party shall ensure that the terms, conditions and rates (including technical standards and specifications) for interconnection between major suppliers in its territory and suppliers of public telecommunications transport networks or services of other Parties are able to be established (at least):

- a. through commercial negotiation; or
  - b. by reference to a set of standard terms, conditions and rates that the major supplier offers generally to other suppliers of public telecommunications transport networks or services, and that are approved or set out by a telecommunications regulatory body.
3. Each Party shall ensure that the procedures for interconnection with major suppliers in its territory are published or otherwise made publicly available.

## Article 7

### Co-location

1. Subject to Article 3 (Transitional Arrangements), each Party shall ensure that major suppliers in its territory:
  - a. provide to suppliers of public telecommunications transport networks or services of other Parties that are facilities-based suppliers in the territory of that Party, physical co-location of equipment necessary for interconnection; and
  - b. in situations where physical co-location referred to in Subparagraph (a) is not practical for technical reasons or because of space limitations, co-operate with suppliers of public telecommunications transport networks or services of other Parties that are facilities-based suppliers in the territory of that Party, to find and implement a practical and commercially viable alternative solution.<sup>[3]</sup>
2. Each Party shall ensure that major suppliers in its territory provide the physical co-location or practical and commercially viable alternative solution referred to in Paragraph 1 in a timely fashion and on terms and conditions (including technical standards and specifications), and at rates, that are reasonable (having regard to economic feasibility), non-discriminatory and transparent.
3. Each Party may determine, in accordance with its domestic laws and regulations, the locations at which it requires major suppliers in its territory to provide the physical co-location or the practical and commercially viable alternative solutions referred to in Paragraph 1.

## Article 8

### Leased Circuits Services

Subject to Article 3 (Transitional Arrangements), each Party shall, unless it is not technically feasible, ensure that major suppliers in its territory make leased circuits services (that are public telecommunications transport services) available to suppliers of public telecommunications transport networks or services of other Parties in a timely fashion and on terms and conditions (including technical standards and specifications), and at rates, that are reasonable (having regard to economic feasibility), non-discriminatory and transparent.

## Article 9

### Resolution of Disputes

1. Each Party shall ensure that a supplier of public telecommunications transport networks or services of another Party who requests interconnection with a major supplier that is authorised to supply public telecommunications transport networks or services in the Party's territory has recourse to a telecommunications regulatory body to resolve disputes in relation to such interconnection, including in relation to terms, conditions or rates:
  - a. within a reasonable period of time, according to a procedure that has been published or otherwise made publicly available; and
  - b. at the request of the affected supplier of public telecommunications transport networks or services of the other Party.
2. Subject to Article 3 (Transitional Arrangements), each Party shall ensure that a supplier of public telecommunications transport networks or services of another Party who requests co-location with or leased circuits services from a major supplier that is authorised to supply public telecommunications transport networks or services in the Party's territory has recourse to a telecommunications regulatory body or a competition regulatory body to address issues in relation to such co-location or leased circuits services, including in relation to terms, conditions or rates:
  - a. within a reasonable period of time, according to a procedure that has been published or otherwise made publicly available; and

- b. at the request of the affected supplier of public telecommunications transport networks or services of the other Party.
3. Each Party shall ensure that its telecommunications regulatory body or bodies provide, upon request by a supplier of public telecommunications transport networks or services of another Party, a written explanation of any decision by a telecommunications regulatory body that affects the supplier of public telecommunications transport networks or services of the other Party, unless such explanation is otherwise publicly available.

#### Article 10

##### Transparency

Each Party shall endeavour to make information that the Party is required to publish or make publicly available pursuant to this Annex available on the internet.

#### Article 11

##### Telecommunications Regulatory Body

1. Each Party shall establish or maintain, as part of its domestic legal framework, a telecommunications regulatory body.
2. Each Party shall ensure that every telecommunications regulatory body that it establishes or maintains is separate from, and not accountable to, any supplier of public telecommunications transport networks or services.
3. Each Party shall ensure that the functions and responsibilities of the telecommunications regulatory body or bodies, which shall include enforcement of the commitments set out in Article 6 (Interconnection), and all of its decision-making powers, shall be set out in the Party's domestic laws or regulations.
4. Each Party shall ensure that the decisions of, and the procedures used by, its telecommunications regulatory body or bodies are impartial with respect to all interested persons.
5. Each Party shall ensure that any supplier of public telecommunications transport networks or services of another Party that is aggrieved, or whose interests are adversely affected by a determination or decision of a telecommunications regulatory body of that Party, may obtain review of the determination or decision by an administrative, arbitral or judicial tribunal or authority or according to administrative, arbitral or judicial procedures. Where such procedures are not

independent of the telecommunications regulatory body, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

## Article 12

### Universal Service

Each Party has the right to define the kind of universal service obligation it wishes to maintain. Such obligations, including any cross subsidisation policy set out under each Party's domestic laws, shall not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Party.

## Article 13

### Allocation and Use of Scarce Resources<sup>[4]</sup>

1. Each Party shall administer its procedures for the allocation and use of scarce resources, including frequencies and numbers, in an objective, timely, transparent and non-discriminatory manner.
2. Each Party shall publish or otherwise make publicly available the current state of allocated frequency bands.<sup>[5]</sup>
3. Parties are not required to publish identification of frequencies allocated for specific government uses, or to otherwise make them publicly available.

<sup>1</sup> In the case of Thailand, "leased circuits" means telecommunications facilities between two designated points that are set aside for the dedicated use of, or availability to, a particular user.

<sup>2</sup> For the sake of clarity, nothing in this Article shall be construed to require Thailand or Viet Nam to allow cross-border supply of public telecommunications transport networks or services in relation to which it has not made specific commitments under this Chapter.

<sup>3</sup> Such solutions may include:

- a. permitting facilities-based suppliers to locate equipment in a nearby building and to connect such equipment to the major supplier's network;
- b. conditioning additional equipment space or virtual co-location;

- c. optimising the use of existing space; and
- d. finding adjacent space.

<sup>4</sup> Decisions on the allocation and assignment of spectrum and frequency management are not measures that are per se inconsistent with Article 4 (Market Access) of Chapter 8 (Trade in Services). Accordingly, each Party retains the ability to exercise its spectrum and frequency management policies, which may affect the number of service suppliers, provided that this is done in a manner that is consistent with this Chapter. Each Party also retains the right to allocate frequency bands taking into account existing and future needs.

<sup>5</sup> Parties are not required to publish information about the allocation of individual frequencies to specific licencees.



## APPENDIX ON TRANSITIONAL ARRANGEMENTS

Party	Article 4	Article 6	Article 7	Article 8	Article 9.2
<b>Brunei</b>	Obligation to apply from 1 January 2009.	Obligation to apply from 1 January 2009.	Obligation to apply from 1 January 2009.	Obligation to apply from 1 January 2009.	Obligation to apply from 1 January 2009.
<b>Cambodia</b>			Obligation to apply from no later than 3 years after the date of entry into force of this Agreement.	Obligation to apply from no later than 1 year from the date of entry into force of the law on Telecommunication. Cambodia shall endeavour to ensure that the Law on Telecommunication enters into force within 3 years of entry into force of this Agreement.	Obligation to apply from the date of application of Article 7 (for co-location) and 8 (for leased circuit services) respectively.
<b>Laos</b>	Obligation to apply from: (i) Three years after the date of Laos' accession to the WTO; or	Obligation to apply from: (i) Three years after the date of Laos' accession to the WTO; or	Obligation to apply from three years after the date of: (i) Laos' accession to the WTO; or  (ii) entry into force of	Obligation to apply from three years after the date of: (i) Laos' accession to the WTO; or  (ii) entry into force of	Obligation to apply from three years after the date of: (i) Laos' accession to the WTO; or  (ii) entry into force of

Party	Article 4	Article 6	Article 7	Article 8	Article 9.2
	(ii) three years after the date of entry into force of domestic legislation implementing this obligation;  whichever is the earlier.	(ii) three years after the date of entry into force of domestic legislation implementing this obligation;  whichever is the earlier.	domestic legislation implementing this obligation;  whichever is the earlier.	domestic legislation implementing this obligation;  whichever is the earlier.	domestic legislation implementing this obligation;  whichever is the earlier.
<b>Myanmar</b>	Obligation to apply from the date of completion of the review of current sector policy and regulatory arrangement allowing multi-telco participation in telecommunications services	Obligation to apply from the date of completion of the review of current sector policy and regulatory arrangement allowing multi-telco participation in telecommunications services	Obligation to apply from the date of completion of the review of current sector policy and regulatory arrangement allowing multi-telco participation in telecommunications services	Obligation to apply from the date of completion of the review of current sector policy and regulatory arrangement allowing multi-telco participation in telecommunications services	Obligation to apply from the date the new Telecommunications Law comes into force.

<b>Party</b>	<b>Article 4</b>	<b>Article 6</b>	<b>Article 7</b>	<b>Article 8</b>	<b>Article 9.2</b>
<b>Singapore</b>	Commits to apply this Article upon the entry into force of this Agreement.	Commits to apply this Article on a reciprocal basis, i.e. Singapore will only give commitments relating to this Article to another Party, if and when the same commitments have been made by that Party.	Commits to apply this Article on a reciprocal basis, i.e. Singapore will only give commitments relating to this Article to another Party, if and when the same commitments have been made by that Party.	Commits to apply this Article on a reciprocal basis, i.e. Singapore will only give commitments relating to this Article to another Party, if and when the same commitments have been made by that Party.	Commits to apply this Article on a reciprocal basis, i.e. Singapore will only give commitments relating to this Article to another Party, if and when the same commitments have been made by that Party.
<b>Thailand<sup>1</sup></b>	Obligation to apply after the expiration of the last concession contract.	Obligation to apply after the expiration of the last concession contract.	Obligation to apply after the expiration of the last concession contract.	Obligation to apply after the expiration of the last concession contract.	Obligation to apply from the date of entry into force of this Agreement.
<b>Viet Nam</b>			To apply three years after these obligations are duly reflected in Viet Nam's domestic laws and regulations.	To apply three years after these obligations are duly reflected in Viet Nam's domestic laws and regulations.	To apply three years after these obligations are duly reflected in Viet Nam's domestic laws and regulations.

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<sup>1</sup> The last concession contract will be expired in the year 2018.

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**BRUNEI DARUSSALAM'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	3) Unbound except with respect to existing commercial presence: half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam.	
		- all companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
A. <u>Professional Services</u>			
b) Auditing services (CPC 862)	1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	1) In order to apply to be an authorised auditor, a person must have as minimum qualifications:  A. For accounts kept in English 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants	

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>B. For accounts kept in language other than English:</p> <ul style="list-style-type: none"> <li>(a) Associate membership of one of the bodies set out in A(a) above; and</li> <li>(b) Evidence of competency in the language concerned.</li> </ul> <p>- In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p>	

## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p>	<p>2) In order to apply to be an authorised auditor, a person must have as minimum qualifications.</p> <p>A. For accounts kept in English:</p> <p>1. Associate membership of one of the following bodies:</p> <p>(a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).</p> <p>(b) The Association of Certified Accountants.</p> <p>(c) The Australian Society of Accountants</p> <p>(d) The New Zealand Society of Accountants</p> <p>B. For accounts kept in languages other than English.</p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p>	



## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <ul style="list-style-type: none"> <li>- Maximum number of partners in an audit firms is twenty.</li> <li>- A partnership may consist of only individuals, local companies and/or branches of foreign companies.</li> <li>- Principal or only place of residence within Brunei Darussalam.</li> </ul>	<p>(b) Evidence of competency in the language concerned.</p> <ul style="list-style-type: none"> <li>- In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</li> </ul> <p>3) Must prove commitment to recruit and develop more local human resources.</p>	
(d) Architectural Services (CPC 8671)	<p>1) None, except that plans should be submitted through licensed practising architects and a registered partnership in Brunei Darussalam.</p> <p>2) None</p> <p>3) Foreign equity participation shall not exceed 40%.</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Medical and dental services (9312)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>B. <u>Computer and Related Services</u></b> (a) Consultancy services related to the installation of computer hardware (b) Software implementation (c) Data processing services (d) Database services (CPC 841, 842, 843, 844, 845 + 849)	1) None 2) None 3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.	1) None 2) None 3) None	

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Rental/Leasing Services without Operators</u> b) Rental/leasing services relating to aircraft without operators (CPC 83104)	1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity. 2) None 3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; And (c) Permanent address in Brunei Darussalam is Required with respect to (a).	1) None  2) None 3) Unbound	

## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
C. <u>Telecommunication Services</u>			
1. Local service  (a) Public switched voice telephone services	1) Subject to commercial arrangements with licensed operator(s). 2) Unbound 3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department.	1) Unbound  2) Unbound 3) None except as indicated in the horizontal section	See annex  The period of exclusivity for local public switched voice telephone services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
2. International service  (a) Public switched voice telephone services	1) Subject to commercial arrangements with licensed operator(s). 2) Unbound 3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. International public switched voice telephone services are exclusively provided by JTB (government department) and DSTCom (private company).	1) Unbound  2) Unbound 3) None except as indicated in the horizontal section.	The period of exclusivity for the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.

### BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. Mobile services  (a) Public cellular mobile telephone service	1) Subject to commercial arrangements with licensed operator(s). 2) Unbound 3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Public cellular mobile telephone service using AMPS and GSM technologies are exclusively provided by DSTCom.	1) Unbound  2) Unbound 3) None except as indicated in the horizontal section	Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.
(c) Circuit-switched data transmission services (CPC 7523**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound	1) None  2) None 3) Unbound	

### BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Telex Services (CPC 7523**) Telegraph Services (CPC 7522**)	1) Unbound 2) Unbound 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's companies Act. These services are being provided exclusively by JTB which is a government department	1) Unbound 2) Unbound 3) None except as indicated in the horizontal section	The period of exclusivity for these services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period
(f) Facsimile services (CPC 7521** + CPC 7529**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound	1) None 2) None 3) Unbound	

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(h) Electronic mail (CPC 7523**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound	1) None 2) None 3) Unbound	
(j) On-line information and database retrieval (CPC 7523**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound	1) None 2) None 3) Unbound	
(k) Electronic data interchange (EDI) (CPC 7523**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound	1) None 2) None 3) Unbound	



## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound	1) None 2) None 3) Unbound	
<b>3. CONSTRUCTION SERVICES</b> Construction and related Engineering services  a. General Construction Work for Buildings (CPC 512) b. General Construction Work for Civil Engineering (CPC 513) c. Installation and Assembly Work (CPC 514, 516) d. Building Completion and Finishing Work (CPC 517)  These services are excluding those related to mining	1) Unbound* 2) None 3) i) Foreign equity participation shall not exceed 50%.  ii) Foreign nationals should not comprise more than half of the total number of employees of the company.	1) Unbound* 2) None 3) Unbound, except as indicated in the horizontal section	

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>7. FINANCIAL SERVICES</b>			
A. <u>All insurance and insurance-related services</u>			
(a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	1) Unbound 2) None 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam.	1) Unbound 2) None 3) None	
(b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee. (CPC 8129)	1) Unbound 2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam.	1) None 2) None 3) None	

### BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	1) Unbound 2) Unbound 3) Unbound	1) None 2) None 3) None	
(d) Insurance and intermediation comprising broking and agency services (CPC 8140)	1) Unbound 2) Insurance intermediation is not allowed to act for unregistered insurers. 3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF. (ii) Broker, underwriting and insurance managers require approval.	1) Unbound 2) None 3) Unbound	
Services auxiliary to insurance, as follows: (a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management (d) Maritime loss adjusting	1) None 2) None 3) None	1) None 2) None 3) None	

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>B. Banking and Other Financial Services</p> <p>(I) Provision and transfer of financial information, financial data processing and related software by providers of other financial services (8131)</p>	<p>1) Unbound 2) Unbound 3) Ministry of Finance approval is required.</p>	<p>1) Unbound 2) Unbound 3) Ministry of Finance approval is required.</p>	
<p><b>9) TOURISM</b></p> <p>a) Tourism Accommodation Facilities</p> <p>i) Budget Hotel</p> <p>ii) Resort Hotel/Chalets (CPC 64110)</p>	<p>1) Unbound* 2) None 3) Foreign investors must enter into joint-ventures in which aggregate local equity constitutes no less than 30% of the total.</p>	<p>1) None 2) None 3) Unbound</p>	

## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>11. TRANSPORT SERVICES</b></p> <p><u>A. Maritime Transport Services</u></p> <p>a) Freight Transportation (CPC 7212)</p>	<p>1) None</p> <p>2) None</p> <p>3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 30%.</p> <p>b) The supply of international maritime transport of energy goods: Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions.</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisions and watering</li> <li>4. Garbage collecting</li> <li>5. Navigation aids</li> <li>6. Shore-based operational services essential to ship operations including communications, water and electrical suppliers</li> <li>7. Emergency repair facilities</li> <li>8. Anchorage, berth and berthing services</li> </ol>

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
b) Passenger Transportation (CPC 7211)	1) None 2) None 3) Foreign equity participation shall not exceed 30%	1) None 2) None 3) Unbound	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions.  1. Pilotage 2. Towing and the tug assistance 3. Provisions and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical suppliers 7. Emergency repair facilities 8. Anchorage, berth and berthing services

**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Air Transport Services</u></p> <p>(c) Rental of aircraft with crew (CPC 734)</p>	<p>1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity.</p> <p>2) None</p> <p>3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent; who is a Bruneian Controlled Company; and (c) Permanent address in Brunei Darussalam with respect to (a).</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**CAMBODIA'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**



**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>A. HORIZONTAL COMMITMENTS APPLICABLE TO SECTORS LISTED IN THE SECTORAL PART OF THE SCHEDULE</b>			
Subsidies		(3), Unbound for subsidies, including for research and development.	
Tax measures		(1), (2), (3) None with respect to taxes	
Land		(3) Non-Cambodian natural and juridical persons may lease but not own land.	
Acquired rights	The conditions of ownership, management, operation, juridical form and scope of activities as set out in a license or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier, will not be made more restrictive than those in existence as of the date of Cambodia's accession to the WTO.		
Investment incentives	(3) Investors, seeking incentives under the provisions of the Law on Investment, shall have the obligation to provide adequate and consistent training to Cambodian staff, including for promotion to senior positions.	(3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>I. BUSINESS SERVICES</b>			
<b>1. Professional Services</b>			
(a) Legal services (CPC 861):	(1) None (2) None (3) In commercial association with Cambodian law firms <sup>1</sup> , and may not directly represent clients in courts.	(1) None (2) None (3) None	
Foreign legal consultancy on law of jurisdiction where service supplier is qualified as a lawyer (including home country law, third country law, and international law)	(1) None (2) None (3) None	(1) None (2) None (3) None	

<sup>1</sup> If legal services provided in foreign law (including home country and third country law) and international law, the commercial association with Cambodian law firms is not required. Commercial association is understood to include any commercial arrangement and does not imply a specific juridical form.

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(b) Accounting, auditing, bookkeeping (CPC 86211, 86212, 86220)	(1) None, except must have commercial presence in Cambodia for auditing services. (2) None (3) None	(1) None  (2) None (3) None	
(c) Taxation services (CPC 8630)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(d) Architectural services (consulting, planning or design services) (CPC 8671)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(e) Engineering services (CPC 8672)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(f) Integrated engineering services (CPC 8673)			
(g) Urban planning and landscape architectural services (CPC 8674)			

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Specialized medical services (CPC 93122) Dental services (CPC 93123**) These services are limited only to orthodontic services, oral surgery, and other specialized dental services	(1) Unbound (2) None (3) Provision of services is permitted through a joint venture with Cambodian juridical persons	(1) Unbound (2) None (3) None	
<b>2. Computer and Related Services</b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841) (b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) (d) Data base services (CPC 844) (e) Other (CPC 845+849)	(1) None (2) None (3) None	(1) None (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>5. Rental/Leasing Services without Operators</b>			
(d) Renting and leasing of studio recording equipment (CPC 83109**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>6. Other Business Services</b>			
(a) Advertising services (CPC 871)	(1), (2), (3) None	(1), (2), (3) None	
(b) Market research services (CPC 86401)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(c) Management consulting services (CPC 865)			
(d) Services related to man. Consulting (CPC 866)			
(e) Technical testing and analysis services (CPC 8676)			

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Services incidental to mining (CPC 883**) (j) Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	(1) None (2) None (3) None	(1) None (2) None (3) None	
(k) Placement and supply services of Personnel (CPC 872) (m) Engineering related scientific and technical consulting services (CPC 8675) (q) Packaging services (CPC 876)	(1) None (2) None (3) None	(1) None (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. COMMUNICATION SERVICES</b>			
<b>2. Courier Services</b>			
Courier services (CPC 7512)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>3. Telecommunication Services</b>			
Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
(a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services (CPC 7522**+7523**)	(1) None (2) None (3) None, except subject to requirement for local share holding of up to 49%.	(1) None (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) E-mail (CPC 7523**) (i) Voice-mail (CPC 7523**) (j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(o) Other services: - Mobile services	(1) None (2) None (3) None	(1) None (2) None (3) None	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.



**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>III. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
1. General Construction Work for Buildings (CPC 512) 2. General Construction Work for Civil Engineering (CPC 513) 3. Installation and Assembly Work (CPC 514; CPC 516) 4. Building Completion and Finishing Work (CPC 517) 5. Other (CPC 511, 515, 518)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
<b>IV. DISTRIBUTION SERVICES</b>			
1. Commission agents' services (CPC 621)	(1), (2), (3) None	(1) None (2) None (3) None	

\* Unbound due to lack of technical feasibility.

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. Wholesale trade services  Wholesale trade services of motor vehicles (CPC61111) Sales of parts of motor vehicles (CPC6113) Sales of motorcycles and related parts (CPC6121) Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC62244)	(1) None (2) None (3) None	(1) None (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. Retailing services</p> <ul style="list-style-type: none"> <li>- Retail sales of motor vehicles (CPC 61112);</li> <li>- Sales of parts of motor vehicles (CPC 6113);</li> <li>- Sales of motorcycles and related parts (CPC 6121).</li> </ul> <p>For supermarkets and large department stores only<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>- Food and non-food retailing services (CPC631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC63211).</li> <li>- Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234)</li> </ul>	<p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p>	

<sup>2</sup> Large supermarkets and department stores are those of floor space no less than 2,000 m<sup>2</sup>.

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
5. Franchising services (CPC 8929)	(1), (2), (3) None	(1) None (2) None (3) None	
6. Other - Retail sales of motor fuel (CPC 613)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>V. EDUCATIONAL SERVICES</b>			
3. Higher education services (CPC 923)	(1) None (2) None	(1) None (2) None	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.
4. Adult education (CPC 924)	(3) None	(3) None	
5. Other education services (CPC 929)			

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>VI. ENVIRONMENTAL SERVICES</b>			
1. Sewage services (CPC 9401)	(1) None	(1) None	
2. Refuse disposal services (CPC 9402)	(2) None	(2) None	
3. Sanitation and similar services (CPC 9403)	(3) None	(3) None	
4. Other services			
- Cleaning of exhaust gases (CPC 9404)			
- Noise abatement services (CPC 9405)			
- Nature and landscape protection services (CPC 9406)			
- Other environmental services not included elsewhere (CPC 9409)			

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>VII. FINANCIAL SERVICES</b>			
<b>1. All insurance and insurance-related services</b>			
(a) Life insurance services (CPC 81211)	(1) Natural or juridical person can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia  (2) None (3) None	(1) None  (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Non-life insurance services (CPC 8129)	<p>(1) None for marine, aviation, and transport insurance.</p> <p>Marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.</p> <p>For all other non-life insurance services, natural or juridical persons can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.</p> <p>(2) None (3) None</p>	<p>(1) None</p> <p>(2) None (3) None</p>	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(c) Reinsurance and retrocession (CPC 81299)	(1) None (2) None (3) None, except companies must reinsure 20% of their risk in Cambodia Re until 1 January 2008. Thereafter, None.	(1) None (2) None (3) None	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	(1) None (2) None (3) None	(1) None (2) None (3) None	



**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. Banking and other financial services</b>			
<p>The commitments for subsectors (a), (b) and (d) refer to commercial banking only.</p> <p>(a) Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119)</p> <p>(b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113);</p> <p>(d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339<sup>3</sup>)</p>	<p>(1) None, except deposits from the public must be reinvested in Cambodia</p> <p>(2) None</p> <p>(3) None, except only permitted through authorized financial institutions as banks</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

<sup>3</sup> According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>The commitments for subsectors (c) and (e) refer to commercial banking only.</p> <p>(c) Financial leasing (e) Guarantees and commitments</p>	<p>(1) Unbound (2) None (3) Unbound until related laws and regulations are established</p>	<p>(1) None (2) None (3) None</p>	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following</p> <p>(A) money market instruments (including cheques, bills, certificates of deposits);</p> <p>(B) foreign exchange</p> <p>(C) derivative products including, but not limited to, futures and options;</p> <p>(D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</p> <p>(E) transferable securities;</p> <p>(F) other negotiable instruments and financial assets, including bullion</p> <p>(g) Participation in issues of all kinds of securities, including underwriting and</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound for subsectors (f) – (l), until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>placement as agency (whether publicly or privately) and provision of services related to such issues;</p> <p>(h) Money broking;</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;</p> <p>(k) Provision of financial information, and financial data processing and related</p>			

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
software by suppliers of other financial services  (l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			
<b>VIII. HEALTH RELATED AND SOCIAL SERVICES</b>			
1. Hospital services Ownership and management of private hospitals and clinics only	(1) None (2) None (3) None, except at least one director for technical matters must be Cambodian	(1) None (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>IX. TOURISM AND TRAVEL RELATED SERVICES</b>			
1. Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher <sup>4</sup> .	(1) None (2) None (3) None	
Restaurants (CPC 642, 643)	(1) Unbound* (2) None (3) Permit is granted taking into account characteristics of the area <sup>5</sup>	(1) Unbound* (2) None (3) Unbound	
2. Travel agencies and tour operators services (CPC7471)	(1) None (2) None (3) None, except foreign equity participation limited to 51% for travel agencies	(1) None (2) None (3) None	
3. Tourist guides services (CPC 7472)	(1) None (2) None (3) None	(1) None (2) None (3) None	

<sup>4</sup> 3 stars hotel is defined as in the Fifth Draft Hotel Rating Classification of March 2003 which will be implemented in December 2003.

<sup>5</sup> The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>X. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
- Other entertainment services n.e.c. (CPC 96199): -- Cinema theatre services, including cinema projection services	(1) None (2) None (3) None	(1) None (2) None (3) None	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>XI. TRANSPORT SERVICES</b>			
<b>1. Maritime Services</b>			
International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	(1) Unbound (2) Unbound (3) Unbound	(1) Unbound (2) Unbound (3) Unbound	Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; services.



**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification
<b>3. Air Transport Services</b>			
<ul style="list-style-type: none"> <li>- Aircraft repair and maintenance services (CPC 8868)</li> <li>- Selling and marketing of air transport services</li> <li>- Computer Reservation System Services (CRS)</li> </ul>	<ul style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) None</li> </ul>	<ul style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) None</li> </ul>	
<b>6. Road Transport Services</b>			
<ul style="list-style-type: none"> <li>(a) Passenger transportation (CPC 7121 + 7122)</li> <li>(b) Freight transportation (CPC 7123)</li> <li>(c) Rental of commercial vehicles with operator (CPC 7124)</li> </ul>	<ul style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) None</li> </ul>	<ul style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) None</li> </ul>	

**CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Maintenance and repair of road transport equipment (CPC 6112+8867) (e) Supporting services for road transport services (CPC 744)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>7. Pipeline Transport Services</b>			
(a) Transport of fuels (CPC 7131) (b) Transport of other goods (CPC 7139)	(1) Services must be provided through a contract of concession granted by the State on case-by-cases basis. (2) None (3) Services must be provided through a contract of concession granted by the State on case-by-cases basis.	(1) None (2) None (3) None	

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**INDONESIA'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
All sectors included in this schedule	<p>3) Commercial Presence of the foreign service provider(s) may be in the form of joint venture and/or representative office, unless mentioned otherwise.</p> <p>Joint venture should meet the following requirements:</p> <p>a) Should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT),</p> <p>b) Not more than 49% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT), may be owned by foreign partner(s).</p>	<p>3) Land Acquisition Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property.</p> <p>Any juridical and natural persons should meet professional qualification requirements.</p>	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
A. Professional Services a. Legal Services (Advisory services in home country law, and international law). (CPC 861)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. Architectural Services (CPC 8671)	1) None 2) None 3) a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.  b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.	1) None 2) None 3) a). License fee requirement  b) Registered foreign company shall form a joint operation with local partner(s)  c) Local partners in joint venture shall be registered by Construction Services Development Board and having qualification A/Big	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e. Engineering Services (CPC 8672 - except CPC 86721, 86725, 86726)	1) None 2) None 3) a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.	1) None 2) None 3) a). License fee requirement b) Registered foreign company shall for a joint operation with local partner(s) c) Local partners in joint venture shall be registered by Construction Services Development Board and having qualification A/Big	
Advisory and Consultative (CPC 86721)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Engineering Design Services for Industrial Processes and Production (CPC 86725)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Joint operation through a representative office in Indonesia</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association</li> </ul>	
f. Integrated Engineering Services (CPC 8673)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) <ul style="list-style-type: none"> <li>a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</li> <li>b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) <ul style="list-style-type: none"> <li>a). License fee requirement</li> <li>b) Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big</li> <li>c) Local partners in joint venture shall be registered by Construction Services Development Board and</li> </ul> </li> </ul>	



**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		having qualification A/Big	
g. Urban Planning Services (CPC 86741)	1) None 2) None 3) a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.	1) None 2) None 3) a). License fee requirement b) Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big c) Local partners in joint venture shall be registered by Construction Services Development Board and having qualification A/Big	
<b>B. Computer and Related Services</b>			
a. Consultancy Services Related to the	1) None	1) None	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Installation of computer hardware (CPC 841)	2) None 3) Joint operation through a representative office in Indonesia	2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	
b. Software Implementation Services (CPC-842)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Research and Development Services			
c. Interdisciplinary R&D (CPC 853, limited to industrial activities)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	
F. Other Business Services			
d. Project Management Services other than Construction (CPC 86601)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e. Technical Testing and Analysis Services (CPC 8676).	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	
i. Services Incidental of Manufacturing (CPC 884 & 885).	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	
n. Maintenance and Repair of Equipment (not Including Maritime Vessels, Aircraft or other Transport Equipment) (CPC 633+8861+8866)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
C. Telecommunication Services			
All Sub-sectors			<ul style="list-style-type: none"> <li>(i) Indonesia undertakes additional commitments as per reference paper attached</li> <li>(ii) Type approval mechanism is in place</li> <li>(iii) Tariff related to telecommunication network access is decided by the government.</li> </ul>

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Local Services</p> <ul style="list-style-type: none"> <li>○ Public Switched Telephone Service (CPC 7521)</li> <li>○ Circuit Switched Public Data Network Services (CPC 7523**)</li> <li>○ Teleconferencing Services (CPC 75292)</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Through joint venture with local private sector, and foreign equity participation is limited to 35 per cent.</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	<p>The period of exclusivity for local services expires in 2011.</p> <p>The Government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.</p>
<p>Long Distance</p> <ul style="list-style-type: none"> <li>○ Public Switched telephone service (CPC 7521).</li> <li>○ Circuit Switched Public Data Network Services (CPC-7523**)</li> <li>○ Teleconferencing</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Through joint venture with local private sector, and foreign equity participation is limited to 35 per cent.</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Services (CPC-75292)			
International Services <ul style="list-style-type: none"> <li>○ Public Switched Telephone service (CPC 7521)</li> <li>○ Circuit Switched Public Data Network Services (CPC 7523**)</li> <li>○ Teleconferencing Services (CPC 75292)</li> </ul>	1) None, except international call-back is not permitted 2) None, except international call-back is not permitted 3) Through joint venture with local private sector, and foreign equity participation is limited to 35 per cent.	1) None 2) None 3) None	The period of exclusivity for local services expires in 2011.  The Government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period
Packet-switched public data network services (CPC 7523**) <ul style="list-style-type: none"> <li>○ X. 25</li> <li>○ Frame relay</li> <li>○ Local</li> <li>○ Local distance</li> <li>○ International</li> </ul>	1) None 2) None 3) Through joint venture with local private sector, and foreign equity participation is limited to 35 per cent.	1) None 2) None 3) None	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Telex services Telegraph services	1) None 2) None 3) Through joint venture with local private sector, and foreign equity participation is limited to 35 per cent.	1) None 2) None 3) None	
Domestic Services: Mobile Cellular Telephone Services (CPC 75213) Internet Access Services Regional and National Paging Services (CPC-75291) Public Payphone Services Voice Mail Service (CPC-7523) Electronic Mail Services (CPC-75232)	1) None 2) None 3) Through joint venture with local private sector, and foreign equity participation is limited to 35 per cent.	1) None 2) None 3) None	
Computer Time Sharing Services (CPC-84330) Videotext Services (CPC-75229)	1) None 2) None 3) Through joint venture with local private	1) None 2) None 3) None	



**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Electronic Mail Box (CPC-75232) File Transfer Services (CPC-75299) Home Telemeter Alarm (CPC-75299) Entertainment Services (CPC-75299) Management Information services (CPC75299)	sector, and foreign equity participation is limited to 35 per cent.		
<p><b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b></p>			
A. Construction Work for Buildings (CPC 512) B. Construction Work for Civil Engineering (CPC 513) C. Assembly and Erection of Prefabricated Constructions (CPC 514) C. Installation Work (CPC516)	1) Unbound 2) None 3) a) Joint operation: to form a joint operation by establishing a representative office in Indonesia b) Joint venture: to establish a limited liability enterprise (Perseroan Terbatas/PT)	1) None 2) None 3) a) 1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which(are) registered by Construction Services Development Board and	

## INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. Building Completion and Finishing Work (CPC517)</p> <p>E. Pre-erection Work at Construction Site (CPC 511)</p> <p>F. Special Trade Construction(CPC 515)</p> <p>G. Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)</p>	<p>Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s)</p>	<p>having qualification A/Big</p> <p>b) Local partners in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p>	
<b>5. EDUCATIONAL SERVICES</b>			
<p>General Conditions</p> <p>Commercial presence of the foreign service provider is permitted only through an education institution which is registered in Indonesia and must meet the following conditions :</p> <ol style="list-style-type: none"> <li>1. Mutual recognition arrangement between relevant institutions on credits, programs, and certifications is required.</li> <li>2. Foreign education institution providing services must establish partnership with local partner. Foreign language instructors must be native and Indonesian speakers.</li> </ol>			

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. Foreign education institution must be listed in the Ministry of Education's List of Accredited Foreign Education and its local partner must be accredited.</p> <p>4. Foreign education institution in cooperation with local partner may open education institution in the cities of Jakarta, Surabaya, Bandung, Yogyakarta, and Medan.</p>			
<b>B. Secondary Education Services</b>			
Technical and Vocational Secondary Education Services (electronic, automotive) (CPC 92230)	1) None 2) None 3) See general conditions.	1) None 2) None 3) Unbound	
<b>C. Higher Education Services</b>			
Post Secondary Technical and Vocational Education Services (Poly-technique Machine and Electrical) (CPC 92310)	1) None 2) None 3) See general conditions	1) None 2) None 3) Unbound	
<b>D. Adult Education Services</b>			

## INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Language Course and Training (CPC 924)	1) None 2) None 3) See general conditions	1) None 2) None 3) Unbound	
<b>E. Other Education Services</b>			
Football and Chess only (CPC 92900)	1) None 2) None 3) See general conditions	1) None 2) None 3) Unbound	
<b>FINANCIAL SERVICES</b>			
<p><b>General Condition on Non Banking Financial Services Sub Sector</b></p> <p>1) All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by other members.</p> <p>2) Notwithstanding limitations on joint ventures specified in the Horizontal Section, for insurance, the share ownership of foreign services suppliers is bound at 80 %, and for other non-banking financial services, the share ownership of foreign services suppliers is bound at the prevailing laws and regulations at the date of entry into force of this Agreement. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture in non banking financial services shall be respected. No transfer of ownership shall take place without the consent of all parties in the joint venture concerned.</p> <p>3) Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors.</p>			

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4) All joint venture companies shall provide training for their employees.			
Non-Life Insurance Services (CPC 8129) except CPC-81293 (Marine, Aviation and other Transportation)	1) Unbound 2) Unbound except if: a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risks of the object in question. b) There is no insurance company in Indonesia which want to carry out an insurance coverage of the object in question. 3) As specified in the Horizontal Section and General Conditions	1) Unbound 2) Unbound 3) As specified in the General Conditions	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Reinsurance Services	<ol style="list-style-type: none"> <li>1) Reinsurance service suppliers from other Members must be rated minimum as BBB by Standard and Poor or equivalent.</li> <li>2) Reinsurance service suppliers from other Members must be rated minimum as BBB by Standard and Poor or equivalent.</li> <li>3) As specified in the Horizontal Section and General Conditions</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) Unbound</li> <li>3) As specified in the General Conditions</li> </ol>	
Life Insurance Services (CPC 81211)	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound except if:               <ol style="list-style-type: none"> <li>a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risks of the object in question.</li> <li>b) There is no insurance company in Indonesia which wants to carry out an insurance coverage of the object in question.</li> <li>c) The owners of insurance objects in question are not Indonesian citizens or</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) As specified in the General Conditions</li> </ol>	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Indonesian legal entities. 3) As specified in the Horizontal Section and General Conditions.		
Insurance Brokerage Services (CPC 81401)	1) Unbound 2) None 3) As Specified in Horizontal Section and General Conditions.	1) None 2) None 3) As specified in the General Conditions	
Reinsurance Brokerage Services (CPC 8140)	1) Unbound 2) None 3) As Specified in Horizontal Section and General Conditions.	1) None 2) None 3) As specified in the General Conditions	
Financial Lease Services (CPC 81120)	1) None 2) None 3) As specified in the Horizontal Section and General Conditions.	1) None 2) None 3) As specified in the General Conditions	
Factoring Services (CPC 8113)	1) None 2) None 3) As Specified in the Horizontal Section and	1) None 2) None 3) As specified in the General	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	General Conditions.	Conditions	
b. - Credit Card Business (Issuer and Agent of Credit Card) (CPC-8113) - Consumers Finance Services (CPC 8113)	1) None 2) None 3) As Specified in the Horizontal Section and General Conditions.	1) None 2) None 3) As specified in the General Conditions	
f. Securities Business Trading for Own Account or for Account of Customers, on an Exchange or Over-the Counter Market o Listed shares o Bonds	1) Unbound 2) None 3) Through establishment of a securities broker/dealer.	1) Unbound 2) None 3) As specified in the General Conditions	
g. Participation in Issues of Securities, including Underwriting and Placement as Agent (whether publicly or	1) Unbound 2) None 3) Through establishment of a securities	1) Unbound 2) None 3) As specified in the General Conditions	



### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
privately), and Provision of Services Related to such issues	broker/dealer.		
i. - Portfolio Management, all forms of collective investment management  - Asset Management Limited only to Investment Fund Management	1) Unbound 2) None 3) Through establishment of a securities company as an investment manager.	1) Unbound 2) None 3) As specified in the General Conditions	
k. Investment Advisory Services limited only to Investment Advisory in Capital Market	1) Unbound 2) None 3) Through establishment of an Investment advisory company. (Bapepam rule No. V.C.1).	1) Unbound 2) None 3) As specified in the General Conditions	
<b>BANKING SUB SECTOR :</b>			
General Conditions on Banking Sub Sector			
1. With the exception of the existing branches of foreign banks, foreign services provider shall be in the form of joint venture bank			

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>locally incorporated in Indonesia with the following requirements:</p> <p>(a) Unbound for new license</p> <p>(b) Only financial institutions are permitted to establish joint venture banks.</p> <p>2. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture bank shall be respected as the basis of ownership of the foreign service provider(s) and their respective Indonesian partner(s). No transfer of ownership shall take place without the consent of all parties in the joint venture bank..</p> <p>3. Acquisition of local existing banks is allowed through the purchase of shares in the stock exchange is allowed up to 51% of the shares of locally incorporated bank listed in the stock exchange.</p> <p>4.. Foreign bank and joint ventures bank may open their offices in the cities of Jakarta, Surabaya, Semarang, Bandung, Medan, Makasar, Denpasar , Batam, Padang, Manado, Ambon, Balikpapan, Banda Aceh, and Jayapura.</p> <p>5. A person shall be a “controlling shareholder” in only one bank.</p> <p>Definition :</p> <p>A controlling shareholder shall mean a person who beneficially own 10% or more of the equity of interest of a bank or who beneficially own less than 10% of the equity interest of a bank but have the power to control the bank. A person shall be deemed to have control of a bank if such person has the power to name director and/or commissioner of such bank and/or has the power to direct its action.</p>		
Commercial Banking Business			

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Acceptance of Deposits and other Repayable Funds from the Public  (ii) Lending of all types, including Consumer Credit, Mortgage, Credit, Factoring, and Financing of Commercial Transaction  (iii) All Payment and Money Transmission Services including Credit, Charge and Debit Cards, Travelers Check and Bankers Drafts  (iv) Guarantees and Commitments  (v) Trading for Own Account or for Account of Customers, whether	1) None 2) None 3) (a) Bound only 2 (two) sub-branches and 2 (two) auxiliary offices for foreign bank's branch office.  (b) Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank.	1) None 2) None 3) (a) For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national.  (b) For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing.	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>on an Exchange, in an over-the-Counter Market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>○ Money market instruments (including check, bills, certificates of deposits)</li> <li>○ Foreign Exchange</li> <li>○ Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements</li> <li>○ Transferable securities issued in the money market</li> </ul> <p>(vi) Cash Management, Custodial and</p>			

## INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Depository Services			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
General Conditions			
Commercial presence of the foreign service provider is permitted only through health institution which is registered in Indonesia and must establish partnership with local partner. Establishment limited to the cities of Medan and Surabaya.			
Hospital Services (only for specialist and super specialist medical care/more specific than specialist medical care, provided by hospital of more than 300 beds) (CPC 9311)	1) None 2) None 3) As indicated in the Horizontal Section and General Conditions : <ul style="list-style-type: none"> <li>○ The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor</li> <li>○ Approval subject to the social function of hospital services offered</li> <li>○ The medical services shall be provided by persons with medical licenses issued by Ministry of Health and Health professional</li> </ul>	1) None 2) None 3) The health professionals shall be Indonesian.	

## INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	organization/council		
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotels <sup>1</sup> (3, 4 and 5 star hotels)	1) None 2) None 3) In Eastern Part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100 % of capital share can be owned by foreign investor	1) None 2) None 3) a) Higher paid-up capital is required of foreign service suppliers than of domestic service suppliers. This measure will be eliminated in the year 2020  b) Only 3,4 or 5 starred hotels are permitted.	

<sup>1</sup> Starred Hotel is a service business which provides accommodation and food and beverages facilities and other services, except casino and other activities prohibited by law; for reasons of public moral, religion, security and public order.

## INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Travel Agent and Tour Operator (TA & TO) (CPC-74710)	1) None 2) None 3) Maximum service providers 30 TA & TO	1) None 2) None 3) Tour operator must be Travel Agent located in Jakarta and Bali	
Tourist Resorts Included <sup>2</sup> o Hotel (3, 4 and 5 stars) o Marinas o Golf Courses and other Sport Facilities	1) None 2) None 3) In Eastern Part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100 % of capital share can be owned by foreign investor	1) None 2) None 3) Higher paid up capital is required of foreign service suppliers. This measure will be eliminated in the year 2020.	
International Hotel Operator (CPC-91135)	1) None 2) None 3) In Eastern Part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100 % of capital share can be owned by foreign	1) None 2) None 3) Unbound except as indicated in the Horizontal Section	

<sup>2</sup> Tourist Resort is an area built to accommodate the facilities needed for the tourist such as hotels, marinas, golf course, cultural open stage and other facilities, except casino and other activities prohibited by law; for reasons of public moral, religion, security and public order

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	investor		
Tourism Consultancy Services (CPC-91136)	1) None 2) None 3) Must be registered to Indonesian Ministry of Justice as Indonesian company.  In the case of cooperation with a national company, it is required, to do: joint venture, joint operation and contract management.	1) None 2) None 3) Unbound	
Meal Serving Services with full Restaurant Services (CPC-64210)	1) None 2) None 3) In certain parts of Eastern Part of Indonesia (Sulawesi, Papua, Maluku and Nusa Tenggara). Foreign equity participation is permitted up to 49%.	1) None 2) None 3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS.	



**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORTATION SERVICES</b>			
A. Maritime Transport Services Passenger and freight transportation excluding cabotage and auxiliary services			
(a) International Passenger Transport (CPC 7211)	1) None 2) None 3) Only through joint venture corporation: as specified in the Horizontal Section	1) Foreign Shipping Company is obliged to appoint Indonesian Shipping Company or joint venture Shipping Company as its General Agent  The task of General Agents in Indonesia inter alia are as follows :  i. to make arrangement in order to get all necessary port services as required by the foreign vessel concerned during their stay in Indonesia ports;  ii. to appoint stevedoring company for cargo loading and unloading on behalf of its principal;  iii. to arrange cargo booking and	Access to and use of port facilities in the port which is opened for international shipping, including but not limited to :  Tanjung Priok, Tanjung Perak, Belawan, Makassar, Semarang, Dumai, Panjang, Batam, Balikpapan, Banjarmasin, Bitung, Pontianak, Ambon, Sorong.  (These ports are

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		canvassing; iv. to collect freight on behalf of the principal; v. to issue Bill of Lading on behalf of the principal; vi. to settle the disbursement and claim (if any); vii. to give information as required by its principal  2) None  3) As specified in the Horizontal Section	currently opened for international trade and may be added or reduce in the future.)

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b). International Freight Transport (CPC 7212)	1) None 2) None 3) Only through joint venture corporation: as specified in the Horizontal Section	1) a. Foreign Shipping Company is obliged to appoint Indonesian Shipping Company or joint venture Shipping Company as its General Agent  The task of General Agents in Indonesia inter alia are as follows :  i. to make arrangement in order to get all necessary port services as required by the foreign vessel concerned during their stay in Indonesia ports; ii. to appoint stevedoring company for cargo loading and unloading on behalf of its principal; iii. to arrange cargo booking and canvassing; iv. to collect freight on behalf of the principal; v. to issue Bill of Lading on behalf of the principal; vi. to settle the disbursement and claim (if any);	Access to and use of port facilities in the port which is opened for international shipping, including but not limited to :  Tanjung Priok, Tanjung Perak, Belawan, Makassar, Semarang, Dumai, Panjang, Batam, Balikpapan, Banjarmasin, Bitung, Pontianak, Ambon, Sorong.  (These ports are currently opened for international trade and may be added or reduce in the future.)

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		vii. to give information as required by its principal.  b. Government Cargo . Government cargo is cargo originated from the other countries (import cargoes) purchased by the Government Agencies or based on loan/credit agreement with the other countries  2) None  3) As specified in the Horizontal Section	
Maritime Auxiliary Services			
a. Maritime Cargo Handling Services	1) Unbound <sup>1</sup> except for-no limitation on transshipment (board to board or via the	1) Unbound <sup>1</sup> except for-no limitation on transshipment (board to board or	

<sup>1</sup> A commitment on this mode of delivery is not feasible

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	quay) and/or on the use of on-board cargo handling 2) None 3) a). Only through joint venture corporation: as specified in the Horizontal Section b). Allowed to operate only in main ports, such as : Tanjung Priok, Tanjung Perak, Belawan, Semarang, and Makasar.	via the quay) and/or on the use of on-board cargo handling 2) None 3) As indicated in the Horizontal Section	
Air Transport Services			
a. Aircraft repair and maintenance services	1) None 2) None 3) Foreign services suppliers are permitted to establish joint venture aircraft repair and maintenance enterprises in Indonesia, with maximum equity 49%	1) None 2) None 3) None	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b. Computer reservation system (CRS)	1) None 2) None 3) Foreign CRS services are permitted to establish joint venture enterprises in Indonesia, with maximum equity 49%	1) None 2) None 3) None	
c. Selling and marketing	1) None 2) None 3) Foreign General Sales Agent are permitted to establish joint venture enterprises in Indonesia, with maximum equity 49%	1) None 2) None 3) None	
<b>12. ENERGY SERVICES</b>			
General Condition Indonesia's Schedule of specific commitments on energy services sector is based on Second Revised Indonesian Proposal of Energy Services Classification			
Core Analysis and Other Lab Test, only for Isotope	1) None 2) None	1) None 2) None	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Analysis</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under : Isotope Analysis (1A.2.7.3)</p> <p>b. According to W 120 is under : Business Services on Technical Testing and Analysis Services (CPC 8676)</p>	<p>3) Joint operation through a representative office in Indonesia</p>	<p>3) As specified in the Horizontal Section</p>	
<p>Geological and Geophysical Services, only for Seismic Data Acquisition</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under : Seismic Data Acquisition (1A.1.4.1.1.)</p> <p>b. According to W 120 Seismic Data Acquisition is under : Business</p>	<p>1) None</p> <p>2) None</p> <p>3) Joint operation through a representative office in Indonesia</p>	<p>1) None</p> <p>2) None</p> <p>3) As specified in the Horizontal Section</p>	

### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Services on Subsurface Surveying Services (CPC 8672)			
Liquefaction and Gasification only for Coal a. According to Indonesia Proposal of Energy Services Classification is under <ul style="list-style-type: none"> <li>o Coal liquefaction (2.4.4.4)</li> <li>o Coal Gasification (2.4.4.5)</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Joint operation through a representative office in Indonesia</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) As specified in the Horizontal Section</li> </ul>	
a. According to W 120 is under : Services Incidental to Manufacturing (CPC 884)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Joint operation through a representative office in Indonesia</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound except as specified in the Horizontal Section</li> </ul>	
Engineering, Procurement and Construction (EPC) Services a. According to Indonesia	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Joint operation through a representative</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) As specified in the Horizontal</li> </ul>	



### INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Proposal of Energy Services Classification is under : Engineering, Procurement and Construction (EPC) Services (1A.3.2.2.)</p> <p>b. According to W 120 is under : engineering design services for industrial processes and production (CPC-86725)</p>	office in Indonesia	Section	
<p>Electrical Logging and Perforation</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under: Electrical Logging and Perforation (EPC) Services (1A.2.8.)</p> <p>b. According to W 120 is under : Technical Testing and Analysis Services (CPC-8676)</p>	<p>1) None</p> <p>2) None</p> <p>3) Joint operation through a representative office in Indonesia</p>	<p>1) None</p> <p>2) None</p> <p>3) As specified in the Horizontal Section</p>	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Competency Certification in Quality Control and Handling of Aviation Fuels and Lubricants a. According to Indonesia Proposal of Energy Services Classification is under : Competency Certification in Quality Control and Handling of Aviation Fuels and Lubricants (4.2.2.9)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) As specified in the Horizontal Section	
b. According to W 120 is under : Other education services (CPC-92900)	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) Unbound except as specified in the Horizontal Section	
Competency Certification in Power Plant a. According to Indonesia Proposal of Energy Services Classification is	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) As specified in the Horizontal Section	

**INDONESIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply : 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
under : Competency Certification in Power Plant (4.2.2.11)			
Land Clearing Services	1) None 2) None 3) Joint operation through a representative office in Indonesia	1) None 2) None 3) As specified in the Horizontal Section	

**ATTACHMENT TO THE REPUBLIC OF INDONESIA  
SCHEDULE ON BASIC TELECOMMUNICATIONS**

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory authority as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

## 4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Regulatory Authority

The regulatory Authority is not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely and transparent manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**LAO PDR'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>HORIZONTAL SECTION</b>			
<b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b>			
	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
Land ownership		3) Non-Lao natural and juridical persons are not allowed to own land but may own premises and lease land up to 75 years.	
Subsidies and investment incentives		1), 2), 3) Unbound with respect to subsidies, investment incentives and other state support measures, eligibility for which may be limited to particular regions, categories of persons, or enterprises.	
Commercial presence	3) Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in the Lao PDR in the form of business co-operation by contract, joint venture enterprises, 100% foreign-invested enterprises.  A foreign juristic entity incorporated under the law of other countries may establish Representative Offices in the Lao PDR to collect information,	3) Foreign investors shall have an obligation to provide training, upgrade professional skills and transfer of technology, as well as to promote Lao nationals to higher skilled and specialized positions, including managerial.  3) Tax measures, generally pertaining to small and medium enterprises may result in a difference of treatment in favour of Lao services and service suppliers.	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>HORIZONTAL SECTION</b>			
<b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b>			
	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
	study the feasibility of investment and coordinate for the purpose of applying for investment  3) Unbound for measures related to publicly funded services including with respect to national treatment.		

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>SECTOR-SPECIFIC COMMITMENTS</b>			
<b>BUSINESS SERVICES</b>			
Professional Services			
Accounting, Auditing and Bookkeeping Services (CPC 862)	<p>1. Unbound</p> <p>2. None</p> <p>3. Foreigners may acquire a license to practice as Certified Public Accountants or Accounting Consultants in the Lao PDR provided an agreement or contract is signed with their countries on such issue.</p> <p>Nevertheless, on a temporary basis, the Professional Accountants Body can authorize foreigners to practice as Certified Public Accountants or Accounting Consultants if they belong to countries, which are members of the International Accounting Standards Committee.</p>	<p>1. Unbound</p> <p>2. None</p> <p>3. Unbound</p>	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>To apply for a license in the Lao PDR, foreign professional accountants shall acquire certification based on the following conditions:</p> <ol style="list-style-type: none"> <li>1. Equivalence of diploma as provided for Lao professional accountants. Such certificates shall be issued with the approval of the Equivalence Qualification Commission;</li> <li>2. Employment of assistants of Lao nationality in percentage not less than the one provided by the professional sector;</li> <li>3. Commitment to provide necessary and continuous training to employees of Lao nationality;</li> <li>4. Morality conditions required by the Professional Accountant's Body Board;</li> <li>5. Certification of financial statements</li> </ol>		

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>by staff of Lao nationality.</p> <p>In addition foreigners shall implement rights and obligations similarly to members of the Professional Accountant's Body, but they may not become members of such body.</p> <ul style="list-style-type: none"> <li>- For auditing services: foreign suppliers may audit only private enterprises</li> <li>- All accounting and bookkeeping must be done in the Lao language.</li> </ul>		
Landscape architectural services (CPC 86742)	<p>1. Unbound</p> <p>2. None</p> <p>3. None</p>	<p>1. Unbound</p> <p>2. None</p> <p>3. None</p>	
Integrated engineering and project management services (CPC 86732)	<p>1. None</p> <p>2. None</p>	<p>1. Unbound</p> <p>2. None</p>	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
Integrated engineering services for the construction of manufacturing turnkey projects (CPC 86733)	3. Must joint with Lao domestic investors. The Lao investor must have at least 30% of the total investment shares.	3. None	
<u>Computer and Related Services</u>			
Consultancy services related to the installation of computer hardware (CPC 841)	1. None 2. None 3. None	1. None 2. None 3. None	
Software implementation services (CPC 842)	1. None 2. None 3. None	1. None 2. None 3. None	
Data base services (CPC 844)	1. None 2. None 3. None	1. None 2. None 3. None	
Other maintenance and repaired services of computer (CPC 845)	3. None	3. None	
Other (CPC 846+847)			

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>COMMUNICATION SERVICES</b>  Telecommunication Services			
(a) Voice telephone service (CPC 7521)  (e) Telegraph services (CPC 7522)  (f) Facsimile services (CPC 7529)	1. Unbound  2. None  3. None	1. Unbound  2. None  3. None	
(d) Telex services (CPC 7523**) (h) Electronic-mail (CPC 7523**)  (i) Voice mail (CPC 7523**)  (j) Online information and data base retrieval (CPC 7523**)	1. Unbound  2. None  3. Joint venture with Lao services providers is required and only through acquisition of existing operators.	1. Unbound  2. Unbound  3. None	



**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
Public pay phone services (CPC 75211)	1. Unbound	1. Unbound	
Electronic message and information services (CPC 75232)	2. None 3. None	2. None 3. Unbound, except as indicated in the horizontal section	
Paging services (CPC 75291)	1. None 2. None 3. None	1. None 2. None 3. None	
Data and message transmission services (CPC 7523)	1. None 2. None 3. None	1. None 2. None 3. None	
<b>CONSTRUCTION SERVICES</b>			
Construction work for buildings (CPC 512)	1. None 2. None	1. None 2. None	
Construction work for civil engineering (CPC 513)	3. None	3. None	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
Assembly and erection of prefabricated construction (CPC 514)  Installation work(CPC 516)  Building completion and finishing work (CPC 517)  Rental services related to equipment for construction or demolition of buildings works with operator (CPC 518)			
<b>OTHER</b>  Pre-erection work at construction site (CPC 511)  Special trade construction (CPC 515)	1. None  2. None  3. None	1. None  2. None  3. Unbound, except as indicated in the horizontal section	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>EDUCATIONAL SERVICES PRIVATE EDUCATIONAL SERVICES</b>			
(a) secondary education Services** - Technical and Vocational training (Part of CPC 922)	1. None 2. None 3. None	1. None 2. None 3. Unbound, except as indicated in the horizontal section	
(b) Higher Education Services (CPC 923)  (c) Adult education (CPC 924)  (d) Other education services (including foreign language training) (CPC 929)	1. Unbound 2. Unbound 3. None	1. Unbound 2. Unbound 3. Unbound, except as indicated in the horizontal section	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>ENVIRONMENT SERVICES</b>			
Sewage Services (CPC 9401)  Refuse Disposal Services (CPC 9402)  Sanitation and Similar Services (CPC 9403)  Nature and Landscape Protection Services (CPC 9406)	1. None  2. None  3. None	1. None  2. None  3. Unbound, except as indicated in the horizontal section	
(Urban area only)  Cleaning of exhaust gases (CPC 9404)  Noise abatement services (CPC 9405)	1. Unbound  2. Unbound  3. None	1. Unbound  2. Unbound  3. Unbound, except as indicated in the horizontal section	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
<b>FINANCIAL SERVICES</b>			
a. Acceptance of deposits and other repayable funds from the public (CPC 81115 -81119).	1. None 2. None 3. None	1. None 2. None 3. None	
b. Lending of all types, incl. consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113).	1. None 2. None 3. None	1. None 2. None 3. None	
e. Guarantees and commitments (CPC 81199**).	1. None 2. None 3. None	1. None 2. None 3. None	
c. Financial leasing (CPC 8112).	1. None 2. None 3. None	1. None 2. None 3. None	
d. All payment and money transmission services, incl.	1. None	1. None	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
credit, charge and debit cards, travellers cheques, and bankers drafts (CPC 81339**).	2. None  3. None	2. None  3. None	
<b>TOURISM</b>			
Hotel and other Lodging Services (CPC 64110)  Beverage Serving Services Without Entertainment (CPC 64310)	1. None  2. None  3. None, except that:  (i) if a joint venture is established the foreign partner or partners must contribute at least 30% of the total equity investment; and  (j) standard required for a hotel to be developed is 2 or more stars standard.	1. None  2. None  3. Unbound	

**LAO PDR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
Travel agencies and tour operators services (Part of CPC 7471)	(1) None  (2) None  (3) Wholly foreign owned enterprises are not permitted. Business co-operation by contract is permitted. Joint ventures with domestic Lao investors are permitted but foreign JV partner or partners must contribute at least 30 % and no more than 70% of the total equity investment. Foreign investment must be in the form of a travel agency.	(1) None  (2) None  (3) Unbound	
Meal Serving Services with Full restaurant Services (CPC 64210)	1. None  2. None  3. None, except that if a joint venture is established the foreign partner or partners must contribute at least 30% of the total equity investment.	1. None  2. None  3. Unbound, except as indicated in the horizontal section	

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**MALAYSIA'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>HORIZONTAL SECTION</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p>	<p>3) <u>Acquisition, Mergers and Take-overs</u>                      The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following:                      (a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM 10 million in value;                       (b) any proposed acquisition of any assets or interests by</p>	<p>3) <u>Land, Property and Real Estate</u>                      Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State.</p> <p><u>Incentives/Preferences</u>                      Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government.</p> <p>Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>any means which will result in ownership or control passing to foreign interest; and</p> <p>(c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements.</p> <p>Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p>	<p>set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS<sup>1</sup></b> <b>BUSINESS SERVICES</b> <b>A. Professional Services</b>			
Legal Services (CPC 8619)  covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None  (2) None  (3) Only through a corporation incorporated in the Federal Territory of Labuan.  Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.	(1) None  (2) None  (3) None	

<sup>1</sup> An asterisk against a CPC code number indicates that the corresponding service subsector in this schedule covers only a part or parts of the service subsector classified under the CPC concordance.

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 40 per cent.	(1) None (2) None (3) None	
Taxation Services (CPC 863 / 8630)	(1) None (2) None (3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate foreign interests in the partnership shall not exceed 40 per cent.	(1) None (2) None (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Architectural services (CPC 8671)	(1) None  (2) None  (3) a) Architectural services may be supplied only by natural person;  b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed	(1) Architectural services must be authenticated by a licensed architect in Malaysia.  (2) None  (3) a) None b) Unbound	
Engineering services (CPC 8672)  covering: (CPC 86721- 86729)	(1) None  (2) None  (3) For multi-disciplinary practices	(1) Engineering services must be authenticated by a registered professional Engineer in Malaysia  (2) None  (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.		
Integrated engineering services (CPC 8673)  covering: (CPC 86731, 86732, 86733, 86739)	(1) None  (2) None  (3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia.	(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia  (2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia  (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent</p> <p>Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.</p>		

**MALAYSIA- SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Urban Planning Services Covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning. (CPC 86741)	(1) None  (2) None  (3) Unbound	(1) None  (2) None  (3) Unbound	
Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 30 percent	(1) None (2) None (3) None	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption Supply 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>B. Computer and Related Services</b></p> <p>Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>Software implementation service (CPC 842)</p> <p>Data Processing Services (CPC 843)</p> <p>Data base services (CPC 844 / 84400)</p> <p>Computer software development services covering development of new software for general application, including, ready-made software packaged for general application (CPC 842*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>C. Research and Development Services</b></p> <p>Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p><b>E. Rental/Leasing Services without Operator</b></p> <p>Relating to ships exclude cabotage and offshore trades (CPC 83103)</p> <p>Relating to aircraft (CPC 83104)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(1) None (2) None (3) None	
<b>F. Other Business Services</b>  Advertising services (CPC 8711, 8712, 8719)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent  <u>Advertisement through electronic media</u> Advertisement must have at least	(1) Unbound (2) None (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	80 per cent local content and be made in Malaysia		
<p>Management Consulting Services</p> <p>a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)</p> <p>b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</p> <p>c) covering advisory and guidance in the field of pharmacy as follows:                      -Basic material manufacturing consultancy in the manufacture of drugs in raw material form;                      -New systems of drug delivery;                      -Biotechnology-new</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
techniques for influencing the process and products of living cells; -New techniques in drug development and methods of producing drugs and vaccine; - Vaccine production. (CPC 8650*) d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*)			
Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc. (CPC 881*, 882*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both	(1) None (2) None (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent		
Services incidental to manufacturing (CPC 884, 885 except 88442)	(1) None  (2) None  (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent	(1) None  (2) None  (3) None	
Technical Testing and Analysis Services (CPC 8676 except 86764)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian	(1) None (2) None (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent		
Convention Centre (CPC 87909)  (Convention and exhibition management services covering the provision of planning, organisational, management and marketing services for conventions and other similar events)	(1) None  (2) None  (3) For Convention Centres with over 5,000 seating capacity, only through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%	(1) None  (2) None  (3) None	
Translation and interpretation services (CPC 87905)	(1) None  (2) None  (3) Supplied by natural person	(1) None  (2) None  (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent	(1) None (2) None (3) None	
Operational Headquarters (OHQ) Services  covering general management and administration, business planning, procurement of raw materials, technical support,	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) Only through a locally	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) None	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)</p>	<p>incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ.</p> <p>OHQ must operate in Malaysia and fulfil the following criteria:</p> <p>a) carry out at least 3 of the OHQ service activities;</p> <p>b) have a sizeable network of companies outside Malaysia which includes the parent company or its head offices and related companies;</p> <p>c) have a well established foreign-owned company which is sizeable</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>in terms of assets and employees;</p> <p>d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia;</p> <p>f) ) be able to contribute to the Malaysian economy by :</p> <ul style="list-style-type: none"> <li>i. using services such as legal, accounting etc. provided by Malaysians;</li> <li>ii. creating job opportunities for Malaysians;</li> <li>iii. enabling greater inflow of foreign funds.</li> </ul>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Treatment
<b>COMMUNICATIONS SERVICES</b> Telecommunication Services			
Basic Telecommunications	(1) None	(1) None	
1. Voice service (wired or wireless) (CPC 7521)	(2) None	(2) None	
2. Packet-switched data transmission services, including frame-relay services (CPC 7523)	(3) a) Only through acquisition of shares of existing appropriately licensed public telecommunications operators	(3) None	
3. Circuit switched data transmission services (CPC 7523)	b) Foreign shareholding of up to 49 percent in these service providers is allowed		
4. Facsimile Service (CPC 7521**, PCPC 7529**)			
5. Private leased circuit service (CPC 7522** & CPC 7523**)			

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments
Basic Telecommunications  Paging services (CPC 75291)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	Only through locally incorporated JV corporation with Malaysian individuals or Malaysia controlled corporations  or  Only through acquisitions of shares of an existing appropriately licensed service providers.  Foreign shareholding of up to 49 per cent in these service providers is allowed.	(3)	None	
Other telecommunication services  7. Domestic/ International satellite services and satellite links/capacities (inclusive of	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	a) Only through acquisition of shares of existing	(3)	None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
mobile satellite) 8. Satellite earth station 9. International switching and other international gateway 10. Mobile services analogue/digital cellular 11. Trunked radio services 12. Video transport services	appropriately licensed service providers  b) Foreign shareholding of up to 49 percent in these service providers is allowed		
Data and message transmission services  Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or  Only through acquisitions of shares of an existing appropriately licensed service	(1) None (2) None (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	providers  Foreign shareholding of up to 49 percent in these service providers is allowed.		
Voice telephone service (CPC 7521)	(1) None  (2) None  (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing appropriately licensed service providers.  Foreign shareholding of up to 49 per cent in these service providers is allowed	(2) None  (2) None  (3) None	
Mobile telephone service (CPC 75213)	(1) None  (2) None  (3) Only through locally incorporated JV corporation	(1) None  (2) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	with Malaysian individuals or Malaysian controlled corporations; or		
	Only through acquisitions of shares of an existing appropriately licensed service providers.  Foreign shareholding of up to 49 percent in these service providers is allowed	(3) None	
Telegraph services (CPC 7522)	(1) None  (2) None  (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or  Only through acquisitions of shares of an existing appropriately licensed service providers.  Foreign shareholding of up to	(1) None  (2) None  (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	49 percent in these service providers is allowed		
Telex services (CPC 7523)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or  Only through acquisitions of shares of an existing licensed service providers  Foreign shareholding shall not exceed 49 per cent in these service providers is allowed.	(1) None (2) None (3) None	
Mobile data services (CPC 7523)	(1) None (2) None (3) Only through a JV corporation with Malaysian individuals or Malaysian controlled	(1) None (2) None (3) None	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	corporations; or  Only through acquisitions of shares of an existing appropriately licensed service providers.  Foreign shareholding shall of up to 49 per cent in these service providers is allowed.		
<p><u>Explanatory Note</u></p> <p>1) This sector is governed by the Communications and Multimedia Act 1998 and it subsidiary rules and regulations.</p> <p>2) Definitions as per Communications and Multimedia Act 1998</p> <ul style="list-style-type: none"> <li>a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment. Network facilities provider means a person who is an owner of any network facilities.</li> <li>b. Network services means a service for carrying communications by means guided and/unguided electromagnetic radiation. Network service provider means a person who provides network services.</li> <li>c. Application service means a service provided by means of, but not solely by means of, one or more network services. Application service provider mans a person who provide an applications service.</li> </ul> <p>3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001</p> <ul style="list-style-type: none"> <li>a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.</li> </ul>			

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.</p> <p>b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations. Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.</p> <p>c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations. Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations.</p>		
<p>Audiovisual Services</p> <p>Motion picture, video tape and audio recording distribution services (CPC 96113)</p>	<p>(1) Commercial presence is required</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply; 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitment
<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 5 13)	(3) (a) None except through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Aggregated foreign shareholding in the joint venture corporation shall not exceed 49%	(3) None	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)	(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:		
Installation Work (CPC 516)	i. Construction projects wholly financed by foreign investment and/or grants		
Building Completion and Finishing Work (CPC 517)	ii. Construction projects financed by loans of international tendering		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply; 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitment
	<p>according to the terms of loans</p> <p>iii. Projects with foreign investment equal to or more than 50 per cent where local expertise is not available;</p> <p>iv. 100% Malaysian funded construction projects where local expertise is not available</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>EDUCATION SERVICES</b>			
Primary education services (CPC 921)  General secondary education services (CPC 9221)	(1) Unbound due to technical feasibility  (2) None  (3) Only through a joint venture with foreign equity not exceeding 49%.	(1) Unbound due to technical feasibility  (2) None  (3) None	For international School only
Other education services (CPC 929 / 9290 / 92900)	(1) Unbound due to technical feasibility  (2) None  (3) Only through a joint venture with foreign equity not exceeding 49%.	(1) Unbound due to technical feasibility  (2) None  (3) None	
Technical and vocational secondary education services (CPC 9223)  Technical and vocational secondary school-type education services for handicapped students (CPC 9224)	(1) Unbound due to technical feasibility  (2) None  (3) Only through a joint venture with foreign equity not exceeding 49%.	(1) Unbound due to technical feasibility  (2) None  (3) None	For technical and vocational secondary education services (private education services) (CPC 9223)  AND  Technical and vocational secondary education

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			school-type education services for handicapped students (private education) (CPC 9224), are required to use National curriculum.
Other Higher Education Services provided by privately funded higher education institutions <sup>2</sup> other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)	<p>(1) Unbound except for requirement for commercial presence</p> <p>(2) None</p> <p>(3) Only through a joint venture with foreign equity not exceeding 49% and subject to the requirement of a needs test if necessary</p> <p>Up to 51% foreign equity will be considered subject to additional</p>	<p>(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents</p>	

<sup>2</sup> as defined in Malaysian Legislation

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>criteria which include among others:</p> <ul style="list-style-type: none"> <li>a) courses deemed important to attain Malaysia's educational objective have export potential</li> <li>b) have export potential</li> </ul>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>7. FINANCIAL SERVICES, INCLUDING INSURANCE</b></p> <p>Horizontal Commitments Applicable to the Financial Services Sector</p> <p>1. The commitments in the financial services sector are in accordance with the ASEAN-Australian-New Zealand Free Trade Area on Trade in Services and the Annex on Financial Services.</p> <p>2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated.</p> <p>3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks and merchant banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule.</p>			
ALL FINANCIAL SERVICES	3) Limitations on investments as contained in the all-sector horizontal section.	3) Limitations on land and other immovable property as contained in the all-sector horizontal section.  Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	1), 2) Unbound except as otherwise specified in this schedule. 3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.	1), 2) Unbound, except as otherwise specified in this schedule. 3) None.	
2. Commercial banks and merchant banks.	1), 2) Unbound except as otherwise specified in this schedule. 3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders.  Unbound for new licences.	1), 2) Unbound except as otherwise specified in this schedule. 3) None except as indicated in the all financial services horizontal section and in the respective activity listed below.  Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following	

\* Due to lack of technical feasibility  
\* Due to lack of technical feasibility

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		criteria:	
(All financial services-commercial banks and merchant banks - cont'd)	<p>Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and merchant banks and aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 percent. Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 percent.</p> <p>A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank.</p> <p>A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank.</p>	<p>(a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign bank has significant trade and investment interests in Malaysia; and</p> <p>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Other persons are not permitted to acquire 5 percent or more of shareholding in a commercial bank or merchant bank if the person already holds 5 percent or more of shareholding in another licensed financial institution.</p> <p>Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.</p>		
3. Direct insurance companies.	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted. Foreign shareholding not exceeding</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed below.</p> <p>Acquisition by a foreign insurance</p>	

\* Due to lack of technical feasibility

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Direct insurance companies - con't).	<p>51 percent is also permitted for the existing foreign shareholders of locally incorporated insurance companies which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 percent.</p> <p>New entry is limited to equity participation by foreign insurance companies in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for new licences.</p> <p>An insurance company is not allowed to acquire more than 5 percent share:</p> <p>(a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or</p>	<p>company of an aggregate of more than 5 percent shareholding in a locally incorporated insurance company must meet at least one of the following criteria:</p> <p>(a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign insurance company has significant trade and investment interests in Malaysia;</p> <p>(c) The country of the foreign insurance company does not have a significant representation in the Malaysian insurance industry; or</p> <p>(d) The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(b) In an insurance broking company.</p> <p>Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in:</p> <p>(a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or</p> <p>(b) An insurance broking company.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE</p> <p>Acceptance of deposits, and other repayable funds from the public, wholesale and retail.</p>	<p>1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed.</p> <p>2) None.</p> <p>3) Only permitted through a commercial bank, a merchant bank or an offshore bank.</p> <p>Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p>	
<p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p>	<p>1), 2) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p>	<p>1), 2) None.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Lending of all types - cont'd)	<p>3) Entry as a non-bank for scheduled businesses is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p> <p>Merchant banks are not permitted to provide consumer credit and home mortgages.</p>	<p>3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions.</p> <p>For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Only commercial banks are permitted to provide overdraft facilities.</p> <p>Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.</p>		
Financial leasing.	<p>1), 2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.</p> <p>3) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign controlled commercial bank shall not exceed 49 percent.</p> <p>Entry as a non-bank is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated</p>	<p>1), 2) None.</p> <p>3) None.</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Entry is permitted through the establishment of a branch or subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies.</p> <p>Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.</p>	<p>1) Electronic fund transfer system requires approval.                  2) None.                  3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.</p> <p>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.</p> <p>Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p>	<p>1) None.                  2) None.                  3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p> <p>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 percent.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Charge cards.	1), 2) None 3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required.	1), 2) None 3) None	
Guarantees and commitments.	1), 2) None except banks established in Malaysia may be given the right of first refusal. 3) None.	1), 2) None 3) None	
Money and foreign exchange broking services.	1), 2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia. 3) Entry is limited to:  (a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or  (b) the establishment of a branch or	1), 2) None  3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan.</p> <p>Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.</p>		
<p>Trading for own account or account of customers in the following:</p> <ul style="list-style-type: none"> <li>- money market instruments</li> <li>- foreign exchange transferable securities</li> <li>- exchange rate and interest rate instruments</li> <li>- derivative products, including futures and options</li> <li>- other negotiable instruments, including bullion</li> </ul>	<p>1) Dealing is limited to contracts traded on specified exchanges abroad.</p> <p>2) None</p> <p>3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorized banks in Malaysia.</p> <p>Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading for accounts of customers</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.		
(Trading for own account or account of customers - cont'd)	Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.  Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Trades for own account and account of customers who are outside Malaysia may be routed to participating organisations of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).</p> <p>Underwriting.</p>	<p>1), 2) Participation in issues and services related to such issues requires authorization.</p> <p>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>Only merchant banks are permitted to make submissions to the Securities Commission for new issues.</p> <p>Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for appointment as principal dealers.</p> <p>1) Commercial presence is required. 2) Authorization is required.</p>	<p>1), 2) None</p> <p>3) None</p> <p>1) Unbound. 2) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) For non-banks, only licensed dealers are permitted to underwrite. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.	3) None	
Underwriting (con't).	Commercial banks are permitted to underwrite private debt securities only.  Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.		



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	1) Commercial presence is required. 2) None. 3) Custodial and depository services are limited to scrip based securities.  Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets.  Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to non-resident customers other than offshore companies incorporated in Labuan in which residents have shareholdings.	1) None 2) None 3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Asset management - cont'd)	<p>Entry as a non-bank, other than a Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 percent.</p> <p>Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p> <p>Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 percent and the company is managing or has undertaken to</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission.</p>		
<p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy</p>	<p>1) Provision of investment and portfolio advice requires commercial presence.</p> <p>Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p>	<p>1) None.</p> <p>2) None.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) Entry as a non-bank is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only.</p> <p>Representative offices of securities companies are not permitted to publish and circulate research work in Malaysia.</p> <p>Notwithstanding 3(a), locally incorporated joint venture companies licensed by the</p>	<p>3) None.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy (cont'd).	Securities Commission to carry on the regulated activity of financial planning, with aggregate foreign shareholding in such companies not exceeding 49 percent, will be permitted to provide financial planning services in Malaysia.  Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).</p> <p>Operational headquarters</p>	<p>1), 2) Unbound<sup>*</sup> 3) Only through a locally incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.</p> <p>An OHQ must operate in Malaysia and fulfill the following criteria:</p> <p>(a) Carry out at least three of the OHQ service activities; (b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies;</p>	<p>1), 2) Unbound<sup>*</sup> 3) None</p>	

<sup>\*</sup> Due to lack of technical feasibility

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development) (con't).	<ul style="list-style-type: none"> <li>(c) Have a well established foreign-owned company which is sizeable in terms of assets and employees;</li> <li>(d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel;</li> <li>(e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia;</li> <li>(f) Be able to contribute to the Malaysian economy by:               <ul style="list-style-type: none"> <li>(i) Using services such as legal, accounting etc. provided by Malaysians;</li> <li>(ii) Creating job opportunities for Malaysians;</li> <li>(iii) Enabling greater inflow of foreign funds.</li> </ul> </li> </ul>		
Securities broking services comprising:	1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in	1) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- broking services;</li> <li>- credit reference and analysis;</li> <li>- investment portfolio management and advice; and</li> <li>- market research</li> </ul>	<p>Malaysia which are participating organisations of the exchange.</p> <p>Promotion in Malaysia of Malaysian stocks requires approval.</p> <p>Provision of investment advisory services and credit reference services to residents requires commercial presence.</p> <p>2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.</p> <p>3) Entry is limited to recognized foreign stock broking companies through:</p> <ul style="list-style-type: none"> <li>(a) Equity participation in an existing stockbroking company; or</li> <li>(b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company.</li> </ul>	<p>2) None</p> <p>3) None</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Securities broking services comprising:</p> <ul style="list-style-type: none"> <li>- broking services;</li> <li>- credit reference and analysis;</li> <li>- investment portfolio management and advice; and</li> <li>- market research (con't).</li> </ul>	<p>And aggregate foreign shareholding in such company shall not exceed 49 percent.</p> <p>A foreign stockbroking company is permitted to have shareholding in one stockbroking company only.</p> <p>Entry by recognized foreign stockbroking companies is also permitted through a representative office.</p> <p>Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.</p> <p>New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Commodity futures broking services	<p>1), 2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p> <p>3) Entry is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or</p> <p>(b) A representative office. Representative offices are permitted to undertake research, information and liaison services only.</p> <p>Total participants of the exchange will</p>	<p>1), 2) None</p> <p>3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	be based on economic needs.		
B. INSURANCE SERVICES Direct insurance (non-life).	<p>1) Soliciting and advertising in Malaysia are not allowed.</p> <p>Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>2) Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval.</p>	<p>1) None</p> <p>2) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.		
	3) Only permitted through direct insurance companies. Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.	3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.  Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.	
Direct insurance (life).	1), 2) Unbound  3) Only permitted through direct insurance companies.  Investment-linked insurance business and new life insurance products provided by direct	1), 2) Unbound  3) Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>insurance companies require approval.</p> <p>Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents.</p>	<p>existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	
<p>Reinsurance and retrocession (non-life).</p>	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance. Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p>	<p>1), 2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Reinsurance and retrocession (life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) National retention capacity is required to be optimised before any outward reinsurance by:</p> <p>(a) direct life insurance and life reinsurance companies in Malaysia; and</p> <p>(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance</p>	<p>1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	company is confined to Labuan.		
Insurance intermediation - insurance broking (excluding agency).	1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.  Reinsurance broking is permitted. 3) Unbound for onshore insurance broking. Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks.	1), 2) None   3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Insurance intermediation - insurance underwriting and insurance management.	<p>1), 2) Insurance underwriting and insurance management are not permitted.</p> <p>3) Unbound for onshore insurance underwriting and insurance management.</p> <p>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.</p> <p>An offshore insurance manager is permitted to provide insurance management services to persons other than residents.</p>	<p>1), 2) None</p> <p>3) None</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Services auxiliary to insurance, as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting.</p>	<p>1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan.</p> <p>2) None.</p> <p>3) Limited to the establishment of:</p> <p>(a) Locally incorporated companies;</p> <p>(b) Branches; or</p> <p>(c) Partnerships.</p> <p>Offshore companies are not permitted to provide services to Malaysian residents.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>HEALTHCARE SERVICES</b>			
Medical speciality services (CPC 93122)  covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	(1) None  (2) None  (3) Medical specialty services may be supplied only by a natural person	(1) None  (2) None  (3) None	
Veterinary services (CPC 932)  Services delivered to equine animals in equestrians or turf clubs	(1) None  (2) None  (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both and aggregate share of foreign interest shall not exceed	(1) Unbound due to lack of technical feasibility  (2) None  (3) Unbound	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	49%, ownership shall be restricted to veterinarian professionals with professionals qualification relevant to the services provided and recognized by and registered with relevant professionals bodies		
Private hospital services (CPC 93110*)	(1) None (2) None (3) Economic needs test; Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and  The joint-venture corporation shall operate a hospital with a minimum of 100 beds.	(1) None (2) None (3) Establishment of feeder out patient clinics is not permitted	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitment
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties  (CPC 641, 642, 643) Hotel and restaurant services	(1) None	(1) None	
	(2) None	(2) None	
	(3) For CPC 64110 covering 4 & 5 star establishments, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(3) None	
Travel Agencies and Tour Operators Services (CPC 7471)	(1) None	(1) None	
	(2) None	(2) None	
	(3) For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(3) For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitment
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Other entertainment services (CPC 96191, 96192)	(1) Unbound due to lack of technical feasibility (2) None (3) Entertainment services may be supplied only by a natural person	(1) Unbound due to lack of technical feasibility (2) None (3) None	
Theme Park (part of CPC 96194)  (A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)	(1) Unbound due to lack of technical feasibility (2) None (3) Only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitment
Sports events management services (CPC 96411, 96412)	(1) Unbound due to lack of technical feasibility  (2) None  (3) Only through a Malaysian-controlled corporation acting as the local sponsor	(1) Unbound due to lack of technical feasibility  (2) None  (3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<p><b>A. Maritime Transport Services</b></p> <p>International maritime transportation services, excludes cabotage (CPC 7211, 7212)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30% per cent.</p> <p><u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:</p> <p>1) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2) Majority shareholding to be held by Malaysians; 3) Majority of the board of directors to be Malaysians; and</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <p>1) Pilotage 2) Towing and tug assistance 3) Provisioning, fuelling and watering 4) Garbage collection and ballast waste disposal 5) Port Captain's services 6) Navigation aids 7) Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8) Emergency repair facilities</p>

**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Principal place of business to be in Malaysia.		9) Anchorage, berth and berthing services
Maritime agency services covering marketing and sales of maritime transport and related services and acting on behalf of the companies organizing the call of the ship or taking over cargoes when required (CPC 7454*)  Vessel salvage and refloating services except on inland waters (CPC 74540)	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent	(1) None (2) None (3) None	
<b>OTHER SERVICES</b>			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology;	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both	(1) None (2) None (3) None	



**MALAYSIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology (CPC 97090)	and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; and Establishment of local branches requires additional licenses		

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**MYANMAR'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments								
<b>HORIZONTAL SECTION</b>											
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3 unbound											
All Sectors	<p>1) As specified in each sector                  2) As specified in each sector                  3)(a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with Myanmar Companies Act 1914 , Partnership Act 1932, Special Company Act (1950) , Union of Myanmar Foreign Investment Law (1988), Union of Myanmar Citizens' Investment Law (1994).</p> <p>Under these laws: -                  (i) 100% Foreign investment , or                  (ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be sole proprietorship,</p>	<p>1) As specified in each sector                  2) As specified in each sector                  3)(a) The Income Tax Law 1974, prescribed that non- resident (foreigner) will be subject to a withholding tax is as follows;</p> <table border="1" data-bbox="1045 831 1455 1268"> <thead> <tr> <th data-bbox="1045 831 1289 922">Class of Income</th> <th data-bbox="1289 831 1455 922">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1045 922 1289 951">Interest</td> <td data-bbox="1289 922 1455 951">15%</td> </tr> <tr> <td data-bbox="1045 951 1289 1068">Royalties for use of licenses, trade marks, patent rights etc</td> <td data-bbox="1289 951 1455 1068">20%</td> </tr> <tr> <td data-bbox="1045 1068 1289 1268">Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies</td> <td data-bbox="1289 1068 1455 1268">3.5 %</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigners	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %	
Class of Income	Non-resident foreigners										
Interest	15%										
Royalties for use of licenses, trade marks, patent rights etc	20%										
Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %										

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment		Additional Commitments		
	<p>partnership or limited company.</p> <p>The proposed investment may be refused subject to such implications as financial arrangements security risk involved and compliance with existing conditions.</p> <p>(b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share Capital requirements for companies and branches are as follows,</p> <ul style="list-style-type: none"> <li>- Service Company-equivalent of K300,000 in USD .</li> <li>- Industrial Company-equivalent of K 1000,000 in USD.</li> </ul> <p>Under this Law;</p> <p>If the investment involves a state enterprise, incorporation</p>	<table border="1"> <tr> <td data-bbox="1041 516 1289 602">Payments for work done to foreign contractors</td> <td data-bbox="1289 516 1457 602">3%</td> </tr> </table>	Payments for work done to foreign contractors	3%	<p>According to the Notification No. 115/2006, income tax shall be paid in foreign currency of non-resident foreigners' total income at the rate of 35% (thirty five percent) in such foreign currency.</p> <p><u>Tax</u> According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <ul style="list-style-type: none"> <li>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty-three days during the income year;</li> <li>(ii) in the case of a company, a company formed under the Myanmar Companies Act or any other existing law wholly or partly with foreigner share-holders;</li> </ul>	
Payments for work done to foreign contractors	3%					

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>shall be made under the Myanmar Companies Act 1914 , Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950) , Special Company Act (Amendment) Act, 1955, 1959 .</p> <p>(c) According to the Land Nationalization Act 1953 and the Transfer of Immoveable Property Restriction Law (1987), foreign organizations and persons are not allowed to own land in Myanmar. State is the sole owner of all land. Land may be acquired on long term lease, depending on individual circumstances.</p> <p>(d) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1846, The Registration of</p>	<p>(iii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar.</p> <p>- In this regards, foreign workers and staff who work at least one year in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notification No. 124/2006 by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in such foreign currency.</p> <p>- However, the income of the resident foreigner who operating economic enterprises such as companies</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules and regulations, management level is allowed to stay up to one year and may be extendable there on subject to the approval of concerned agencies.</p> <p>(e) Services activities are restricted under section 3 of the State Economic Enterprises Law. However, these activities may be permitted by cabinet notification according to the section 4 of the said law.</p> <p><u>Tax</u> Under The Myanmar Foreign Investment Law, the Commission shall, for the purpose of promoting foreign investments within the States, grant the investor exemption or relief from taxes .</p>	<p>formed in Myanmar shall be calculated in accordance with clause 5 (B) of the Income Tax Regulation and paid in foreign currency. The corporate tax rate is 30% (thirty percent)</p> <p>- A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</p> <p>(b) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned.</p> <p>(c) According to the Transfer of Immoveable Property Restriction Law 1987, foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstance.</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments								
<b>SECTOR-SPECIFIC COMMITMENTS</b>											
<b>BUSINESS SERVICES</b>											
A. <u>Professional Services</u>											
1. Accounting, Auditing and Book-keeping Services	1) None 2) None 3) (a) Commercial Presence of Foreign service suppliers and producers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this Law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914.  (b) According to the Land Nationalization Act 1953 and Tenancy Law 1963, foreign organizations and persons are not allowed to own land in	1) None 2) None 3) (a) The Income Tax Law 1974 prescribed that non resident (Foreigner) subject to a withholding tax is as follows; <table border="1" data-bbox="1056 933 1470 1250"> <thead> <tr> <th data-bbox="1056 933 1302 1015">Class of Income</th> <th data-bbox="1302 933 1470 1015">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1056 1015 1302 1047">Interest</td> <td data-bbox="1302 1015 1470 1047">15%</td> </tr> <tr> <td data-bbox="1056 1047 1302 1161">Royalties for use of licenses, trade marks, patent rights etc</td> <td data-bbox="1302 1047 1470 1161">20%</td> </tr> <tr> <td data-bbox="1056 1161 1302 1250">Payments to contractors made by Government</td> <td data-bbox="1302 1161 1470 1250">3.5 %</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigners	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government	3.5 %	
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**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments
	<p>Myanmar. State is the sole owner of all land. But foreign investors have the right to cultivate land/right to utilize land is only managed by the State (Ministry of Agriculture and irrigation for agricultural land). However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(c) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p> <p>(d) Joint Venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling the requirements prescribed by Foreign Investment Law, Provided that the foreign counterpart must be qualified and duly registered as a</p>	Organizations, Municipalities and Co-operative Societies		
		Payments for work done to foreign contractors	3%	
		<p><u>Tax</u> According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <p>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty three days during the income year;</p> <p>(ii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners share-holder;</p> <p>(iii) In the case of an association of persons other than a company, an association formed wholly or</p>		



**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Practicing Public Accountant in his/ her country.</p>	<p>partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar.</p> <p>- In this regards, workers and staffs who working at least one year in Myanmar and enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notifications No. 246/97 announced by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in Such foreign currency.</p> <p>- However the income of the resident foreigner who operating economic enterprises such as companies</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments		
		<p>formed in Myanmar shall be calculated in accordance with clause 5 (b) of the Income Tax Regulations and paid in foreign currency. The corporate tax rate is 30% (thirty percent)</p> <p>(b) In the case of a company, a company forms under the Myanmar Companies Act or any other existing law wholly or partly with foreigner.</p> <p>(c) A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</p>			
<p>2. Architectural services (CPC 8671)</p> <p>3. Engineering service (CPC 8672)</p> <p>4. Integrated engineering services (CPC 8673)</p> <p>5. Landscape architectural</p>	<p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1998 and the Myanmar</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) The Income Tax Law 1974 prescribed that non resident (Foreigner) subject to a withholding tax is as follows;</p> <table border="1" data-bbox="1058 1200 1467 1258"> <tr> <td data-bbox="1058 1200 1304 1258"><b>Class of Income</b></td> <td data-bbox="1304 1200 1467 1258"><b>Non-resident</b></td> </tr> </table>	<b>Class of Income</b>	<b>Non-resident</b>	
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**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments										
services (CPC 86742)	<p>companies Act 1914. Under this Law Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted.</p> <p>(b) Foreign organizations and persons are not allowed to own land in Myanmar. State is the sole owner of all land. However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(c) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labor Laws and Immigration Law, Management, Professional and Technical Expert, unless mentioned otherwise are allowed to stay up to one year, and may extendable there on.</p> <p>(d) Services activities under section 3 of the SEEs Law are</p>	<table border="1"> <thead> <tr> <th></th> <th align="center"><b>foreigners</b></th> </tr> </thead> <tbody> <tr> <td>Interest</td> <td align="center">15%</td> </tr> <tr> <td>Royalties for use of licenses, trade marks, patent rights etc</td> <td align="center">20%</td> </tr> <tr> <td>Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies</td> <td align="center">3.5 %</td> </tr> <tr> <td>Payments for work done to foreign contractors</td> <td align="center">3%</td> </tr> </tbody> </table>		<b>foreigners</b>	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %	Payments for work done to foreign contractors	3%		
	<b>foreigners</b>													
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		<p><u>Tax</u> According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <p>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty three days</p>												

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p>	<p>during the income year;</p> <p>(ii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners shareholder;</p> <p>(iii) In the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar.</p> <p>- In this regards, workers and staffs who working at least one year in Myanmar and enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notifications No. 246/97 announced by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in such foreign currency.</p> <p>- However the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with clause 5 (b) of the Income Tax Regulations and paid in foreign currency. The corporate tax rate is 30% (thirty percent)</p> <p>(b) In the case of a company, a company forms under the Myanmar Companies Act or any other existing law wholly or partly with foreigner.</p> <p>(c) A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments								
B. <u>Computer and Related Services</u>											
1. Consultancy services related to the installation of computer hardware (CPC 841) 2. Software implementation services (CPC 842) <ul style="list-style-type: none"> <li>▪ System and software consulting services (CPC 8421)</li> <li>▪ System analysis services (CPC 8422)</li> <li>▪ System design services (CPC 8423)</li> <li>▪ Programming services (CPC 8424)</li> <li>▪ System maintenance services (CPC 8425)</li> </ul> 3. Data processing services (CPC 843) <ul style="list-style-type: none"> <li>▪ Input preparation services (CPC 8431)</li> <li>▪ Data-processing and</li> </ul>	1) None 2) None 3) (a) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity (ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions. (b) Subject to the Union of Myanmar Foreign	1) None 2) None 3) (a) Foreign service suppliers and/or providers have to comply with existing laws, rules and regulations concerning investment, taxation, immigration and labour b) The Income Tax Law 1974 pre-scribed that non resident (Foreigner) subject to a withholding tax is as follows; <table border="1" data-bbox="1058 943 1465 1263" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Class of Income</th> <th style="text-align: left;">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td>Interest</td> <td>15%</td> </tr> <tr> <td>Royalties for use of licenses, trade marks, patent rights etc</td> <td>20%</td> </tr> <tr> <td>Payments to contractors made by Government</td> <td>3.5 %</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigners	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government	3.5 %	Subject to comply with the provisions of existing rules and regulations
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**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments
<ul style="list-style-type: none"> <li>tabulation services(CPC 8432)</li> <li>▪ Time-sharing services (CPC 8433)</li> <li>▪ Other data processing services (CPC 8439)</li> <li>4. Data base services (CPC 844)</li> <li>5. Other (CPC 845 + 849)                             <ul style="list-style-type: none"> <li>▪ Maintenance and repair services of office machinery (CPC 845)</li> <li>▪ Data preparation services (CPC 8491)</li> <li>▪ Other computer services (CPC 8499)</li> <li>▪ System integration services</li> <li>▪ Software development services</li> </ul> </li> </ul>	<p>Investment Law, Labor Laws, Immigration Laws, only the core Staff including management Staffs, technical experts, and such are permitted to stay up to one year. The allowable duration of stay may be extended upon request, subject to approval from concerned departments.</p> <p>(c) According to the Land Nationalization Act 1953 and Tenancy Law 1963, foreign organizations and persons are not allowed to own land in Myanmar. State is the sole owner of all land. But foreign investors have the right to cultivate land/right to utilize land is only managed by the State (Ministry of Agriculture and irrigation for agricultural land). However, land may be acquired on long term lease, depending on the individual</p>	<p>Organizations, Municipalities and Co-operative Societies</p> <hr/> <p>Payments for work done to foreign contractors</p>	<p>3%</p>	<p><b>Tax</b> According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <ul style="list-style-type: none"> <li>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty three days during the income year;</li> <li>(ii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners share-holder;</li> <li>iii) In the case of an association of persons other than a company, an association formed wholly or</li> </ul>

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

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	<p>circumstances.</p> <p>(d) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p>	<p>partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar.</p> <ul style="list-style-type: none"> <li>- In this regards, workers and staffs who working at least one year in Myanmar and enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notifications No. 246/97 announced by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in Such foreign currency.</li> <li>- However the income of the resident foreigner who operating economic enterprises such as</li> </ul>	



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Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>companies formed in Myanmar shall be calculated in accordance with clause 5 (b) of the Income Tax Regulations and paid in foreign currency. The corporate tax rate is 30% (thirty percent)</p> <ul style="list-style-type: none"> <li>- In the case of a company, a company forms under the Myanmar Companies Act or any other existing law wholly or partly with foreigner.</li> <li>- A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</li> </ul> <p>(b) The commercial presence of foreign service provider shall be subject to the licensing by the government authority concern.</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
		(c) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.	
<b>F. Other Business Services</b>			
a. Advertising Services (CPC 871)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
r. Printing and Publishing (CPC 89)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
t. Translation and Interpretation Services (CPC 87905)	1) None 2) None 3) Unbound	1. None 2. None 3. Unbound	
<b>COMMUNICATION SERVICES</b>			
<b>D. Audio Visual Services</b>			
Motion Picture and Video Tape Production Services (CPC 96121)	1) None 2) None 3) (a) Foreign services suppliers are	1) None 2) None 3) Unbound	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>allowed to produce motion pictures only in cooperation with domestic producers. Joint Venture film producing companies, based on equity or contract, with majority domestic ownership will be allowed to establish modern production studios and production parks</p> <p>(b) Commercial Presence of Foreign service suppliers and producers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this Law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914.</p> <p>(c) Foreign organizations and persons are not allowed to</p>		

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	<p>own land in Myanmar. State is the sole owner of all land. However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(d) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p>		
Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
Rental and Leasing of Studio Recording equipment (CPC 38109)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
<b>CONSTRUCTION SERVICES</b>			
1. Pre-erection work at			

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments										
1. construction site (CPC 511) 2. Construction work for buildings (CPC 512) 3. Construction work for civil engineering (CPC 513) 4. Assembling and erection of prefabricated construction (CPC 514) 5. Special trade Construction (CPC 515) 6. Installation work (CPC 516) 7. Building completion and finishing work (CPC 517) 8. Renting services related to equipment for construction or demolition of building or civil engineering works with operator. (CPC 518)	1) Unbound (due to lack of technical feasibility.) 2) None 3. (a) Commercial presence of foreign service suppliers and/ or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1998 and the Myanmar Companies Act 1914.  Under this Law:- (i) 100% Foreign Investment, or (ii) Joint venture with a Myanmar citizen or enterprise with a minimum of 35 % equity is permitted.  (b) According to the Land Nationalization Act 1953 and Tenancy Law 1963, foreign organizations and persons are not allowed to own land in Myanmar. State is the sole owner of all land. But foreign investors have the right to cultivate land/right to utilize land	1) None 2) None 3) (a) The Income Tax Law 1974 prescribed that non resident (Foreigner) subject to a withholding tax is as follows; <table border="1" data-bbox="1060 727 1470 1250"> <thead> <tr> <th data-bbox="1060 727 1302 812">Class of Income</th> <th data-bbox="1302 727 1470 812">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1060 812 1302 844">Interest</td> <td data-bbox="1302 812 1470 844">15%</td> </tr> <tr> <td data-bbox="1060 844 1302 958">Royalties for use of licenses, trade marks, patent rights etc</td> <td data-bbox="1302 844 1470 958">20%</td> </tr> <tr> <td data-bbox="1060 958 1302 1161">Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies</td> <td data-bbox="1302 958 1470 1161">3.5 %</td> </tr> <tr> <td data-bbox="1060 1161 1302 1250">Payments for work done to foreign contractors</td> <td data-bbox="1302 1161 1470 1250">3%</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigners	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %	Payments for work done to foreign contractors	3%	
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Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>is only managed by the State (Ministry of Agriculture and irrigation for agricultural land). However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(c) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p>	<p><u>Tax</u> According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <ul style="list-style-type: none"> <li>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty three days during the income year;</li> <li>(ii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners share-holder;</li> <li>(iii) In the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar.</li> </ul> <p>- In this regards, workers and staffs who working at least one year in Myanmar and</p>	

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		<p>enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notifications No. 246/97 announced by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in Such foreign currency.</p> <ul style="list-style-type: none"> <li>- However the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with clause 5 (b) of the Income Tax Regulations and paid in foreign currency. The corporate tax rate is 30% (thirty percent)</li> <li>- In the case of a company, a</li> </ul>	

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Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>company forms under the Myanmar Companies Act or any other existing law wholly or partly with foreigner.</p> <p>- A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</p> <p>(b) The commercial presence of foreign service provider shall be subject to the licensing by the government authority concern.</p> <p>(c) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.</p>	
<b>EDUCATION SERVICES</b>			
1. Education Services (CPC 922, 923 and 929)	1) None 2) None	1) None 2) None	Due to existing regulations of Education, all kinds of education



**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub sector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>
	3) Unbound	3) Unbound	services are to be regulated by Ministry of Education
2. Management Consulting and Regulated Services (CPC 865)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	Due to existing regulations of Education, all kinds of education services are to be regulated by Ministry of Education
<b>TRANSPORT SERVICES</b>			
A. <u>Maritime Transport Services</u>			
1. International Passenger Transport (Excluding Cabotage)	1) Unbound 2) None 3) Unbound	1) Unbound 2) None 3) Unbound	
2. International Freight Transport (Excluding Cabotage)	1) None 2) None 3) (a) Commercial presence of foreign service suppliers and/ or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. Under this law:- (i) 100% Foreign investment,	1) None 2) None 3) Unbound	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p align="center">or</p> <p>(ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Minimum foreign capital is USD 300,000 for services. Form of incorporation can be partnership or limited company.</p> <p>(b) Incorporation of an enterprise not involving state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share capital (in cash) requirement for services companies and branches is equivalent of K 300,000 in USD at current official rate.</p> <p>If the investment involves a state enterprise. Incorporation shall be made under the Special Companies Act 1950 and Myanmar Companies Act 1914.</p> <p>(c) Foreign organization and</p>		

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments		
	<p>persons are not allowed to own land in Myanmar. However land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(d) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, Management, Professional and Technical Experts, unless mentioned otherwise are allowed to stay up to one year and may extendable thereon</p>				
3. Maritime Cargo Handling Services	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment law (1988) and the Myanmar Companies Act 1914</p> <p>Under this Law: -</p>	<p>1). Unbound</p> <p>2) None</p> <p>3) The Income Tax Law 1974 prescribed that non resident (Foreigner) subject to a withholding tax is as follows;</p> <table border="1" data-bbox="1058 1198 1465 1260"> <tr> <td data-bbox="1058 1198 1304 1260"><b>Class of Income</b></td> <td data-bbox="1304 1198 1465 1260"><b>Non-resident</b></td> </tr> </table>	<b>Class of Income</b>	<b>Non-resident</b>	
<b>Class of Income</b>	<b>Non-resident</b>				

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments										
	<p>- 100% foreign investment, or - Joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be sole proprietorship, partnership or limited company.</p> <p>(b) Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act (1914). Minimum share capital (in cash) requirement for companies and branches is equivalent of Ks 300,000 in USD by official conversion rate.</p> <p>If the investment involves a State enterprise, incorporation shall be made under the Special Company Act (1950) and the Myanmar Companies Act (1914)</p>	<table border="1"> <thead> <tr> <th></th> <th align="center"><b>foreigners</b></th> </tr> </thead> <tbody> <tr> <td>Interest</td> <td align="center">15%</td> </tr> <tr> <td>Royalties for use of licenses, trade marks, patent rights etc</td> <td align="center">20%</td> </tr> <tr> <td>Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies</td> <td align="center">3.5 %</td> </tr> <tr> <td>Payments for work done to foreign contractors</td> <td align="center">3%</td> </tr> </tbody> </table>		<b>foreigners</b>	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %	Payments for work done to foreign contractors	3%		
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Payments for work done to foreign contractors	3%													
		<p>Foreigners are not allowed to own land in Myanmar. However land may be acquired on long term lease depending on the individual circumstances .</p> <p>A Judicial person may perform</p>												

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>c) According to the Land Nationalization Act 1953 and Tenancy Law 1963, foreign organizations and persons are not allowed to own land in Myanmar. State is the sole owner of all land. But foreign investors have the right to cultivate land/right to utilize land is only managed by the State (Ministry of Agriculture and irrigation for agricultural land). However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(d) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p> <p>Subject to the Union of</p>	<p>services to clients in Myanmar but are not allowed to practice in Myanmar courts of law.</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments		
	<p>Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, Management, Professional and Technical Experts, unless mentioned otherwise are allowed to stay up to one year and may extendable thereon.</p>				
<p>4 .Storage and Warehouse Services</p>	<p>1) None                  2) None                  3) (a) Commercial presence of foreign service suppliers and/ or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1998 and the Myanmar companies Act 1914. Under this Law,                  - 100% foreign investment, or                  - Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. minimum share capital (in cash) requirement for services companies and</p>	<p>1) None                  2) None                  (3) (a) Foreign service suppliers and/ or providers have to comply with existing laws, rules and regulations concerning investment, taxation, immigration and labour                   (b) The Income Tax Law 1974 prescribed that non resident (Foreigner) subject to a withholding tax is as follows;</p> <table border="1" data-bbox="1058 1170 1465 1260"> <tr> <td data-bbox="1058 1170 1304 1260"><b>Class of Income</b></td> <td data-bbox="1304 1170 1465 1260"><b>Non-resident foreigners</b></td> </tr> </table>	<b>Class of Income</b>	<b>Non-resident foreigners</b>	
<b>Class of Income</b>	<b>Non-resident foreigners</b>				

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments										
	<p>branches is equivalent of Ks 300,000 in USD at current official rate.</p> <p>(c) If the investment involves a State enterprise, incorporation shall be made under the Special Company Act (1950) and the Myanmar Companies Act (1914)</p> <p>(d) According to the Land Nationalization Act 1953 and Tenancy Law 1963, foreign organizations and persons are not allowed to own land in Myanmar. State is the sole owner of all land. But foreign investors have the right to cultivate land/right to utilize land is only managed by the State (Ministry of Agriculture and irrigation for agriculture land). However, land may be acquired on long term lease, depending on the individual</p>	<table border="1"> <tr> <td data-bbox="1056 495 1299 524"></td> <td data-bbox="1299 495 1470 524"></td> </tr> <tr> <td data-bbox="1056 524 1299 553">Interest</td> <td data-bbox="1299 524 1470 553">15%</td> </tr> <tr> <td data-bbox="1056 553 1299 670">Royalties for use of licenses, trade marks, patent rights etc</td> <td data-bbox="1299 553 1470 670">20%</td> </tr> <tr> <td data-bbox="1056 670 1299 873">Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies</td> <td data-bbox="1299 670 1470 873">3.5 %</td> </tr> <tr> <td data-bbox="1056 873 1299 989">Payments for work done to foreign contractors</td> <td data-bbox="1299 873 1470 989">3%</td> </tr> </table>			Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %	Payments for work done to foreign contractors	3%		
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		<p><u>Tax</u> According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <p>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty three days</p>												

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>circumstances.</p> <p>e) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by cabinet notification according to the section 4 of the said law.</p>	<p>during the income year;</p> <p>(ii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners share-holder;</p> <p>(iii) In the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar.</p> <p>- In this regards, workers and staffs who working at least one year in Myanmar and enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notifications No. 246/97 announced by the Ministry of Finance and Revenue determined that the income tax for the resident</p>	



**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in Such foreign currency.</p> <ul style="list-style-type: none"> <li>- However the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with clause 5 (b) of the Income Tax Regulations and paid in foreign currency. The corporate tax rate is 30% (thirty percent)</li> <li>- In the case of a company, a company forms under the Myanmar Companies Act or any other existing law wholly or partly with foreigner.</li> <li>- A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</li> </ul>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>(b) The commercial presence of foreign service provider shall be subject to the licensing by the government authority concern.</p> <p>(c) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.</p>	
5. Maritime Freight Forwarding Services	<p>1) None 2) None 3) Unbound</p>	<p>1) None 2) None 3) Unbound</p>	
<u>C. Air Transport Services</u>			
1. Aircraft Repair and Maintenance Services	<p>1) None 2) None 3) (a) Commercial presence of foreign service suppliers and/or providers is permitted in accordance with the Union of Myanmar Foreign Investment</p>	<p>1) None 2) None 3) (a) The Income Tax Law (1974) prescribes that non-residents (foreigners) are subject to a withholding tax as follows:</p>	

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments
	<p>Law (1988) and the Myanmar Companies Act (1914).</p> <p>(b) 100% foreign investment or joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted under the Union of Myanmar Foreign Investment Law (1988). Minimum foreign capital is USD 300,000 for services. Form of incorporation may be sole proprietorship, partnership or limited company.</p> <p>(c) Incorporation of an enterprise not involving a state enterprise is to be made under the Myanmar Companies Act (1914). Minimum share capital (in cash ) requirement for services companies and branches is equivalent of Kyat 300,000 in USD at current official rate.</p> <p>(d) If the investment involves a</p>	<p><b>Class of Income</b></p>	<p><b>Non-resident foreigners</b></p>	
		Interest	15%	
		Royalties for use of licenses, trade marks, patent rights etc	20%	
		Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies	3.5 %	
		Payments for work done to foreign contractors	3%	
		<p>(b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on</p>		

**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment	Additional commitments								
	state enterprise, incorporation shall be made under the Special Companies Act (1950) and the Myanmar Companies Act (1914).	individual circumstances.									
2. Selling and Marketing of Air Transport Services	<p>1) None 2) None 3) (a) Commercial presence of foreign service suppliers and/or providers is permitted in accordance with the Union of Myanmar Foreign Investment Law (1988) and the Myanmar Companies Act (1914).</p> <p>(b) 100% foreign investment or joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted under the Union of Myanmar Foreign Investment Law (1988). Minimum foreign capital is USD 300,000 for services. Form of incorporation may be sole proprietorship, partnership or limited company.</p> <p>(c) Incorporation of an enterprise</p>	<p>1) None 2) None 3) (a) Thee Income Tax Law (1974) prescribes that non-residents (foreigners) are subject to a withholding tax as follows:</p> <table border="1" data-bbox="1056 834 1467 1268"> <thead> <tr> <th data-bbox="1056 834 1304 951">Class of Income</th> <th data-bbox="1304 834 1467 951">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1056 951 1304 980">Interest</td> <td data-bbox="1304 951 1467 980">15%</td> </tr> <tr> <td data-bbox="1056 980 1304 1097">Royalties for use of licenses, trade marks, patent rights etc</td> <td data-bbox="1304 980 1467 1097">20%</td> </tr> <tr> <td data-bbox="1056 1097 1304 1268">Payments to contractors made by Government Organizations, Municipalities and Co-operative</td> <td data-bbox="1304 1097 1467 1268">3.5 %</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigners	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc	20%	Payments to contractors made by Government Organizations, Municipalities and Co-operative	3.5 %	
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**MYANMAR – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub sector	Limitations on market access	Limitations on national treatment		Additional commitments				
	<p>not involving a state enterprise is to be made under the Myanmar Companies Act (1914). Minimum share capital (in cash ) requirement for services companies and branches is equivalent of Kyat 300,000 in USD at current official rate.</p> <p>(d) If the investment involves a state enterprise, incorporation shall be made under the Special Companies Act (1950) and the Myanmar Companies Act (1914).</p>	<table border="1"> <tr> <td data-bbox="1056 500 1299 526">Societies</td> <td data-bbox="1299 500 1470 526"></td> </tr> <tr> <td data-bbox="1056 526 1299 638">Payments for work done to foreign contractors</td> <td data-bbox="1299 526 1470 638">3%</td> </tr> </table>	Societies		Payments for work done to foreign contractors	3%	<p>(b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstances.</p>	
Societies								
Payments for work done to foreign contractors	3%							

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**THE PHILIPPINE SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

## EXPLANATORY NOTES ON THE PHILIPPINE SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

1. The Philippine Schedule of Specific Services Commitments specifies its commitments for Modes 1-3 and does not include Mode 4 commitments as this is covered under a separate Schedule of Movement of Natural Persons Commitments.
2. The scheduling of commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L 92, dated 28 March 2001). The guidelines shall not however be construed as being legally binding.
3. The entry Unbound\* means unbound due to lack of technical feasibility.
4. The use of “ \*\* “ against individual CPC code indicates that the specific commitment for that code does not extend to the total range of services covered under the code.
5. Alphabets indicated against individual sector or subsectors and numbers in brackets are references to the Services Classification List (MTN.GNS/W/120, dated 10 July 1991).
6. ACRONYMS USED means :
  - SEC - Securities and Exchange Commission
  - CHED - Commission on Higher Education
  - DOLE - Department of Labor and Employment
  - HEI - Higher Education Institution

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS/SUBSECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u></p> <p>The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities.</p> <p>All executive and managing officers must be citizens of the Philippines.</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State.</p>	<p>3) <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign firms covered are:</p> <p>a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries</p>	



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>Foreign investors may lease only private-owned lands.</p> <p>1), 2),3) All measures taken by local government units are unbound.</p>	<p>1), 2), 3) All measures taken by local government units are unbound.</p> <p>1),2),3) All measures relating to permanent residents are unbound. The Philippines reserves the right to enact laws on the treatment of permanent residents of foreign countries. Until such time as the Philippines enacts said domestic law the obligations of the Philippines with respect to the permanent residents of the other Parties shall be limited to its obligations under the GATS, and the obligations of the other Parties with respect to the permanent residents of the Philippines shall be limited to their obligations under the GATS.</p>	
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>Professional Services</u>			
All Subsectors	3) No foreign equity allowed  3) The practice of profession in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law.	1) Service Outputs: For professions with specific service outputs (e.g., plans, specifications, audit reports), such outputs shall be recognized by the Philippine Government only if the foreign professional is registered with the Professional Regulation Commission (PRC).	
Landscape Architectural Services (CPC 86742)	1) None  2) None  3) Corporate practice is allowed (Section 26, Art. 5, RA 9053)  Limitations in the horizontal section for Professional Services also apply.	1) None  2) None  3) Corporate practice is allowed (Section 26, Art. 5, RA 9053)  Limitations in the horizontal section for Professional Services also apply.	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Interior Design Services (CPC 87907)	1) None 2) None 3) Corporate practice is not allowed (Section 27, Art. 5, RA 8534)  Limitations in the horizontal section for Professional Services also apply.	1) None 2) None 3) Corporate practice is not allowed (Section 27, Art. 5, RA 8534)  Limitations in the horizontal section for Professional Services also apply.	
Accounting	1) None 2) None 3) Practice by a firm or partnership is allowed (Section 31, Art. 4, RA 9298)  Limitations in the horizontal section for Professional Services also apply.	1) None 2) None 3) Practice by a firm or partnership is allowed (Section 31, Art. 4, RA 9298)  Limitations in the horizontal section for Professional Services also apply.	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Mechanical Engineering	1) None 2) None 3) Corporate practice is not allowed. ( Section 36, Article 4, RA 8495)  Limitations in the horizontal section for Professional Services also apply.	1) None 2) None 3) Corporate practice is not allowed. ( Section 36, Article 4, RA 8495)  Limitations in the horizontal section for Professional Services also apply.	
Metallurgical Engineering	1) None 2) None 3) Corporate practice is allowed (Section 25, Art. 3 of PD 1536)  Limitations in the horizontal section for Professional Services also apply.	1) None 2) None 3) Corporate practice is allowed (Section 25, Art. 3 of PD 1536)  Limitations in the horizontal section for Professional Services also apply.	
Civil Engineering	1) None	1) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2) None  3) Corporate practice is not allowed (Section 24, Art. 5, RA 544, as amended by RA 1582)  Limitations in the horizontal section for Professional Services also apply.	2) None  3) Corporate practice is not allowed (Section 24, Art. 5, RA 544, as amended by RA 1582)  Limitations in the horizontal section for Professional Services also apply.	
Sanitary Engineering	1) None  2) None  3) Corporate practice is allowed (Section 30, Art. 5, RA 1364)  Limitations in the horizontal section for Professional Services also apply.	1) None  2) None  3) Corporate practice is allowed (Section 30, Art. 5, RA 1364)  Limitations in the horizontal section for Professional Services also apply.	
<b>3. CONSTRUCTION AND ENGINEERING SERVICES</b>			
Constructions for Mining and	1) Unbound*	1) Unbound*	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Manufacturing (5136**) Construction for large-scale mining development projects covered by Financial and Technical Assistance Agreements (FTAA)	2) None 3) Up to 100 percent foreign equity participation is allowed, provided that the requirements of the FTAA under the Philippine Mining Act (RA 7942) are met. However, a Special Contractor's License is required to undertake construction activities. Commercial presence is required.	2) None 3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietors or partnerships/corporations with at least 60 Filipino equity and duly organized and existing under and by virtue of Philippine laws. A Special Contractor's License may be given to foreign companies on a project-to-project basis.	
F. <u>Other Business Services</u>			
Services Incidental to Mining (883)	1) Unbound*	1) Unbound*	
Oil and Gas Exploration and Development	2) None	2) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>3) Up to 100 percent foreign equity participation is allowed provided there is President's approval.</p> <p>The Constitution allows the President to enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum.</p> <p>Limitations listed in the horizontal section also apply.</p>	<p>3) None</p> <p>Limitations listed in the horizontal section also apply.</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Geothermal Exploration and Development	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed.  Limitations listed in the horizontal section also apply.	1) Unbound* 2) None 3) None  Limitations listed in the horizontal section also apply.	
Coal Exploration and Development	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed.  Limitations listed in the horizontal section also apply.	1) Unbound* 2) None 3) None  Limitations listed in the horizontal section also apply.	



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>Services Related to Energy Distribution (CPC 887)</p> <p>Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution systems</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section also apply.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	
<p>Services Related to Power Generation</p> <p>Construction of Power Plants (as provided for under the BOT scheme)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities.</p> <p>Limitations listed in the horizontal section also apply.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) A Contractor's License (Regular or Special) issued by the Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities.</p> <p>A. The Regular Contractor's License is reserved for, and</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>issued only to, Filipino sole proprietorships or partnerships/corporations with at least 60 percent Filipino equity and duly organized and existing under and by virtue of Philippine laws.</p> <p>B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as BOT.</p> <p>Limitations listed in the horizontal section also apply.</p>	
<p>Operation of power plants (as provided for under the BOT scheme)</p>	<p>1) Unbound *</p> <p>2) None</p> <p>3) None, except that electric cooperative operation is limited to Filipinos.</p>	<p>1) Unbound *</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Limitations listed in the horizontal section also apply.		
Pipeline Transport (713)	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed.  Limitations listed in the horizontal section also apply.	1) Unbound* 2) None 3) None, except as indicated in the horizontal section.	
<b>2. COMMUNICATION SERVICES</b>			
All subsectors	3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	the Philippines at least 60 per cent of whose capital is owned by such citizens  3) Limitations listed in the horizontal section shall apply.		
<b>B. <u>Courier Services</u></b>			
Courier Services	1) Commercial presence is required  2) None  3) None except as indicated in the horizontal section for communication services	1) None  2) None  3) None	
<b>C. <u>Telecommunication Services</u></b>			
The following services are offered only on a facilities basis, for public use, using either wired or wireless	1) Subject to commercial arrangement with licensed operators	1) None	

## PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
technology except cable television (CATV)  a. Voice telephone services (7521) <ul style="list-style-type: none"> <li>• Local services</li> <li>• Toll services</li> <li>• Domestic</li> <li>• International</li> </ul> b. Packet-switched data transmission services (7523**)                     c. Circuit-switched data transmission services (7523**)                     d. Telex Services (7523**)                     e. Telegraph Services (7522)                     f. Facsimile services (7521**+7529**)	2) None  3) Entry is subject to the following requirements and conditions: <ul style="list-style-type: none"> <li>A. Franchise from Congress of the Philippines</li> <li>B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</li> <li>C. Foreign equity is permitted up to 40 percent.</li> <li>D. Resale of private leased lines is not allowed<sup>1</sup>.</li> </ul>	2) None  3) Entry is subject to the following requirements and conditions: <ul style="list-style-type: none"> <li>A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</li> <li>B. All executives and managers must be citizens of the Philippines.</li> </ul> Limitations as indicated in horizontal section for communication services also apply.	

<sup>1</sup> Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>g. Private Leased Circuit Services (7522**+7523)</p> <p>h. <u>Other</u></p> <ul style="list-style-type: none"> <li>• Cellular Mobile Telephone Service (75213)</li> <li>• Satellite services</li> </ul>	<p>E. Private leased circuit services shall not be connected to a public network (PSTN).</p> <p>F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized.</p> <p>G. Subject to the availability and efficient utilization of radio frequencies.</p> <p>H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>I. Philippine satellite operators shall be given the preference to provide</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>Limitations as indicated in horizontal section for communication services also apply.</p>		
<p>Data and message transmission services</p> <p>Data network services (CPC 75231)</p> <p>Electronic message and information services</p>	<p>1) Unbound<sup>2</sup></p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p>	

<sup>2</sup> Shall be reviewed in the future in accordance with the developments of its laws and regulations.

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 75232)	<ul style="list-style-type: none"> <li>a. Franchise from Congress of the Philippines</li> <li>b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</li> <li>c. Foreign equity is permitted up to 40 percent.</li> <li>d. Resale of private leased lines is not allowed<sup>3</sup>.</li> <li>e. Private leased circuit services shall not be connected to a public network (PSTN)</li> <li>f. Call back, dial back and other similar schemes,</li> </ul>	<ul style="list-style-type: none"> <li>a. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</li> <li>b. All executives and managers must be citizens of the Philippines.</li> </ul> <p>Limitations as indicated in horizontal section for communication services also apply.</p>	

<sup>3</sup> Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>which result in the same operation, are not authorized.</p> <p>g. Subject to the availability and efficient utilization of radio frequencies.</p> <p>h. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>i. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>j. Satellite space segment</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>Limitations as indicated in horizontal section for communication services also apply.</p>		
<p>Value added services i.e.</p> <p>h) electronic mail (CPC 7523**)</p> <p>l) value added facsimile service (CPC 7523**)</p> <p>m) code and protocol conversion</p>	<p>1) Unbound<sup>4</sup></p> <p>2) None</p> <p>3) Entry is subject to the following requirements:</p> <p>a. Foreign equity is permitted up to 40 percent</p> <p>b. Must register with the Philippines regulatory body but is not allowed to build its own network.</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>a. The number of non-Filipino citizens on the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</p>	

<sup>4</sup> Shall be reviewed in the future in accordance with the developments of its laws and regulations.

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Limitations as indicated in horizontal section for communication services also apply.	b. All executives and managers must be citizens of the Philippines  Limitations as indicated in horizontal section for communication services also apply.	
<b>5. EDUCATION SERVICES</b>			
C. Higher Education Services (CPC 923)	1) Unbound *  2) None  3) Unbound except  A.1 Establishment of Education Institutions; 60% of the capital must be owned by Filipino citizens and duly registered with the SEC;  A.2. No educational institution shall be established	1) Unbound *  2) None  3) Unbound , except  Control and administration of educational institutions shall be vested in the citizens of the Philippines  Limitations in the horizontal section also apply.	The inclusion of the post graduate business programs shall be subject to the recommendations by the technical panel experts on business education and the results of the study conducted on the status of graduate programs in the Philippines.

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>exclusively for aliens and no group of aliens shall comprise more than one-third of the enrolment in any school. This shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for foreign temporary residents.</p> <p>B. Undergraduate, graduate and post graduate degree programs offered by FHEP under a twinning arrangement with an authorized and qualified Phil. University /college or through scholarship grants, faculty student exchange, collaborative exchange, short and long-term training, curriculum development and</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>enhancement, library and laboratory enrichment and cultural exchange in the fields of agriculture, industrial, environment and natural resources management, engineering, architecture, science and technology and health-related programs only meeting the following conditions:</p> <p>b.1. Only recognized and accredited HEIs with at least Level II accreditation status shall be authorized by the CHED to conduct and initiate linkages and twinning programs with foreign HEIs</p> <p>b.2 adherence to international standards of excellence on international</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p align="center">programs</p> <p>b.3. The twinning agreement shall be submitted to the CHED for evaluation and approval</p> <p>b.4. The twinning arrangement between the Philippine HEIs and the Foreign HEIs shall be subject to periodic review, evaluation and validation as part of the quality assurance mechanism to ensure adherence to the international standards of excellence on international programs.</p> <p>C. Any private school to be established must incorporate as a non-stock educational corporation in accordance with the provision of the Corporation Code of the</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p align="center">Philippines ( BP No. 681);</p> <p>Limitations in the horizontal section also apply.</p>		
<b>6. ENVIRONMENTAL SERVICES</b>			
<p>A. Sewerage Services (CPC 9401)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) For participation in public and/or private sewerage services, up to 40% foreign equity participation</p> <p>For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with Concessionaires (i.e. Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal commitments</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>Sewerage System (MWSS). If The parties agreed (MWSS and the two concessionaires), amendment of the Concession Agreement shall be made accordingly.</p> <p>For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following:</p> <p>i) Where local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a Build-Operate-Transfer (BOT) Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs.</p> <p>ii) In the absences of existing</p>		



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/arrangements that may be entered into will be with local government unit/s concerned.</p> <p>Limitations listed in the horizontal section also apply.</p>		
<b>7. FINANCIAL SERVICES</b>			
All sub-sectors	<p>3) The appropriate regulatory authority in the Philippines shall determine whether public interest and economic conditions justify authorization for the establishment of commercial presence or expansion of existing operations in banking and other financial services in the Philippines. For foreign financial</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines.</p> <p>In banking, the Monetary Board shall ensure that at all times seventy per cent (70%) of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos.</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) Limitations listed in the horizontal section shall also apply.		
A. <u>All insurance and insurance-related services</u>			
All Subsectors	3) Limitations listed in the all-sector horizontal section and all financial services section shall apply.  3) Limitations in market access listed in the specific sub-sectors below shall not apply to existing wholly or majority foreign-owned authorized insurance/reinsurance companies as of the entry into force of the WTO Financial Services agreement.		
Life insurance as follows:  - ordinary	1) Risks located in the Philippines shall be insured	1) Unbound	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- group</li> <li>- industrial</li> <li>- health and accident</li> <li>- annuities</li> </ul>	<p>with the companies authorized* to transact business in the Philippines.</p> <p>2) Same as (1) above</p> <p>3) Market access is limited to:</p> <p style="padding-left: 20px;">A. Acquisition of up to fifty one per cent (51%) of the voting stock of an existing domestic insurance company.</p> <p style="padding-left: 20px;">B. Investing in up to fifty one per cent (51%) of the voting stock of a new locally incorporated insurance company.</p> <p>Participation of non-Filipino citizens in the Board of</p>	<p>2) Unbound</p> <p>3) None</p>	

\* The company which had been issued a licence or a certificate of authority by the Insurance Commission to transact business in the Philippines prior to 1 October 1994.

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Directors of a locally incorporated insurance company is limited to one-third of the Board's total membership.		
General non-life, as follows: - fire and allied risks/ earthquakes/shock/typhoon/ floods/ tidal wave - Marine Ocean marine/Inland marine/ Marine hull Aviation - Casualty motor car/ health and accident/ burglary/ engineering miscellaneous - Surety ship fidelity/surety bonds	1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. 2) Same as (1) above 3) Market access is limited to: A. Acquisition of up to fifty one per cent (51%) of the voting stock of an existing domestic insurance company. B. Investing in up to fifty one per cent (51%) of the	1) Unbound 2) Unbound 3) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>voting stock of a new locally incorporated insurance company.</p> <p>Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one third of the Board's total membership.</p>		
<p>Insurance auxiliary services, as follows:</p> <ul style="list-style-type: none"> <li>- actuarial consultancies</li> <li>- average adjustors</li> </ul>	<ol style="list-style-type: none"> <li>1) Commercial presence is required.</li> <li>2) None</li> <li>3) Subject to foreign equity limitation of forty per cent (40%).</li> </ol> <p>Participation of non-Filipino citizens in the Board of Directors of domestic companies is limited to one third of the Board's total</p>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> </ol>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	membership.		
Reinsurance/ Retrocession	<p>1) Priority cessions to authorized insurance/reinsurance companies.</p> <p>Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission.</p> <p>Ten per cent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.</p> <p>2) Same as (1) above</p> <p>3) Market access is limited to:                      A. Acquisition of up to forty per cent (40%) of the voting stock of an existing domestic reinsurance</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>company.</p> <p>B. Investing in up to forty per cent (40%) of the voting stock of a new locally incorporated reinsurance company.</p> <p>Participation of non-Filipino citizens in the Board of Directors of a locally incorporated reinsurance company is limited to one third of the Board's total membership</p>		
<p><b>B. <u>Banking and Other Financial Services (excluding insurance)</u></b></p>			
<p>Commercial banking</p> <p>- Acceptance of deposits and other repayable funds from the public</p> <p>- Lending of all types, including</p>	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) I. <u>Forms of commercial presence</u></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>consumer credit mortgage credit, and financing of commercial transaction</p> <ul style="list-style-type: none"> <li>- All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts</li> <li>- Guarantees and commitments</li> <li>- Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:               <ul style="list-style-type: none"> <li>- money market instruments (bank's own promissory notes, repurchase agreements, and certificates of assignment/ participation with recourse);</li> </ul> </li> <li>- foreign exchange;</li> </ul>	<p>A foreign bank, widely-owned and publicly listed, may avail itself only of one form of commercial presence at a time. However, this shall not preclude secondary investment in the equity of a locally incorporated bank not exceeding thirty per cent (30%) of voting stock or forty per cent (40%) upon approval by the President of the Philippines</p> <ul style="list-style-type: none"> <li>(a) Acquisition of up to fifty five (55%) of the voting stock of an existing domestic bank.</li> <li>(b) Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated banking subsidiary. Existing investments of foreign</li> </ul>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	banks beyond the fifty-one percent (51%) level will be maintained at their existing levels.		
<ul style="list-style-type: none"> <li>- derivative products including, but not limited to, futures and options;</li> <li>- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; and</li> <li>- other allowable negotiable instruments and financial assets.</li> </ul>	<p>The majority of the members of the Board of Directors of a locally incorporated bank shall be citizens of the Philippines.</p> <p>For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation.</p>		
<ul style="list-style-type: none"> <li>- Participation in issues of all kinds of securities, including underwriting and placement as</li> </ul>	<p><u>II. Scope of operations</u></p> <p>Prior authorization is required</p>		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
agent (whether publicly or privately) and provision of services related to such issues  - Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services	for the following: - acceptance of deposit substitutes and other repayable funds from the public; - guarantees and commitments; - performance of trust, investment management and other fiduciary functions; - foreign currency deposit unit operation - derivatives activities.  Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority.		
Investment houses: - Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of other corporations  - Participate as soliciting dealer or selling group member in	1) Commercial presence is required.  2) None  3) Must be organized as a stock corporation.	1) None  2) None  3) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>tender offers, block sales, or exchange offering of securities</p> <ul style="list-style-type: none"> <li>- Deal in options, rights or warrants relating to securities</li> <li>- *Act as financial consultant, investment adviser or broker</li> <li>- Act as portfolio manager/financial agent</li> <li>- Design pension, profit-sharing and other employee benefits plans</li> </ul>	<p>Subject to foreign equity limitation of fifty-one per cent (51%).</p> <p>The majority of the members of the Board of Directors shall be citizens of the Philippines.</p> <p>An investment house is not allowed to engage in banking operations.</p> <p>Prior authorization is required for the performance of quasi-banking functions.</p> <p>Limitations listed in the horizontal section for financial services shall also apply.</p>		
<p>Financial advisory services as follows:</p> <ul style="list-style-type: none"> <li>-credit reference and analysis</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Required to be organized as a</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
-investment and portfolio research and advice	<p>commercial bank, or an investment house, or a non-bank financial intermediary.</p> <p>For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply.</p> <p>For investment houses, all limitations mentioned under mode 3 above for investment houses shall apply.</p> <p>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.</p> <p>Limitations listed in the horizontal section for financial services shall also apply.</p>		
Factoring	1) Commercial presence is required.	1) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>2) None</p> <p>3) Must be performed by a financing company only, organized either as a corporation or general partnership.</p> <p>Subject to foreign equity limitation of forty per cent (40%).</p> <p>Membership of non-Filipino citizens in the Board of Directors is limited to one-third of the Board's total membership in the case of a corporation; no foreign managing partners in the case of a general partnership.</p> <p>Limitations listed in the horizontal section for financial services also apply.</p>	<p>2) None</p> <p>3) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Financial leasing	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Must be performed by a financing company only, organized either as a corporation or general partnership.</p> <p>Subject to foreign equity limitation of forty per cent (40%).</p> <p>Membership of non-Filipino citizens in the Board of Directors is limited to one third of the Board's total membership in the case of a corporation; no foreign</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p align="center">managing partners in the case of a general partnership.</p> <p>Limitations listed in the horizontal section for financial services shall also apply.</p>		
<p>Money broking and foreign exchange broking</p>	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Required to be organized as a commercial bank or a non-bank financial intermediary.</p> <p>For commercial banks, all other limitations mentioned in mode 3 above for commercial banks shall apply.</p> <p>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Credit card services	1) Commercial presence is required. 2) None 3) Required to be organized as a commercial bank or a non-bank financial intermediary.  For commercial banks, all other limitations mentioned under mode 3 above for commercial banks shall apply.  Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary	1) None 2) None 3) None	
Promotion and provision of information by a representative office about the services or products offered by a foreign bank	1) Commercial presence is required. 2) None	1) None 2) None 3) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None		
<p>Securities dealership/brokerage</p> <ul style="list-style-type: none"> <li>- Trading for own account or for account of customers, whether in an exchange, in an over-the-counter market or otherwise, the following:</li> <li>- Equities and its derivative products such as warrants and options</li> <li>- Transferable securities</li> </ul>	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Required to be organized as an investment house or as a securities broker/dealer corporation or partnership.</p> <p>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.</p> <p>For securities broker/ dealer - must be a member of the stock exchange. Membership is limited to 200. Underwriting is allowed only on best-efforts basis.</p> <p>Limitations listed in the horizontal section for financial</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	services also apply.		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues</p>	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Required to be organized as an Investment House or as a securities broker/dealer corporation or partnership.</p> <p>For investment houses, all other limitations mentioned under mode 3 above for investment houses shall apply.</p> <p>For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200. Underwriting is allowed only on best-effort basis.</p> <p>Limitations listed in the horizontal section for financial</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	services also apply.		
Performance of the functions of stock transfer agent such as but not limited to monitoring the issuance and transfer of stock certificates	1) Commercial presence is required. 2) None 3) Must be organized either as a corporation or partnership with at least one certified public accountant duly licensed in the Philippines  Limitations listed in the horizontal section for financial services also apply.	1) None 2) None 3) None	
Transactions of an issuer primarily engaged in the business of investing, reinvesting or trading in securities	1) Commercial presence is required. 2) None 3) Must be performed by an investment company	1) None 2) None 3) None	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Foreign equity participation is bound at forty per cent (40%).  All members of the Board of Directors must be citizens of the Philippines.		
Sale of contracts for the payment of benefits or performance of future services such as life, education, and pension plans	1) Commercial presence is required. 2) None 3) Foreign equity participation is bound at forty per cent (40%).	1) None 2) None 3) None	
<b>9. TOURISM SERVICES</b>			
Hotel/Lodging services (CPC 64110)	1) None 2) None 3) None except as indicated in the horizontal section .	1) None 2) None 3) None, except as indicated in the horizontal commitment	
Restaurants (CPC 6421-64310)	1) Unbound*	1) Unbound*	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>2) None</p> <p>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million is complied with ; provided further that pre-qualification requirements are complied with in accordance with appropriate government agencies.</p> <p>Foreign nationals may also establish branches provided that the minimum paid in capital of US\$ 830,000.00 per restaurant are complied with.</p> <p>Limitations listed in the horizontal section also apply.</p>	<p>2) None</p> <p>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million are maintained.</p> <p>Prior notification for cessation of operation</p> <p>Foreign nationals may also establish additional branches provided that the minimum paid in capital of US\$ 830,000 per restaurant are maintained.</p> <p>Prior notification for opening and closing of branches/stores.</p> <p>Provided further that 30% local inventory requirement, public offering requirement under certain conditions and prohibitions to engage in certain restaurant activities are</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>complied.</p> <p>Every registered foreign restaurant are to submit to the Department of Trade and Industry the following reports:</p> <ul style="list-style-type: none"> <li>a. A general information sheet in the prescribed form showing, among others, the accredited stores of the enterprise and the status of operations of the entity;</li> <li>b. An audited financial statement and income tax return;</li> <li>c. Certification by responsible officer of the company showing the maintenance of the required minimum capital unless the foreign investor has notified the SEC and the DTI of its intention to repatriate its capital and</li> </ul>	



**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p align="center">cease operations in the Philippines</p> <p>Qualified foreign restaurant are not allowed to engage in certain retailing activities outside their accredited branches through the use of mobile or rolling stores or carts, the use of sales representatives, door-to-door selling, and sari-sari stores and such other similar retailing activities.</p> <p>Limitations listed in the horizontal section shall apply.</p>	
Travel Agencies (74710)	<p>1) None</p> <p>2) None</p> <p>3) None except as indicated in the horizontal commitment</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal commitment</p>	
Professional Congress Organizers	<p>1) None</p>	<p>1) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2) None  3) 60% foreign equity is allowed  Limitations listed in the horizontal section also apply.	2) None 3) None except as indicated in the horizontal section one	
<b>11. TRANSPORT SERVICES</b>			
All subsectors	3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens.  Limitations listed in the horizontal section shall also apply.		

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>Maritime Transport Services</u>			
International Transport (passenger and freight –CPC 7211 & 7212), except a. cabotage transport, b. and government-owned cargoes <sup>5</sup>	1) None 2) None 3) None, except as indicated in the horizontal section for transport services	1) None 2) None 3) None	
Leasing/rental of vessels without crew	1) None 2) None 3) None  Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA)	1) None 2) None 3) None	

<sup>5</sup> Subject to the Cargo Reservation Law which requires that cargoes owned by government-owned or controlled corporations shall be shipped on board Philippine flag vessels.

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Maintenance and repair of vessels (8868**)	1) Unbound*  2) Any repairs, conversion or dry-docking of Philippine owned or registered vessels are required to be done at domestic ship repair yards registered with the Maritime Industry Authority (MARINA)  3) None	1) Unbound*  2) None  3) None	
<b>C. <u>Air Transport Services</u></b>			
Leasing/rental of aircraft without crew (83104)	1) None  2) None  3) Lease contract subject to approval by the Civil Aeronautics Board	1) None  2) None  3) None	
Maintenance and repair of aircraft (CPC 8868)	1) Unbound*	1) Unbound*	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	2) None 3) None except as indicated in the horizontal section	2) None 3) None except as indicated in the horizontal section	
Selling and marketing of air Transport <sup>6</sup>  General Sales agent (GSA) and Cargo Sales Agent (CSA)	1) None 2) None 3) None	1) None 2) None 3) None except as indicated in the horizontal section	
Off –line carriers	1) None, except CAB permit is required 2) None 3) None, except a GSA must be approved by CAB and the appointment of a resident agent	1) None 2) None 3) None, except as indicated in the horizontal section	

<sup>6</sup> Selling and marketing services (in the case of the Philippines) are categorized and defined following existing Philippine laws and rules and regulations of its aeronautical authorities as Off-line Carriers, General Sales Agent (GSA) and Cargo Sales Agent (CSA).

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>D. Rail Transport Services</u>			
Passenger and freight transport (CPC 7111 & 7112)	1) Unbound* 2) None 3) None except as indicated in the horizontal section	1) Unbound* 2) None 3) None, except as indicated in the horizontal section	
Maintenance and repair of rail transport equipment (CPC 8868**)	1) Unbound* 2) None 3) None except as indicated in the horizontal section	1) Unbound* 2) None 3) None-, except as indicated in the horizontal section	
<u>F. Road Transport Services</u>			
Passenger and freight transport (CPC 7121 & 7123)	1) Unbound* 2) None 3) Provisional authority/certificate of public	1) Unbound* 2) None 3) None, except as indicated in the horizontal section	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>convenience must be secured from the Land Transportation Franchising and Regulatory Board (LTFRB)</p> <p>New entrants are subject to economic needs test, as follows:</p> <p>a) the need to provide protection to investments of operators in unserved areas/developmental routes; and</p> <p>b) the route measured capacity test for number of vehicles.</p>		
Maintenance and repair of road vehicles (CPC 6112)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	

**PHILIPPINES – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
H. <u>Services auxiliary to all modes of transport</u>			
Cargo handling services (CPC 741)	1) Unbound*	1) Unbound*	
Storage and warehousing services	2) None	2) None	
Container yard and depot services	3) None, except as indicated in the horizontal section.	3) None, except as indicated in the horizontal section.	
Freight forwarding services	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None except as indicated in the horizontal section.	3) None, except as indicated in the horizontal section.	



**MOST FAVOURED - NATION TREATMENT EXEMPTION LIST**

<b>Sector or Subsector</b>	<b>Description of measure</b>	<b>Countries to which the Measure applies</b>	<b>Intended Duration</b>	<b>Conditions creating the need for the exemption</b>
<p>ALL SECTORS</p> <p>Entry and temporary stay of natural persons supplying services</p>	<p>A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors.</p> <p>Under this special category, the labor market test is waived and simplified entry procedures are provided.</p>	All Countries	Expiry date or termination of bilateral treaties on entry rights for traders and investors	To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities.
Financial Services				
Commercial banking	Authorization for financial service suppliers of another member to establish commercial presence in commercial banking shall be subject to a reciprocity	All Countries	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.

	test.			
Investment Houses	In approving foreign equity applications in Investment Houses, the appropriate regulatory authority shall approve such applications only if the same or similar rights are enjoyed by Philippine nationals in the applicant's country.	All Countries	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Financing Companies	Authorization for foreign financial service suppliers to establish commercial presence in commercial banking shall be subject to a reciprocity test.	All Countries	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Maritime Transport Services				
Liner cargo trade	Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code  Under the above-mentioned arrangement, a Party to the UNCTAD Liner	All countries which have acceded to the UNCTAD Liner Code	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade.

	Code effectively implementing the Code is assured of at least 40 percent share of its bilateral export and import Liner cargo trade with the Philippines.			
Cabotage transport	<p>Access to domestic shipping is reserved for Philippine owned or registered vessels.</p> <p>However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation.</p>	All Countries	Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation	

**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**SINGAPORE’S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

## **SINGAPORE'S MODES 1-3 SERVICES SCHEDULE**

### EXPLANATORY NOTES

- a) This schedule specifies Singapore's services commitments for Modes 1, 2, and 3 only. This schedule does not include a Mode 4 component as this is covered in Singapore's Movement of Natural Persons schedule in Chapter 9 of the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA).
- b) The classification of service sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office unless otherwise indicated by the absence of a CPC number. The ordering reflects the services sectoral classification list as used in the GATT document MTN.GNS/W/120 dated 10 July 1991.
- c) The use of "\*\*\*" against individual CPC codes indicates that the specific commitment for that code shall not extend to the total range of services covered under that code. The entry "Unbound\*" means unbound due to lack of technical feasibility.

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE			
		3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions:	
		- A foreigner who wishes to register a business firm must have a local manager who should be a Singapore citizen or a Singapore Permanent Resident or a Singapore Employment Pass holder. (However, a foreigner who is a Singapore Permanent Resident or a Singapore Employment Pass holder can register a business without appointing a local manager.)	
		- At least one director of the company must be locally resident	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
		- All branches of foreign companies registered in Singapore must have at least 2 locally resident agents. (To qualify as locally resident, a person should be either a Singapore citizen or Singapore Permanent Resident or Singapore Employment Pass holder.)	
	1), 2), 3) Specific commitments in market access in any sector or subsector, through any mode of delivery, shall not be construed to override the limitations established in the financial services sector		

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
b. Accounting/Auditing Services (CPC 8621)	1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm / director of the corporation must be effectively resident in Singapore.	1) None	
	2) None 3) As in mode 1)	2) None 3) None	
<b>c. Taxation Services</b>			
Taxation services except for other tax-related services (CPC 863**)	1) None 2) None 3) None	1) None 2) None 3) None	



**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
d. Architectural Services (CPC 8671)	<p>1) None</p> <p>2) None</p> <p>3) <u>Limited corporation</u></p> <p>a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate;</p> <p>b) the business of the corporation, so far as it relates to such architectural services in Singapore, will be under the control and management of a director of the corporation who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate.</p> <p><u>Unlimited corporation</u></p> <p>a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate; and</p> <p>b) the business of the corporation, so far as it relates to architectural services in Singapore, will be under the control and management of a director of the corporation who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate.</p>	<p>1) None, except that the implementation in Singapore of architecture works which require approval by the authorities has to be carried out by an architect who is physically present in Singapore.</p> <p>2) None</p> <p>3) None</p>	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Partnership</u>  a) The beneficial interest in the capital assets and profits of the partnership must be held by registered architects or allied professionals who each has in force a valid practicing certificate,  b) the business of the partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate.</p> <p><u>Limited liability partnership</u>  a) at least one of the partners of the limited liability partnership is an architect or allied professional who has in force a valid practising certificate;  b) the business of the limited liability partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate.</p>		

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e. Engineering Services (CPC 8672**) The sectors covered by Engineering services are:			

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>e. Engineering Services (CPC 8672**)</p> <p>The sectors covered by Engineering services are:</p> <p>(a) Civil engineering services</p> <p>(b) Production engineering services</p> <p>(c) Mechanical engineering services</p> <p>(d) Electrical engineering services</p> <p>(e) Electronic engineering services</p> <p>(f) Aeronautical engineering services</p> <p>(g) Marine engineering services</p> <p>(h) Naval architectural engineering services</p> <p>(i) Industrial engineering services</p> <p>(j) Chemical engineering services</p>	<p>1) None</p> <p>2) None</p> <p>3) <u>Limited corporation</u></p> <p>a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practising certificate;</p> <p>b) the business of the corporation, so far as it relates to such professional engineering work in Singapore, will be under the control and management of a director of the corporation who is a registered professional engineer who has in force a valid practising certificate.</p> <p><u>Unlimited corporation</u></p> <p>a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practising certificate; and</p> <p>b) the business of the corporation, so far as it relates to professional engineering work in Singapore, will be under the control and management of a director of the corporation who is a registered professional engineer who has in force a valid practising certificate.</p>	<p>1) None, except that the implementation in Singapore of engineering works which require approval by the authorities has to be carried out by a professional engineer who is physically present in Singapore.</p> <p>2) None</p> <p>3) None</p>	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Multi-disciplinary Partnership</u>  a) The beneficial interest in the capital assets and profits of the partnership must be held by registered professional engineers and allied professionals who each has in force a valid practicing certificate,  b) the business of the partnership, so far as it relates to professional engineering work in Singapore, will be under the control and management of a partner who is a registered professional engineer; and has in force a valid practising certificate</p> <p><u>Limited liability partnership</u>  a) at least one of the partners of the limited liability partnership is a registered professional engineer who has in force a valid practising certificate;  b) the business of the limited liability partnership, so far as it relates to professional engineering work in Singapore, will be under the control and management of a partner who is a registered professional engineer who has in force a valid practising certificate.</p>		

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
g. Landscaping services (CPC 86742 **)	1) None 2) None 3) None	1) None 2) None 3) None	
h. Medical Services, specifically General Medical Services (CPC 93121) and Specialised Medical Services (CPC 93122)	1) Unbound* 2) None 3) None, other than the number of new foreign doctors registered each year may be limited depending on the total supply of doctors	1) None 2) None 3) None	
Dental Services (CPC 93123)	1) None 2) None 3) None	1) None 2) None 3) None	
i. Veterinary Services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and Related Services			
a. Consultancy Services Related to the Installation of Computer Hardware (CPC 84100)	1) None 2) None 3) None	1) None 2) None 3) None	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b. Software Implementation Services (CPC 842)	1) None 2) None 3) None	1) None 2) None 3) None	
c. Data Processing	1) None 2) None 3) None	1) None 2) None 3) None	
d. Database Services (CPC 84400)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			
a. R&D services on natural sciences, specifically biotechnology services and industrial research	1) None 2) None 3) None	1) None 2) None 3) None	
b. R&D services on social sciences and humanities, specifically economic and behavioural research (CPC 852**)	1) None 2) None 3) None	1) None 2) None 3) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
c. Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853** )	1) None 2) None 3) None	1) None 2) None 3) None	
<b>D. Real Estate Services</b>			
a. Residential and non-residential property management services on a fee or contract basis (CPC 82201, 82202)	1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. 2) None 3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.	1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. 2) None 3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.	
<b>E. Rental/Leasing Services without Operators</b>			



**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
a. Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b. Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a. Advertising services (CPC 8711, 8712, 8719)	1) None 2) None 3) None	1) None 2) None 3) None	
b. Market Research and public opinion polling services			
Commercial Market Research (CPC 86401)	1) None 2) None 3) None	1) None 2) None 3) None	
c. Management Consulting Services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e. Technical testing and analysis services			
Technical testing and analysis services of motor vehicles (CPC 8676**)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Technical testing and analysis services, excluding testing and analysis services of motor vehicles and classification societies (CPC 8676 **)	1) None 2) None 3) None	1) None 2) None 3) None	
o. Building cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	
p. Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q. Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
s. Convention Services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	
t. Other			
Translation/ Interpretation Services (CPC 87905)	1) None 2) None 3) None	1) None 2) None 3) None	
Interior Design Services, Excluding Architecture (CPC 87907**)	1) None 2) None 3) None	1) None 2) None 3) None	

## SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services			
Courier Services in respect of documents and parcels, excluding letters and postcards	1) Unbound 2) None 3) Unbound	1) None 2) None 3) None	
<b>C. Telecommunications Services</b>			
<u>General conditions statement</u>			
Commitments undertaken in this schedule are subject to the following conditions:			
1) The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. 2) This excludes services regulated under the Broadcasting Act			
1. Basic Telecommunication Services (facilities-based):	1) Subject to commercial arrangements with licensed operator(s) 2) None	1) None 2) None	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Public Switched Services <sup>1</sup> (local and international)  b) Leased Circuit Services (local and international)	3) Up to two additional operators will be licensed in 1998 for the provision of these services commencing 1 April 2000. Thereafter, additional licences will be granted.  A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment in these operators is allowed.	3) None	
2. Mobile Services <sup>2</sup> :  a) Public Mobile Data Service (PMDS)  b) Public Trunked Radio Service (PTRS)  c) Public Radio Paging Service (PRPS)	1) Subject to commercial arrangements with licensed operator(s).  2) None  3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.	1) None  2) None  3) None	

<sup>1</sup>This includes voice, data and facsimile services.

<sup>2</sup>Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia Services

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
d) Public Cellular Mobile Telephone Service (PCMTS)			
3. Resale basis:	1) None	1) None	
a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched network)	2) None 3) None	2) None 3) None	
b) Leased Circuit Services (local and international) (without connection to the public switched network)			
c) Public Cellular Mobile Telephone Services			
d) Public Radio Paging Services			
4. Value-added Network (VAN)	1) Provision of VAN services is subjected to licence from the Infocomm	1) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>services</p> <p>The services covered are:</p> <ul style="list-style-type: none"> <li>- electronic-mail</li> <li>- voice-mail</li> <li>- on-line information and data-base retrieval</li> <li>- electronic data interchange</li> <li>- on-line information and/or data processing</li> <li>- store-and-forward (S&amp;F)</li> <li>- store-and-retrieve (S&amp;R)</li> </ul>	<p>Development Authority of Singapore(IDA)</p> <p>The basic requirements for VAN licence are:</p> <ul style="list-style-type: none"> <li>- Foreign companies are required to either set up a local branch of their company duly registered with the Registry of Companies and Businesses in Singapore, or grant a power of attorney to a local agent for the provision of their VAN services in Singapore.</li> <li>- VAN does not carry traffic which resembles any of the basic telecommunication services</li> </ul> <p>2) None</p> <p>3) Same as mode 1</p>	<p>2) None</p> <p>3) None</p>	
D. Audiovisual Services			

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) the services covered are production, distribution and public display of <ul style="list-style-type: none"> <li>- motion pictures</li> <li>- video recordings</li> <li>- sound recordings,</li> </ul> except where excluded under (ii) (CPC 9611, CPC 9612)	1) None 2) None 3) None	1) None 2) None 3) None	
(ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being <ul style="list-style-type: none"> <li>- Free-to-air</li> <li>- broadcasting Cable and pay television</li> <li>- Direct broadcasting by satellite</li> <li>- Teletext</li> </ul>			



**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Construction Services Consisting of: - General Construction for Buildings (CPC 512) - General Construction work for civil engineering (CPC 513) - Installation and assembly work (CPC 514 + 516) - Building Completion and finishing work (CPC 517) - Others (CPC 511 + 515 + 518)	1) None 2) None 3) None	1) None 2) None 3) None	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>	<p><u>Horizontal limitations on Market Access and National Treatment</u>                      Unless otherwise specified, distribution services of any product subject to import prohibition or non-automatic import licensing shall be excluded from the scope of these commitments.</p> <p>Singapore reserves the right and flexibility to modify and / or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import prohibition or non-automatic import licensing regime.</p>		
A. Commission Agents' Services			
Commission agents' services except for: pharmaceutical and medical goods and cosmetics (CPC 621, except CPC 62117)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale Trade Services			
Wholesale trade services except for pharmaceutical goods and medical goods and surgical and orthopaedic instruments (CPC 622 **)	1) None 2) None 3) None	1) None 2) None 3) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>5. EDUCATION SERVICES</b>	Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of university degrees for the purposes of admission, registration and qualification for professional practice in Singapore.		
D. Adult education services (CPC 924 n.e.c.)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>6. ENVIRONMENTAL SERVICES</b>			
C. Sanitation and similar services (CPC 9403)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
D. Cleaning services of exhaust gases (CPC 9404)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
E. Noise abatement services (CPC 9405)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

## SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<p>A. <u>Insurance and insurance-related services</u></p> <p>All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article 10 of the Trade in Services Chapter of the AANZFTA and Article 3 of the Annex on Financial Services of the AANZFTA.</p>			
(a) Life insurance services including annuity, disability income, accident and health insurance services	<p>1) Unbound 2) None 3) These measures are also limitations on national treatment. Foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder. Unbound for licensing of new insurance companies and establishment of new representative offices and activities relating to the use including via investment, of monies from any social security, public retirement or statutory savings scheme.</p>	<p>1) Unbound 2) None 3) None</p>	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee	1) Unbound 2) None except that compulsory insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore.  3) Foreign parties can only acquire equity stakes of up to 49% in aggregate in locally owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder. Unbound for licensing of new insurance companies and establishment of new representative offices.	1) Unbound 2) None  3) None	
(c) Reinsurance and retrocession	1) None 2) None 3) None except that reinsurance companies must be established as branches or subsidiaries.	1) None 2) None 3) None	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Insurance intermediation comprising broking and agency services	1) Unbound 2) These measures are also limitations on national treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic risks outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of shipowners insured by protection and indemnity clubs. 3) These measures are also limitations on national treatment. Unbound except for admission of direct <sup>3</sup> insurance and reinsurance brokers as locally incorporated subsidiaries.	1) Unbound 2) None  3) Unbound	
(e) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>3</sup> Direct insurance broker means an insurance broker which is licensed under the Insurance Act in respect of insurance policies relating to general insurance and long term accident and health policies, other than insurance policies relating to reinsurance business.

## SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>B. Banking and other financial services</b></p> <p>All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of MAS or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article 10 of the Trade in Services Chapter of the AANZFTA and Article 3 of the Annex on Financial Services of the AANZFTA.</p>			
(a) Acceptance of deposits and other repayable funds from the public	1) Unbound 2) None 3) These measures are also limitations on national treatment. Only institutions licensed or approved as banks, merchant banks and finance companies can accept deposits.	1) Unbound 2) None 3) <u>Commercial banks</u> Foreign banks can operate from only one office (excluding back-office operations).	
	Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country depositors in receivership or winding-up proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore law.	They cannot establish off-premise ATMs and ATM networking and new sub-branches. Unbound for provision of all electronic banking services. Location of banks and relocation of banks and sub-branches require prior approval from MAS.  Wholesale banks can only accept foreign currency fixed deposits from and operate current accounts for residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S\$250,000 or more per deposit.	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Establishment and operation of foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B(l) and the following limitations:</p> <p><u>Commercial banks</u> No new full and Wholesale banks. New foreign banks may only establish as offshore bank branches or representative offices. Representative offices cannot conduct business or act as agents.</p> <p>Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents. A single / related group of foreign shareholders can only hold up to 5 per cent of a local bank's shares.</p>	<p>Offshore banks can accept foreign currency fixed deposits from residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S\$250,000 or more per deposit from non-residents.</p> <p>A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents<sup>4</sup>.</p>	

<sup>4</sup> MAS may permit a bank incorporated in Singapore which is a wholly owned subsidiary of a bank of another Member incorporated outside Singapore, to have less than a majority of directors who are either Singapore citizens or Singapore permanent residents.



**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p><u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches.</p>	<p><u>Merchant banks</u> Merchant banks can operate from only one office (excluding back-office operations). Location and relocation of merchant banks require MAS' prior approval.</p> <p>Merchant banks can, with MAS' authorization, raise foreign currency funds from residents and non-residents, operate foreign currency savings accounts for non-residents and raise Singapore dollar funds from their shareholders and companies controlled by their shareholders, banks, other merchant banks and finance companies.</p>	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Finance companies</u>                      No new finance companies.                      No foreign person shall acting alone or in concert with other persons, assume control of any finance company. A foreign person is a person that is:</p> <ul style="list-style-type: none"> <li>(a) in the case of a natural person, not a citizen of Singapore and</li> <li>(b) in the case of a corporation, not controlled by citizens of Singapore.</li> </ul> <p>Approval from the MAS is required before a person (together with associated persons) is allowed to acquire shareholdings or voting control in a finance company of or exceeding 5%, 12% and 20%, and before he obtains effective control of the finance company. In approving applications to exceed the threshold limits, MAS may impose conditions it considers necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system.</p> <p>All finance companies, local and foreign-owned, can only conduct Singapore dollar business. With MAS' prior approval, eligible finance companies can also deal in foreign currencies, gold or other precious metals, and acquire foreign currency stocks, shares or debt/convertible securities.</p>	<p><u>Finance companies</u>                      Location of finance companies and relocation of sub-branches require MAS' prior approval.                      Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches.</p>	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction	<p>1) Unbound. Measures taken are also limitations on national treatment.</p> <p>2) None</p> <p>3) These measures are also limitations on national treatment.</p> <p>(i) Other than in-house credit cards, credit and charge cards may be issued by card issuers approved by MAS subject to MAS' guidelines.</p> <p>(ii) Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad. Financial entities shall not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.</p> <p>(iii) Establishment of credit companies which do not conduct activities requiring MAS' approval is allowed.</p>	<p>1) None</p> <p>2) None</p> <p>3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S\$200m in aggregate. Offshore banks should not use their related merchant banks to circumvent the S\$200m lending limit. Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.</p>	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Financial leasing	1) None 2) None 3) None except as indicated for activity B(b) above.	1) None 2) None 3) None except as indicated for activity B(b) above.	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers' drafts	1) Unbound 2) None 3) These measures are also limitations on national treatment. Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens.  Bankers' drafts can only be issued by banks. Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS. The limitations indicated in B.b)3) above also apply to the activities in B.d).	1) Unbound 2) None 3) None	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Guarantees and commitments	<p>1) None except for the limitations indicated in activity A.b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee.</p> <p>2) None</p> <p>3) None except for the limitations indicated in activity A.b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee, and B.b) 3) (ii) above.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - money market instruments (including cheques, bills, certificates of deposit) - foreign exchange - derivative products, including financial futures and options	<p>1) Unbound except for trading in products listed in B.(f) for own account. Trading in money market instruments, foreign exchange, as well as exchange rate and interest rate instruments can be conducted with financial institutions only. Measures taken are also limitations on national treatment.</p> <p>2) None</p> <p>3) These measures are also limitations on national treatment.                      Banks and merchant banks are required to set up separate subsidiaries to trade financial futures for customers.</p>	<p>1) None</p> <p>2) None</p> <p>3) None except as indicated for activity B(b) above.</p>	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>- exchange rate and interest rate instruments, including swaps and forward rate agreements</p> <p>- transferable securities</p> <p>- other negotiable instruments and financial assets, including bullion</p>	<p>Financial futures brokers can establish as branches or subsidiaries. The offer of derivative products by both local and foreign-owned financial institutions is allowed provided:</p> <ul style="list-style-type: none"> <li>- the product has been offered by the financial institution in other internationally-reputable financial centres and the supervisory authorities of those centres agree to the offer of such products in their markets;</li> <li>- the financial institution's parent supervisor and its head office must be aware and have no objection to the offer of such products in the Singapore branch / subsidiary; and</li> <li>- MAS is satisfied that the financial institution has and continues to have the financial strength and adequate internal controls and risk management systems to trade in these products.</li> </ul> <p>The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B.b) 3) (ii).</p> <p>Moneychangers, except where the moneychanging business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens.</p>		

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues	1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stockbroking companies, banks or merchant banks in Singapore. Measures taken are also limitations on national treatment. 2) None	1) None  2) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>3) Measures taken are also limitations on national treatment.                      Singapore Exchange Securities Trading Ltd (SGX-ST) will admit new trading members. New members will be able to trade directly in S\$ denominated securities of Singapore incorporated companies with resident investors for a minimum value of S\$200,000.                      Representative offices cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interests in SGX-ST member companies.                      Banks' and merchant banks' membership on SGX-ST and Singapore Exchange Derivatives Trading Ltd (SGX-DT) must be held through subsidiaries.                      Unbound for new Primary and Registered dealers of Singapore Government Securities.</p>	<p>3) None except as indicated for activity B.b) above.</p>	
(h) Money broking	<p>1) Unbound                      2) None                      3) Unbound for new money brokers.                      Measures taken are also limitations on national treatment.</p>	<p>1) Unbound                      2) None                      3) None</p>	



### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	1) Unbound 2) None 3) These measures are also limitations on national treatment. Asset management companies, custodial depositories, and trust services companies can establish as branches, or subsidiaries. Only the Central Depository Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system. Unbound for activities relating to the use, including via investment, of monies from any social security, public retirement, or statutory saving scheme.	1) Unbound 2) None 3) None	
(j) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments	1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only. 2) None 3) These measures are also limitations on national treatment. Settlement and clearing services for exchange traded securities and financial futures can only be provided by Central Depository (Pte) Limited and SGX-DT respectively.	1) Unbound  2) None 3) Unbound	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Only one clearing house established under the Banking Act may provide clearing services for Singapore dollar cheques and interbank fund transfer.		
(k) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	1) Commercial presence is required for provision of investment and portfolio research and advice to the public. 2) None 3) Financial advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents.	1) None  2) None 3) None	

### SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	<p>1) Unbound except for the provision of financial information by providers such as Reuters and Bloomberg. Measures taken are also limitations on national treatment. The Singapore branches of foreign banks can transmit data to their head offices and sister branches for processing provided proper controls exist, the integrity and confidentiality of the data/ information are safeguarded, and MAS is allowed on-site access to the data / information at the place where the data / information is processed.</p> <p>2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on national treatment.</p> <p>3) The provision of financial information by providers, such as Reuters and Bloomberg, is allowed. The provision of financial data processing services to banks and merchant banks is subject to domestic laws on protection of confidentiality of information of customers of banks and merchant banks.</p>	<p>1) None for the provision of financial information by providers such as Reuters and Bloomberg.</p> <p>2) None</p> <p>3) None</p>	
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>	Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments		

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
B. Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, run on a commercial basis (CPC 93193 **)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
C. Guidance and counselling services not elsewhere classified related to children (CPC 93322)	1) Unbound 2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore 3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	1) Unbound 2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore 3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
a. Hotel and Restaurants (including catering)			

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Hotel Lodging Services (CPC 64110)	1) Unbound* 2) None 3) None	1) None 2) None 3) None	
Restaurant and Catering Services (CPC 64210, 64230)	1) None 2) None 3) None	1) None 2) None 3) None	
b. Travel Agent and Tour Operators Services (CPC 7471)	1) None 2) None 3) None	1) None 2) None 3) None	
c. Tourist Guide Services (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES)</b>			
A. Circus, amusement park and similar attraction services (CPC 96194)	1) None 2) None 3) Unbound, except foreign equity ownership permitted up to 30%	1) None 2) None 3) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
a. Library services (CPC 96311)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
International maritime transport (freight and passengers) excluding cabotage transport (7211 **, 7212 **)	1) None 2) None 3) None, except on the registration of Singapore flag ships as specified in the Merchant Ships Act.	1) None 2) None 3) None	When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions:

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<ul style="list-style-type: none"> <li>- pilotage;</li> <li>- towing and tug assistance;</li> <li>- provisioning fuelling and watering;</li> <li>- garbage collecting and ballast; waste disposal</li> <li>- port captain's services;</li> <li>- navigation aids emergency;</li> <li>- repair facilities;</li> <li>- anchorage; and</li> <li>- other shore-based operational services essential to ship operations, including communications, water and electrical suppliers.</li> </ul>
Maritime Auxiliary Services: Shipping agency services	1) None 2) None 3) None	1) None 2) None 3) None	

**SINGAPORE – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Maritime Auxiliary Services:  Shipping brokerage Services	1) None 2) None 3) None	1) None 2) None 3) None	
Maritime Auxiliary Services:  Classification societies, except for statutory services for Singapore flag ships	1) None 2) None 3) None	1) None 2) None 3) None	



**TYPES OF SOCIAL SERVICES EXCLUDED FROM SINGAPORE'S SCHEDULE OF COMMITMENTS**

- 1 Statutory Supervision Services With Accommodation for the Following Types of Clients (CPC 9331):
- a) women and girls detained in a place of safety under Section 160 of the Women's Charter (CPC 93312);
  - b) children detained in a place of safety under Section 8 of the Children & Young Persons (CYP) Act (CPC 93312);
  - c) children and young persons detained in a place of detention under Section 44 (1) (f) CYP Act, or on probation to an approved school<sup>1</sup> under Section 44 (1) (g) of the CYP Act (CPC 93319);
  - d) children and young persons admitted to an approved home for statutory supervision under Section 49 (ii) of CYP Act (CPC 93312);
  - e) persons placed on probation with the requirement of residence in an approved institution under Section 12 of the Probation of Offenders Act (CPC 93319).
- 2 Statutory Supervision Services Without Accommodation for the Following Types of Clients (9332):
- a) children and young persons placed under supervision of an appointed welfare officer under Section 49 (i) of the CYP Act (CPC 93329);
  - b) persons placed on probation without the requirement of residence in an approved institution under Section 5 of the Probation of Offenders Act (CPC 93329).

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<sup>1</sup> The term 'approved school' used in Section 44(1) (g) of the CYP Act denotes a remand home for young offenders, and not a mainstream educational institution. Young offenders are detained in an 'approved school' for rehabilitation rather than for formal education.

**Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area**

**THAILAND'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	1), 2), 3) The obligations of Thailand under This Agreement with respect to permanent Residents of the other Parties: Unbound  Thailand reaffirms its rights and obligations regarding permanent residents as set out in its schedule of specific commitments in GATS. Nevertheless, where Parties exercise such rights, they shall not exercise through this Agreement.	1), 2), 3) The obligations of Thailand under This Agreement with respect to permanent residents of the other Parties: Unbound  Thailand reaffirms its rights and obligations regarding permanent residents as set out in its schedule of specific commitments in GATS. Nevertheless, where Parties exercise such rights, they shall not exercise through this Agreement.	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector-specific level, commercial presence in sectors or sub-sectors in this schedule is permitted only through a limited liability company which is registered in Thailand and which meets the following conditions:</p> <p>(a) Foreign equity participation must not exceed 49 per cent of the registered capital; and</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned.</p>	<p>3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector-specific level, for commercial entity incorporated pursuant to Thailand's laws and regulations with foreign equity participation not exceeding 49 percent of the registered capital : None</p> <p>Others : Unbound</p>	

Note:

1. The scope and classification of sub-sectors contained in this schedule, unless otherwise specified, corresponds to the explanatory notes for services listed in the 1991 Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering is based on the Services Sectoral Classification List set out in document MTN.GNS/W/120 dated 10 July 1991.
2. The use of "\*\*\*" indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.	Acquisition and usage of land: Unbound, except as provided in the MA column	
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES A. <u>Professional Services</u>  (a) Legal services (CPC 86111+86119+86120+86130+86190)  (b) Accounting, auditing and bookkeeping services (CPC 86211 to 86213 +86219+86220)	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(d) Architectural services (CPC 86711 to 86714+86719)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(e) Engineering services (CPC 86721 to 86727 +86729)	1) None 2) None 3) None	1) Unbound 2) None 3) None	
(g) Urban planning and landscape architectural services (CPC 86741 to 86742)	1) None 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Computer and Related Services</u></p> <p>(a) Consultancy services related to the installation of computer hardware (CPC 84100)</p> <p>(b) Software implementation services (CPC 84210+84220+84230+84240+84250)</p> <p>(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320+84330+84390)</p> <p>(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Other computer services: software training services for staff of clients (part of CPC 84900)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
E. <u>Rental/Leasing Services without Operators</u>			
(d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
F. <u>Other Business Services</u>			
(a) Advertising services (CPC 871110+87120+87190)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	



**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(b) Market research and public opinion polling services (CPC 86401 to 86402)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(c) General management consulting services (CPC 86501)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Technical testing and analysis services (CPC 86761+86769)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Services incidental to agriculture:  Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing - storing  Soil analysis laboratory  Soil survey and land use Planning  Cover crop seed multiplication	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None  1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Services incidental to forestry:  Forestry consultant services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(g) Services incidental to fishing:  International trading, exporting products services (broker)  Quality analysis services  Canning process analysis services	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Technical services - Consulting - Research on marketing - Quality control	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(h) Services incidental to mining at oil and gas fields	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(m) Related scientific and technical consulting services (CPC 8675**) Oil and gas exploration	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(q) Packaging services (CPC 87600)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(t) Other Translation and interpretation services (CPC 87905)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

2. COMMUNICATION SERVICES

C. Telecommunications Services

Commitments undertaken in this offer are subject to the following general conditions:

- Each service to be supplied in Thailand requires a specific licence issued by the National Telecommunications Commission (NTC).
- Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory.
- Due to scarce resources, the number of licenses may be limited.
- The services in the Schedule of Specific Commitments shall be on facilities basis.
- The service provider shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital. The NTC may prescribe the prohibition that the applicant for certain nature or categories of telecommunications business who is a juristic person, shall not commit any other act which has the nature of business takeover by a person who is not of Thai nationality.

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Public local, domestic long distance and international services:</p> <p>(a) Voice telephone services                      (d) Telex services                      (e) Telegraph services                      (f) Facsimile services</p>	<p>1),2) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p> <p>3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p>	<p>1),2) None</p> <p>3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(j) Data base access services (part of CPC 7523)  (n) On-line information and/or data processing services (part of CPC 843)  (o) Other  - Telecommunications equipment sales services (part of CPC 75420) - Telecommunications consulting services (CPC 75440)	1) Service providers must use networks operated by suppliers duly licensed  2) None 3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital.  (b) Must use networks operated by suppliers duly licensed   1) Unbound 2) None 3) None	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent           1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Videotext (part of CPC 75299)</li> <li>- Teleconference (part of CPC 75292)</li> <li>- Domestic leased circuits (part of CPC 75299)</li> </ul>	<ul style="list-style-type: none"> <li>1) Service providers must use networks operated by suppliers duly licensed</li> <li>2) None</li> <li>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital.</li> <li style="padding-left: 20px;">(b) Must use networks operated by suppliers duly licensed</li> <li style="padding-left: 20px;">(c) Selection of service providers shall be based on open tender</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) No limitations as long as foreign equity participation does not exceed 40 per cent</li> </ul>	
<p>D. <u>Audiovisual Services</u></p>			
(a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> </ul>	
(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> </ul>	



**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. <u>Construction work for buildings</u> (CPC 512)</p> <p>B. <u>Construction work for civil engineering</u> (CPC 513)</p> <p>C. <u>Installation Work</u> (CPC 516)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p>	
<p>4. DISTRIBUTION SERVICES</p> <p>A. <u>Commission Agents' Services</u> (CPC 6211)</p>	<p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>5. EDUCATIONAL SERVICES</p> <p>A. <u>Primary education services</u> (CPC 921**)</p> <p>International and national school education services (CPC 9219)</p> <p>B. <u>Secondary education services</u> (CPC 922**)</p> <p>International and national school education services (CPC 9221+9222)</p> <p>Technical and vocational education services (CPC 9223+9224)</p> <p>C. <u>Higher education services</u> (CPC 92300)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound 2) None 3) Unbound</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound 2) None 3) Unbound</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Adult education services</u> (CPC 924**) Professional and/or Short Courses Education Services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
E. <u>Other education services</u> (CPC 929**) Foreign language tuition services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
6. ENVIRONMENTAL SERVICES A. <u>Sewage services</u>  Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401)	1) None 2) None 3) None	1) None 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Environmental Protection and Environmental Abatement Services (CPC 9401)	1) None 2) None 3) None	1) None 2) None 3) None	
Sewage Services (including industrial waste water treatment system) (CPC 9401)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
B. <u>Refuse disposal services</u> (including hazardous waste management and incinerator) (CPC 9402)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
C. <u>Sanitation and similar services</u> (CPC 9403)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Other</u>  - Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)  - Noise abatement services (CPC 9405)  - Nature and landscape protection services (CPC 9406)  - Other environmental protection services (CPC 9409)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <ul style="list-style-type: none"> <li>- With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or sub-sector of banking and other financial services only to the extent that their respective governing legislation permit them to do so.</li> <li>- All commitments in this sector are subject to horizontal commitments in Thailand's AANZFTA schedule of Specific Services Commitments.</li> </ul>			
<p>A. <u>Insurance including Reinsurance and retrocession</u></p> <p>(a) Life insurance services (CPC 81211)</p>	<p>1) None                  2) None                  3) (a) Foreign equity participation limited to 25 per cent of registered share capital.                  (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet.</p>	<p>1) None                  2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies.                  3) None other than that indicated in the MA column</p>	

### THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Non-life insurance Services (CPC 8129)  (d) Services auxiliary to insurance (excluding pension funding services)  Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts)	1) Unbound except for international marine, aviation and transit and all classes of reinsurance. 2) None 3) (a) Foreign equity participation limited to 25 per cent of registered share capital. (b) New establishment is subject to license approved by the Minister with the consent of the Cabinet.	1) Unbound 2) None 3) None other than that indicated in the MA column	
	1) Unbound 2) Unbound 3) Foreign equity participation not to exceed 25 per cent.	1) Unbound 2) Unbound 3) None other than that indicated in the MA column	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Insurance consultancy services excluding pension consulting services (CPC 81402)	1) None 2) None 3) None	1) None 2) None 3) None	
Average and loss adjustment services (CPC 81403)	1) None 2) None 3) None	1) None 2) None 3) None	
Actuarial Services (CPC 81404)	1) None 2) None 3) None	1) None 2) None 3) None	
Services auxiliary to financial intermediation other than to insurance and pension funding services			
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	1) None 2) None 3) (a) As indicated in B(3)(j) below. (b) Financial institutions must obtain prior approval from the Bank of Thailand.	1) None 2) None 3) None	



**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Financial consultancy services (CPC 81332)	1) Unbound 2) None 3) None	1) None 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Banking and Other Financial Services</u></p> <p>Acceptance of deposits and other repayable funds from the public</p> <p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions</p> <p>Financial leasing</p> <p>Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts</p>	<p>1) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>2) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>3) (a) Representative office of banks: None.</p> <p>(b) Foreign bank branches:</p> <p>I. None for existing foreign bank branches under present shareholding structure.</p> <p>New establishment is subject to licence approved by the Minister of Finance with the consent of the Cabinet.</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Representative office of banks: None</p> <p>(b) Foreign bank branches: None, except as indicated in the market access column.</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Guarantees and commitments</p> <p>Trading for own account, or for account of customers in the following:</p> <p>(a) money market instruments</p> <p>(b) foreign exchange</p> <p>(c) exchange rate and interest rate instruments</p> <p>(d) transferable securities</p> <p>Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues</p>	<p>II. ATM operations permitted under the following conditions only:</p> <p>(i) joining ATM pools operated by Thai banks; or</p> <p>(ii) operation within own premises or sharing the facilities with other commercial banks in Thailand.</p> <p>III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches.</p> <p>IV. None for participation in cheque clearing and settlement system.</p> <p>(c) Locally incorporated banks</p> <p>I. Market access limited to the acquisition of shares of existing banks.</p>	<p>(c) Locally incorporated banks</p> <p>None, except as indicated in the market access column</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Asset management as follows:</p> <ul style="list-style-type: none"> <li>- cash or portfolio management</li> <li>- collective investment management</li> <li>- custodian and depository services</li> </ul> <p>Advisory, intermediation and other auxiliary financial services</p> <p>Provision and transfer of financial information, and financial data processing and related software</p>	<p>II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.</p> <p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p>		

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>- the relaxation is deemed necessary to improve the condition or business of the commercial bank;</li> <li>- such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding.</li> </ul>		

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(d) International Banking Facility<sup>1</sup> New establishment is subject to licence approved by the Minister of Finance.</p> <p>(e) Finance companies and credit foncier companies</p> <p>I. None for representative offices.</p> <p>II. Market access limited to the acquisition of shares of existing companies.</p> <p>III. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent.</p>	<p>(d) International banking facility None, except as indicated in the market access column</p> <p>(e) Finance companies and credit foncier companies None, except as indicated in the market access column</p>	

<sup>1</sup> IBF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> <li>- the relaxation is deemed necessary to improve the condition or business of the finance companies and credit foncier companies;</li> <li>- such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding.</li> </ul>		

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(f) Securities companies Securities brokerage, securities dealing, investment advisory service and securities underwriting:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.</p> <p>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital.</p> <p>(g) Asset management companies:</p> <p>I. None for representative offices.</p>	<p>(f) Securities companies None, except as indicated in the market access column</p> <p>(g) Asset management companies None, except as indicated in the market access column</p>	



**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>II. Market access limited to share acquisition of existing companies.</p> <p>III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per cent of paid-up registered capital.</p> <p>IV. After five years, maximum foreign equity participation is limited to 49 per cent of paid-up registered capital</p>		

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(h) Financial leasing services Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> <p>(i) Factoring services Can only be provided by factoring companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p>	<p>(h) Financial leasing services None</p> <p>(i) Factoring services None</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(j) Credit, charge and debit cards Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 percent of paid-up registered capital or locally incorporated banks and foreign bank branches.</p> <p>The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced.</p>	<p>(j) Credit, charge and debit cards None</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and Restaurants</u></p> <p>Hotel lodging services (CPC 64110)</p> <p>Camping and caravan site Services (CPC 64195)</p> <p>Restaurant Services (CPC 64210)</p> <p>Catering Services (CPC 64230)</p> <p>B. <u>Travel Agency and Tour Operator Services</u></p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Travel agency and tour operator services (CPC 74710)  D. <u>Other</u> Hotel management services	1) Unbound 2) None 3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality  1) Unbound 2) None 3) None	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES  D. <u>Sporting Services and other recreational services</u>  Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Other recreational services (CPC 9649**) Recreation Park and Beach Services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime Transport Services</u></p> <p>(a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Unbound (b) None</p>	<p>The following services at the port provided by the government or government enterprise are made available, to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage<sup>2</sup></li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port captain's service</li> <li>6. Navigation aids</li> </ol>

<sup>2</sup> A Thai captain of a Thai ship which sails regularly in certain compulsory pilotage area may be permitted to pilot the ship in the area.

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			7. Shore-based operational services essential to ship operations, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services



**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)	1) None other than: Traffic between Thailand-China and Thailand-Vietnam may not be fully participated in by vessels of third countries. 2) None 3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section	1) None 2) None 3) (a) Unbound (b) None other than: (i) Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies (ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax	1) See Note to the schedule (b) See Note to the schedule

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) International towing (CPC 7214)	1) None 2) None 3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section	1) None 2) None 3) (a) Unbound  (b) None	
(f) Supporting Services for maritime transport (CPC 745**)			
Shore reception facilities (collection of waste/oily water from ships)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
Port captain's services attached to specific foreign vessels	1) None 2) None 3) None	1) None 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels	1) None other than those under regulations stipulated by the Harbour Department 2) None 3) None	1) None 2) None 3) None	
Freight forwarding services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
C. <u>Air Transport Services</u>			
(d) Aircraft repair and maintenance services (CPC 8868)	1) None 2) None 3) Services providers must perform their services outside the prescribed apron.	1) None 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Supporting services for air transport (CPC 746**) Selling and marketing of air transport services	1) None 2) None 3) None	1) Unbound 2) Unbound 3) None	
<b>E. Rail Transport Services</b>			
(d) Maintenance and repair of rail transport equipment (CPC 8868)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
(e) Supporting Services for rail transport services (CPC 743**) Passenger and freight car cleaning services Security services at railway station	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	1) Unbound 2) None 3) None  1) Unbound 2) None 3) None	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>F. <u>Road Transport Services Other non-scheduled passenger transportation</u></p> <p>(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)</p> <p>(c) Rental services of passenger cars with operator (CPC 71222)</p> <p>(c) Rental services of buses and coaches with operator (CPC 71223)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality</p> <p>1) Unbound</p> <p>2) None</p> <p>3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality</p> <p>1) Unbound</p> <p>2) None</p> <p>3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p>	

**THAILAND - SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
H. <u>Services Auxiliary to All Modes of Transport</u>  (b) Storage and warehousing services (CPC 742)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

Reference Paper

NOTE TO THE SCHEDULE

1. Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to and use of these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

2. "Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which enter the port at a later date.

3. Definitions:

3.1 "cabotage": for the purpose of this schedule, means the transportation or towage of passengers or goods, between a port or place located in Thai waters and another port or place located in Thai waters.

3.2 "Other forms of commercial presence for the supply of international maritime transport services": for the purpose of this schedule, means the ability for international maritime transport service suppliers of other members to undertake locally the following:

- (a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
- (b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated service;
- (c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;
- (d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.

3.3 "Multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

3.4 "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information.

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**Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area**

**VIET NAM'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>I. HORIZONTAL COMMITMENTS</b></p> <p>Until such time as Viet Nam adopts domestic laws, regulations or policies which enable it to accord substantially the same treatment to the permanent residents of another country as it does to the nationals of that country, the obligations of Viet Nam with respect to the permanent residents of the other Parties shall be limited to its obligations under the GATS, as specified in its Protocol of Accession to the WTO, and the obligations of the other Parties with respect to the permanent residents of Viet Nam, shall be limited to their obligations under the GATS.</p>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>(3) None, except:</p> <p>Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises<sup>1</sup> are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract<sup>2</sup>, joint venture enterprise, 100% foreign-invested enterprise.</p> <p>Representative offices of foreign service suppliers are permitted to be established in Viet Nam,</p>	<p>(3) None, except:</p> <p>Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-</p>	

<sup>1</sup> For clarity purpose, the terms of “foreign enterprise”, “foreign capital” and other equivalent terms used in this Schedule shall be interpreted and generally regulated in accordance with laws and regulations on foreign investment of Viet Nam.

<sup>2</sup> Business co-operation contract is a document which is signed by two or more parties (of which at least one party must be Vietnamese legal entity and one party must be foreign legal entity) and which stipulates the responsibilities of, and the sharing of business results between, the parties for the purpose of conducting investment and business in Viet Nam without creating a legal entity.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>but they shall not engage in any direct profit-making activities<sup>3</sup>.</p> <p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p>	<p>visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.</p> <p>The commitments in movement of natural persons relating to Mode 3 shall be subject to commitments of Viet Nam in Annex 4 (Schedules of Movement of Natural Persons Commitments) of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area.</p>	
	<p>The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement</p>		
	<p>Foreign-invested enterprises shall be permitted by competent authorities of</p>		

<sup>3</sup> Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities.</p> <p>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In this case, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.</p> <p>Upon the entry into force of this Agreement<sup>4</sup>, the 30% foreign equity limitation for acquisition of Vietnamese enterprises shall be</p>		

<sup>4</sup> Any date or timeline otherwise specified in this Schedule which may be earlier than the date of entry into force of this Agreement shall be automatically understood as the date of entry into force of this Agreement.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>eliminated, except for capital contribution in the form of buying shares of joint-stock commercial banks, and except for the sectors not committed in this Schedule. For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.</p> <p>The commitments in movement of natural persons relating to Mode 3 shall be subject to commitments of Viet Nam in Annex 4 (Schedules of Movement of Natural Persons Commitments) of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area.</p>		
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal services (CPC 861, excluding:	(1) None. (2) None.	(1) None. (2) None.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;</li> <li>- legal documentation and certification services of the laws of Viet Nam)</li> </ul>	<p>(3) Foreign lawyers organizations<sup>5</sup> are permitted to establish commercial presence in Viet Nam in the following forms:</p> <ul style="list-style-type: none"> <li>- Branches of foreign lawyers organizations;</li> <li>- Subsidiaries of foreign lawyers organizations;</li> <li>- Foreign law firms<sup>6</sup>;</li> <li>- Partnerships between foreign lawyers organizations and Viet Nam's law partnerships.</li> </ul> <p>Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.</p> <p>Commercial presences of foreign</p>	<p>(3) None.</p>	

<sup>5</sup> A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

<sup>6</sup> Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>lawyers organizations are allowed to employ Vietnamese lawyers who meet practicing requirements in accordance with provisions of Vietnamese laws.</p> <p>Foreign lawyers who have lawyer practicing licence in Viet Nam, issued by Vietnamese competent authority, are allowed to practice in Vietnamese law firms to make consultations on foreign law and international law.</p>		
(b) Accounting and auditing and bookkeeping services (CPC 862)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
(c) Taxation services (CPC 863)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
(d) Architectural services (CPC 8671)	<p>(1) None. (2) None. (3) None, except:</p> <p>For the period before 11 January 2009, 100% foreign-</p>	(1) None. (2) None. (3) None.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>invested enterprises may only provide services to foreign-invested enterprises in Viet Nam.</p> <p>Foreign enterprises have to be juridical persons of another Party.</p>		



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(e) Engineering services (CPC 8672)	(1) None. (2) None. (3) None, except:	(1) None. (2) None. (3) None, except:	
(f) Integrated engineering services (CPC 8673)	For the period before 11 January 2009, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam.  Foreign enterprises have to be juridical persons of another Party.	The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam <sup>7</sup> .	
(g) Urban planning and urban landscape architectural services (CPC 8674)	(1) None.  (2) None. (3) None, except:  As of 11 January 2009, 100%	(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam.  (2) None. (3) None, except the responsible foreign architects working in foreign-invested enterprises must	

<sup>7</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>foreign-invested enterprises may be established.</p> <p>For the period before 11 January 2009, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam. Foreign enterprises have to be juridical persons of another Party.</p>	<p>have the professional practicing certificate granted or recognized by the Government of Viet Nam. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service<sup>8</sup>.</p>	
(i) Veterinary services (CPC 932) <sup>9</sup>	<p>(1) None. (2) None. (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities.</p>	<p>(1) None. (2) None. (3) None.</p>	
<b>B. Computer and Related Services (CPC 841-845, CPC 849)</b>			
	<p>(1) None. (2) None. (3) None, except:</p>	<p>(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in</p>	

<sup>8</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

<sup>9</sup> Excluding keeping micro-organism strain for veterinary.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>For the period before 11 January 2009, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam.</p> <p>As of 11 January 2010, branching is allowed.</p>	Viet Nam.	
<b>C. Research and Development Services</b>			
(a) R&D services on natural sciences (CPC 851)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
<b>E. Rental/Leasing Services without Operators</b>			
(b) Relating to aircraft (CPC 83104)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
(d) Relating to other machinery and equipment (CPC 83109)	(1) Unbound, except for industrial machinery and equipment <sup>10</sup> : None. (2) None. (3) Unbound.	(1) Unbound, except for industrial machinery and equipment: None. (2) None. (3) Unbound.	
<b>F. Other Business Services</b>			
(a) Advertising services	(1) None.	(1) None.	The advertising for

<sup>10</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 871, excluding advertising for cigarettes)	<p>(2) None. (3) None, except:</p> <p>Upon entry into force of this Agreement, foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services.</p> <p>Upon entry into force of this Agreement, joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. As of 1 January 2009, there shall be no limitation on foreign capital contribution in the joint ventures.</p>	<p>(2) None. (3) None.</p>	<p>wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.</p>
(b) Market research services (CPC 864, excluding 86402)	<p>(1) None. (2) None. (3) None, except:</p> <p>Upon entry into force of this Agreement, joint ventures shall be allowed with foreign capital contribution not exceeding 51%</p>	<p>(1) None. (2) None. (3) None.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	of the legal capital of the joint venture. As of 1 January 2009, 100% foreign-invested enterprises shall be permitted.		
(c) Management consultant services (CPC 865)	(1) None. (2) None. (3) None. As of 11 January 2010, branching is allowed.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
(d) Services related to management consulting  - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(1) None. (2) None. (3) None, except that:  As of 11 January 2010, branching is allowed.  For CPC 866 except CPC 86602: none.  For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): for the period before 11 January 2010: unbound. Thereafter: none.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
(e) Technical testing and analysis services	(1) Unbound. (2) None.	(1) None. (2) None.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. 5 years after those private sector services suppliers have been granted such access: none.  Access to certain geographic areas may be restricted for national security reasons.	(3) None.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>11</sup>	(1) None. (2) None. (3) None, except:	(1) None. (2) None. (3) None, except:	

<sup>11</sup> Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.	Access to certain geographical areas may be restricted. <sup>12</sup>	
<p>(h) Services incidental to mining (CPC 883)</p> <p>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.</p> <p>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.</p>			
	<p>(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>Upon entry into force of this</p>	<p>(1) None, except as indicated in market access column.</p> <p>(2) None.</p> <p>(3) None, except as indicated in the market access column.</p>	

<sup>12</sup> For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Agreement, joint ventures with foreign capital contribution not exceeding 49% shall be permitted. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p>		
(i) Services incidental to manufacturing (CPC 884 and 885)	<p>(1) None. (2) None. (3) None, except:  As of 11 January 2010, only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. As of 11 January 2015: 100% foreign-invested enterprises shall be permitted.</p>	<p>(1) None. (2) None. (3) Unbound.</p>	
(m) Related scientific and technical consulting services <sup>13</sup> (CPC 86751, 86752 and 86753 only)	<p>(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's</p>	<p>(1) None, except as indicated in the market access column.</p>	

<sup>13</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>applicable laws.                      (2) None.                      (3) None, except:</p> <p>Upon entry into force of this Agreement, joint ventures with foreign capital contribution not exceeding 49% shall be permitted. As of 11 January 2009, this limitation shall be 51%. As of 11 January 2011, 100% foreign-invested enterprises shall be permitted.</p>	<p>(2) None.                      (3) None, except as indicated in the market access column.</p>	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	<p>(1) None.                      (2) None.                      (3) None, except:                      Upon entry into force of this Agreement, joint ventures with foreign capital contribution not exceeding 49% shall be permitted. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p>	<p>(1) None.                      (2) None.                      (3) None, except as indicated in the market access column.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
<p><b>B. Courier Services (CPC 7512**)</b></p> <p>* Express delivery services<sup>14</sup>, i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication<sup>15</sup>, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> <li>- Hybrid mail service;</li> <li>- Direct mail.</li> </ul> <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> <li>- 10 times the tariff for the handling of a standard domestic letter</li> </ul>	<p>(1) None.<sup>17</sup></p> <p>(2) None.</p> <p>(3) None, except that foreign ownership in joint ventures may be limited to 51% in the period before 11 January 2012.</p> <p>As of 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.</p>

<sup>14</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

<sup>15</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

<sup>17</sup> The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>in the first weight level for domestic shipments;                      - US\$9 for international shipments;                      provided that the gross weight of these items is less than 2,000 grams.                      (b) Parcels<sup>16</sup> and other goods.                      * Handling of non-addressed items.</p>			
<p><b>C. Telecommunication Services</b></p> <p>Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).</p>			
<p><u>Basic telecommunication services</u>                      (a) Voice telephone services (CPC 7521)                      (b) Packet-switched data transmission services (CPC 7523**)</p>	<p>(1) None, except:   <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto and Annex on Telecommunication under Chapter 8.</p>

<sup>16</sup> Books, catalogues are included hereunder.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521** + 7529**)</p> <p>(g) Private leased circuit services (CPC 7522** + 7523**)</p>	<p>telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p>		<p>For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(0*) Other services</p> <ul style="list-style-type: none"> <li>- Videoconference services (CPC 75292)</li> <li>- Video Transmission services, excluding broadcasting<sup>18</sup></li> <li>- Radio based services includes: <ul style="list-style-type: none"> <li>+ Mobile telephone (terrestrial and satellite)</li> <li>+ Mobile data (terrestrial and satellite)</li> <li>+ Paging</li> <li>+ PCS</li> <li>+ Trunking</li> </ul> </li> <li>- Internet Exchange Service (IXP)<sup>19</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Upon entry into force of this Agreement: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization<sup>1</sup> representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- As of 11 January 2010: multinational companies<sup>20</sup>, which are licensed to use satellite-earth stations.</li> </ul> <p>(2) None. (3) None, except:</p> <p><i>Non facilities-based services:</i> Upon entry into force of this Agreement</p>	<p>(2) None. (3) None.</p>	

<sup>18</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

<sup>19</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>20</sup> A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Upon entry into force of this Agreement, joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p> <p>51% gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with</p>		

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	conditions no less favourable than those they currently enjoy.		
<p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <p>- Virtual Private Network (VPN)<sup>21</sup></p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto and Annex on Telecommunication under Chapter 8.</p> <p>For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable</p>

<sup>21</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>- Upon entry into force of this Agreement: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</p>		<p>transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>
	<p>- As of 11 January 2010: multinational companies<sup>20</sup>, which are licensed to use satellite-earth stations.</p> <p>(2) None. (3) None, except:</p> <p><i>Non facilities-based services:</i> Upon entry into force of this Agreement, joint ventures shall be allowed without limitation on choice of</p>	<p>(2) None. (3) None.</p>	



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Upon entry into force of this Agreement, joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p>		
<p><u>Value-added services</u></p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p> <p>(k) Electronic data interchange (EDI)</p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto and Annex on Telecommunication under Chapter 8.</p>

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and data processing (incl. transaction processing) (CPC 843**)</p>	<p>Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> <li>- <i>Upon entry into force of this Agreement:</i> off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- As of 11 January 2010: multinational companies<sup>20</sup>, which are licensed to use satellite-earth stations.</li> </ul>		
	<p>(2) None. (3) None, except:</p> <p><i>Non facilities-based services:</i></p> <p><i>Upon entry into force of this Agreement:</i> business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 51% of legal capital</p>	<p>(2) None. (3) None.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>of the joint ventures.</p> <p>As of 11 January 2010: Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i></p> <p>Upon entry into force of this Agreement, business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>Fifty-one % gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p>		

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Value added services</u></p> <p>(o) Other</p> <p>- Internet Access Services IAS<sup>22</sup></p>	<p>(1) <i>Wire-based and mobile terrestrial services</i>: None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services</i>: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <p>- <i>Upon entry into force of this Agreement</i>: off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto and Annex on Telecommunication under Chapter 8.</p>

<sup>22</sup> Services providing internet access to the end users.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>to use satellite-earth stations;</p> <p>- As of 11 January 2010: multinational companies<sup>20</sup>, which are licensed to use satellite-earth stations.</p>		
	<p>(2) None.</p> <p>(3) <i>Non facilities-based services:</i> Upon entry into force of this Agreement: joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures.</p> <p>As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Upon entry into force of this Agreement, joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital</p>	<p>(2) None.</p> <p>(3) None.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	contribution shall not exceed 50% of legal capital of the joint ventures.		
<b>D. Audiovisual Services</b>			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.	(1) Unbound. (2) Unbound. (3) None.	
- Motion picture distribution (CPC 96113, excl. video tape)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to provide these services in	(1) Unbound. (2) None. (3) None.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture.</p>		
(b) Motion picture projection service (CPC 96121)	<p>(1) Unbound.                      (2) None.                      (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital.</p> <p>Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.</p>	<p>(1) Unbound.                      (2) None.                      (3) None.</p>	
(e) Sound recording	<p>(1) Unbound.                      (2) None.                      (3) Unbound.</p>	<p>(1) Unbound.                      (2) None.                      (3) Unbound.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for building (CPC 512)	(1) Unbound. (2) None. (3) None, except:	(1) Unbound. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
B. General construction work for civil engineering (CPC 513)	For the period before 11 January 2009, 100% foreign-invested enterprises could only provide services to foreign-invested enterprises and foreign-funded projects in Viet Nam.		
C. Installation and assembly work (CPC 514, 516)			
D. Building completion and finishing work (CPC 517)	Foreign enterprises have to be juridical persons of another Party.		
E. Other (CPC 511, 515, 518)	As of 11 January 2010, branching is allowed.		
<b>4. DISTRIBUTION SERVICES</b>			
<p>Measures applicable to all sub-sectors in Distribution Services:</p> <p>Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs<sup>23</sup>, explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.</p>			

<sup>\*</sup> Due to lack of technical feasibility.

<sup>23</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. Commission agents' services (CPC 621, 61111, 6113, 6121)</p> <p>B. Wholesale trade services (CPC 622, 61111, 6113, 6121)</p> <p>C. Retailing services (CPC 631 + 632, 61112, 6113, 6121)<sup>24</sup></p>	<p>(1) Unbound, except none for:</p> <ul style="list-style-type: none"> <li>- Distribution of products for personal use;</li> <li>- Distribution of legitimate computer software for personal and commercial use.</li> </ul> <p>(2) None.</p> <p>(3) None, except: A joint venture with a Vietnamese partner(s) is required. As of 1 January 2009, none.</p> <p>Upon entry into force of this Agreement, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products except for: cement and cement clinkers; tyres (excluding tyres of</p>	<p>(1) Unbound, except as indicated in Mode 1, market access column.</p> <p>(2) None.</p> <p>(3) None.</p>	

<sup>24</sup> For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	airplanes); papers; tractors; motor vehicles; cars and motorcycles; iron and steel; audiovisual devices; wines and spirits; and fertilizers.		
	<p>As of 1 January 2009, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles.</p> <p>As of 11 January 2010, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents, wholesale and retail business of all legally imported and domestically produced products.</p> <p>The establishment of outlets for retail services (beyond the first one) shall be allowed on the</p>		

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	basis of an Economic Needs Test (ENT) <sup>25</sup> .		
D. Franchising services (CPC 8929)	(1) (2) None. (3) None, except a joint venture with a Vietnamese partner(s) is required. As of 1 January 2009, none. As of 11 January 2010, branching is allowed.	(1) (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
<p><b>5 EDUCATIONAL SERVICES</b></p> <p>Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.</p> <p>With regard to point (B1), (B2), (C), (D), (E) below, the following additional fields of study are allowed: agriculture, architecture, building, business administration, management, computer science, construction, information systems, dental services, economics, education, engineering, environmental, surveying, health, community services, land and marine resources, animal husbandry, language studies, law, legal studies, life sciences, manufacturing, mathematics, medical science, medicine, multi-field education, nursing, pharmacy, physical sciences, science, services, culinary and hospitality, transport, veterinary science, visual and performing arts.</p> <p>With regard to points (B), (B1), (B2), (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.</p>			

<sup>25</sup> Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
B. Secondary education services (CPC 922), excluding B1, B2	(1) Unbound. (2) None. (3) Unbound.	(1) Unbound. (2) None. (3) Unbound.	
B1. Higher secondary education services (CPC 9222) only for students who have completed 9 years of general education as specified by Vietnamese relevant laws and regulations	(1) Unbound. (2) None. (3) None.	(1) Unbound. (2) None. (3) Unbound, except foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and have their qualifications recognized by the competent authority.	
B2. Technical and vocational secondary education services (CPC 9223), only for students who have completed 9 years of general education as specified by Vietnamese relevant laws and regulations	(1) Unbound. (2) None. (3) None.	(1) Unbound. (2) None. (3) Unbound, except foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and have their qualifications recognized by the competent authority.	
C. Higher education services (CPC 923)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	After the entry into force of the AANZFTA

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(3) Upon entry into force of this Agreement, 100% foreign-invested education entities are permitted. One year after entry into force of this Agreement or 11 January 2010, whichever is earlier: None</p>	<p>(3) Foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and have their qualifications recognized by the competent authority.</p>	<p>Agreement, if Viet Nam and all other ASEAN Member States enter into any agreement on trade in services between ASEAN, as a region, and a non-Party and in such future agreement on trade in services Viet Nam accords treatment in mode 1 in higher education services (CPC 923) to that non-Party which go beyond the level of treatment she has made under AANZFTA, Viet Nam shall extend to the services or service suppliers of Australia and New Zealand treatment no less favourable than that Viet Nam accords to like services or service-suppliers of that non-Party.</p>

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
D. Adult education (CPC 924)	(1) Unbound. (2) None. (3) Upon entry into force of this Agreement, 100% foreign-invested education entities are permitted. One year after entry into force of this Agreement or 11 January 2010, whichever is earlier: None	(1) Unbound. (2) None. (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and have their qualifications recognized by the competent authority.	
E. Other education services (CPC 929, including foreign language training)	(1) Unbound. (2) None. (3) Upon entry into force of this Agreement, 100% foreign-invested education entities are permitted. One year after entry into force of this Agreement or 11 January 2010, whichever is earlier: None	(1) Unbound. (2) None. (3) Foreign language teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience and have their qualifications recognized by the competent authority.	
<b>6. ENVIRONMENTAL SERVICES</b>			
Access to certain geographic areas may be restricted for national security reasons <sup>26</sup> .			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental	(1) Unbound, except related consulting services. (2) None. (3) None.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-

<sup>26</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>authority as defined in Article I:3(c) of the GATS may be subject to public monopolies or exclusive rights granted to private operators.</p> <p>Upon entry into force of this Agreement, joint ventures with foreign capital contribution not exceeding 51 % are allowed. As of 11 January 2011: none.</p>		operate (BTO).
B. Refuse disposal services (CPC 9402) <sup>27</sup>	<p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) of the GATS may be subject to public monopolies or exclusive rights granted to private operators. Upon entry into force of this Agreement, foreign ownership is limited to 51%. As of 11 January 2011: none.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

<sup>27</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities.</p>		
<p>D. Other services</p> <p>- Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)</p>	<p>(1) Unbound, except related consulting services.                      (2) None.                      (3) None, except:                      Confirming that services supplied in the exercise of governmental authority as defined in Article I, 3(c) of the GATS may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51%. As of 11 January 2011:none.</p>	<p>(1) Unbound, except related consulting services.                      (2) None.                      (3) None.</p>	
<p>- Environmental impact assessment services (CPC 94090*)</p>	<p>(1) None.                      (2) None.                      (3) None, except that foreign</p>	<p>(1) None.                      (2) None.                      (3) None.</p>	



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	ownership is limited to 51%. As of 11 January 2011: none.		

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<p><b>A. Insurance and Insurance-Related Services</b></p> <p>a. Direct insurance</p> <p>    (a) Life insurance, excl. health insurance services</p> <p>    (b) Non-life insurance services</p> <p>b. Reinsurance and retrocession</p> <p>c. Insurance intermediation (such as brokerage and agency)</p> <p>d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)</p>	<p>(1) None for:</p> <ul style="list-style-type: none"> <li>- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;</li> <li>- Reinsurance services;</li> <li>- Insurance services in international transportation, including insurance of risks relating to:</li> </ul> <p>+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and goods in international transit;</p> <ul style="list-style-type: none"> <li>- Insurance broking and reinsurance broking services;</li> <li>- Consultancy, actuarial, risk assessment and claim settlement services.</li> </ul>	<p>(1) None.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(2) None. (3) None, except:  As of 11 January 2012, non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.	(2) None. (3) None.	
<p><b>B. Banking and Other Financial Services</b></p> <p>Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the GATS Annex on Financial Services and Annex on Financial Services under Chapter 8.</p> <p>As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.</p>			
(a) Acceptance of deposits and other repayable funds from the public  (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction  (c) Financial leasing	(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:  (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: (i) With respect to foreign commercial banks: representative office, branch	(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:  (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:  - The parent bank has total assets of more than US\$20 billion at the	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Money market instrument (including cheques, bills, certificates of deposits);</li> <li>- Foreign exchange;</li> <li>- Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements;</li> <li>- Bullion.</li> </ul> <p>(h) Money broking</p>	<p>of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company and 100% foreign-invested finance company, and 100% foreign-owned banks are permitted.</p> <p>(ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p>	<p>end of the year prior to application.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p> <p>(l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and</p>	<p>(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p> <p>(b) Viet Nam may limit the right of a foreign bank branch to accept deposits in Vietnamese Dong from Vietnamese natural persons with which the bank does not have a credit relationship to a ratio of the branch's paid-in capital according to the schedule below:</p> <ul style="list-style-type: none"> <li>- 1 January 2009: 900% of legal paid-in capital;</li> <li>- 1 January 2010: 1,000% of legal-paid-in capital;</li> <li>- 1 January 2011: Full national treatment.</li> </ul> <p>c) Equity participation:</p> <p>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized</p>	<p>(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank:</p> <ul style="list-style-type: none"> <li>- The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul> <p>(c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p>	<p>Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.</p> <p>(ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority.</p> <p>(d) A branch of foreign commercial bank is not allowed to open other transaction points outside its branch office.</p> <p>(e) Upon entry into force of this Agreement, foreign credit institutions are allowed to issue credit cards on a national treatment basis.</p>	<p>100% foreign-invested financial leasing company or a joint-venture financial leasing company:</p> <p>The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>C. Securities</b></p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Derivative products incl. futures and options;</li> <li>- Transferable securities;</li> <li>- Other negotiable instruments and financial assets, excluding bullion.</li> </ul> <p>(g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues</p> <p>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management,</p>	<p>(1) Unbound, except services C(k) and C(l).</p> <p>(2) None.</p> <p>(3) Upon entry into force of this Agreement, foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%.</p> <p>As of 11 January 2012, securities service suppliers with 100% foreign-invested capital shall be permitted.</p> <p>For services from C(i) to C(l), as of 11 January 2012, branches of foreign securities services suppliers shall be permitted.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p>	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
custodial depository and trust services  (j) Settlement and clearing services for securities, derivative products, and other securities-related instruments  (k) Provision and transfer of financial information, and related software by suppliers of securities services  (l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital services (CPC 9311)	(1) None. (2) None.	(1) None. (2) None.	



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Medical and dental services (CPC 9312)	(3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract.  The minimum investment capital for a commercial presence in hospital services must be at least US\$20 million for a hospital, US\$2 million for a polyclinic unit and US\$200,000 for a specialty unit.	(3) None.	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and restaurant including  - Lodging services (CPC 64110)  - Catering food (CPC 642) and drink services (CPC 643)	(1) None. (2) None. (3) None, except for the period before 11 January 2015 the services provided should be in parallel with investment in hotel construction, renovation, restoration or acquisition. None afterwards.	(1) None. (2) None. (3) None.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
B. Travel agencies and tour operator services (CPC 7471)	(1) None. (2) None. (3) None, except that: foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution.	(1) None. (2) None. (3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services.	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound. (2) None. (3) Unbound except as of 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% are permitted.	(1) Unbound. (2) None. (3) None.	
D. Other  - Electronic games business (CPC 964**)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the	(1) Unbound. (2) None. (3) None.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	joint ventures.		
<b>11. TRANSPORT SERVICES</b>			
<p><b>A. Maritime Transport Services</b></p> <p>(a) Passenger transportation less cabotage (CPC 7211)</p> <p>(b) Freight transportation less cabotage (CPC 7212)</p>	<p>(1) Unbound, except international freight transportation: None.</p> <p>(2) None.</p> <p>(3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: As of 11 January 2009, foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.</p>	<p>(1) Unbound, except international freight transportation: None.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage;</li> <li>2. Towing and tug assistance;</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal;</li> <li>5. Port Captain's/Harbour Master's services;</li> <li>6. Navigation aids;</li> <li>7. Shore-based operational services essential to ship operations, including</li> </ol>

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services. <sup>28</sup>
	(b) Other forms of commercial presence for the supply of international maritime transport services <sup>29</sup> . Upon entry into force of this Agreement, foreign shipping companies can establish joint ventures with 51% foreign ownership. As of 11 January 2012, foreign shipping companies can establish 100%		

<sup>28</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

<sup>29</sup> "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>foreign-invested enterprises.</p> <p>Upon entry into force of this Agreement, foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below:</p> <ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of the cargo owners;</li> <li>3. Provision of required business information;</li> <li>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</li> <li>5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.</li> </ol>		

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>As of 11 January 2012, activities from (6) to (7) shall be allowed.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p> <p>The number of joint ventures by foreign shipping companies will be limited to 5 companies upon entry into force of this Agreement. Three additional companies will be allowed every two years thereafter<sup>30</sup>. As of 11 January 2012, no limitation on the number of joint ventures.</p>		
<p><b>Maritime Auxiliary Services</b></p> <p>- Container handling</p>	<p>(1) Unbound. (2) None. (3) None, except that upon entry into</p>	<p>(1) Unbound. (2) None. (3) None.</p>	

<sup>30</sup> This limitation on the number of joint ventures shall be applied on global basis.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
services (CPC 7411) <sup>31</sup>	force of this Agreement joint ventures with foreign capital contribution not exceeding 50% can be established.		
- Customs Clearance Services <sup>32</sup>	(1) Unbound.* (2) None. (3) None, except that upon entry into force of this Agreement joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2012, joint ventures can be established with no foreign ownership limitation.	(1) Unbound.* (2) None. (3) None.	
- Container Station and Depot Services <sup>33</sup>	(1) Unbound.* (2) None. (3) None, except that upon entry into force of this Agreement joint ventures with foreign capital	(1) Unbound.* (2) None. (3) None.	

<sup>31</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>32</sup> "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

\* A commitment on this mode of delivery is not feasible.

<sup>33</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	contribution not exceeding 51% can be established. As of 11 January 2014, none.		
<b>B. Internal Waterways Transport</b>  (a) Passenger transport (CPC 7221)  (b) Freight transport (CPC 7222)	(1) Unbound. (2) None. (3) Upon entry into force of this Agreement, foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital.	(1) Unbound. (2) None. (3) None.	
<b>C. Air Transport Services</b>  (a) Sales and marketing air products services	(1) None. (2) None. (3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam.	(1) None. (2) None. (3) None.	
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority.	(1) None.	



**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(2) None, except as indicated in Mode 1. (3) None, except as indicated in Mode 1.	(2) None. (3) None.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None. (3) Upon entry into force of this Agreement, joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be allowed.	(1) None. (2) None. (3) None.	
<b>E. Rail Transport Services</b>  (a) Passenger transportation (CPC 7111)  (b) Freight transportation (CPC 7112)	(1) Unbound. (2) None. (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital.	(1) Unbound. (2) None. (3) Unbound.	

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>F. Road Transport Services</b></p> <p>(a) Passenger transportation (CPC 7121+7122)</p> <p>(b) Freight transportation (CPC 7123)</p>	<p>(1) Unbound. (2) None. (3) None, except:</p> <p>Upon entry into force of this Agreement, foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%.</p> <p>As of 11 January 2010, subject to the needs of the market<sup>34</sup>, joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services.</p> <p>One hundred % of joint-venture's drivers shall be Vietnamese citizen.</p>	<p>(1) Unbound. (2) None. (3) None.</p>	

<sup>34</sup> The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

### VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>H. Services Auxiliary to all Modes of Transport</b>  (a) Container handling services, except services provided at airports (part of CPC 7411)	(1) Unbound. (2) None. (3) Upon entry into force of this Agreement, foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.	(1) Unbound. (2) None. (3) None.	
(b) Storage and warehouse services (CPC 742)  (c) Freight transport agency services (CPC 748) <sup>35</sup>	(1) Unbound.* (2) None. (3) None, except that upon entry into force of this Agreement joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, none.	(1) Unbound. (2) None. (3) None.	
(d) Other (part of CPC 749) <sup>36</sup>	(1) Unbound, except freight brokerage services: As of 11	(1) Unbound, except freight brokerage services: As of 11	

<sup>35</sup> Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

\* A commitment on this mode of delivery is not feasible.

<sup>36</sup> Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.

**VIET NAM – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>January 2012: none</p> <p>(2) None.</p> <p>(3) Upon entry into force of this Agreement, foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 49%. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2014, this capital limitation shall be abolished.</p>	<p>January 2012: none</p> <p>(2) None.</p> <p>(3) None.</p>	

## REFERENCE PAPER

### I. SCOPE

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

#### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

#### 1. Competitive safeguards

##### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

##### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Party has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Party.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**AUSTRALIA'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Under Australia's foreign investment policy, which comprises the <i>Foreign Acquisitions and Takeovers Act 1975 (FATA)</i>; Foreign Acquisitions and Takeovers Regulations; and Ministerial Statements, the following investment activities require notification and prior approval from the Australian Government:</p> <ul style="list-style-type: none"> <li>• acquisitions by 'foreign persons'<sup>1</sup> of 'substantial interests'<sup>2</sup> in existing Australian businesses with total assets of \$A50 million or more;</li> <li>• proposals by 'foreign persons' to take over offshore companies whose Australian subsidiaries or</li> </ul>	<p>3) Australia's foreign investment policy guidelines apply to foreign-owned or controlled enterprises after establishment in Australia.</p> <p>At least two of the directors of a public company must be ordinarily resident in Australia.</p> <p>Unbound for current and future measures at the federal, state or local government levels according rights or preferences to any indigenous person or organisation providing for the favourable treatment of any indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. For the purposes of this</p>	

<sup>1</sup> The term "foreign person" has the meaning set out in the Foreign Acquisitions and Takeovers Act 1975

<sup>2</sup> The term "substantial interest" has the meaning set out in the Foreign Acquisitions and Takeovers Act 1975

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>gross assets account for 50 per cent or more of the target company's global assets and are valued at \$A50 million or more;</p> <ul style="list-style-type: none"> <li>• proposals by 'foreign persons' to take over offshore companies whose Australian subsidiaries or gross assets account for less than 50 per cent of the target company's global assets and are valued at more than \$A200 million;</li> <li>• proposals by 'foreign persons' to establish new businesses in Australia involving a total investment of \$A10 million or more;</li> <li>• direct investments by foreign governments or their agencies, irrespective of size;</li> <li>• proposed acquisitions by 'foreign persons' of interests in urban land (including interests that arise via</li> </ul>	<p>Schedule, an indigenous person means a person of the Aboriginal race of Australia or a descendant of an indigenous inhabitant of the Torres Strait Islands.</p> <p>Unbound for subsidies for research and development.</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>leases, financing and profit sharing arrangements and the acquisitions of interests in urban land corporations and trusts) that involve the:</p> <ul style="list-style-type: none"> <li>- proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A5 million or more and is subject to heritage listing;</li> <li>- proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A50 million or more and is not subject to heritage listing;</li> <li>- proposed acquisition of accommodation facilities irrespective of value;</li> <li>- proposed acquisition of vacant urban real estate irrespective of value;</li> <li>- proposed acquisition of residential real estate irrespective of value; or</li> </ul>		

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>• proposals where any doubt exists as to whether they are notifiable (Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment).</li> </ul> <p>Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with certain conditions.</p> <p>Banking</p> <p>Foreign investment in the banking sector needs to be consistent with the <i>Banking Act 1959</i>, the <i>Financial Sector (Shareholdings) Act 1998</i> and banking policy, including prudential requirements. Any proposed foreign takeover or acquisition of an Australian bank will be considered on a case-by-case basis and judged on its merits.</p>		

## AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal services <sup>3</sup>			

<sup>3</sup> In this section, the following terms have the meanings set out in the “Joint Statement on Legal Services” submitted to the WTO (TN/S/W/37 and S/CSC/W/46 of 24 February 2005) (“Joint Statement”), which are as shown:

“legal advisory services” – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services. (As defined at 3.A(i) of Joint Statement.)

“legal representational services” – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Footnote 1: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services. (As defined at 3.A(ii) of Joint Statement.)

“legal arbitration and conciliation/mediation services” – preparation of documents to be submitted to, preparation for and appearance before, arbitrators, or mediators in any dispute involving the application and interpretation of law. Does not include arbitration and conciliation/mediation services in disputes for which the law has not a bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration and conciliation/mediation services refers to the same services when the dispute involves parties from two or more countries. (As defined at 3.A(iii) of Joint Statement.)

“domestic law (host country law)” – the law of Australia. (Derived from definition at 3.B(i) of Joint Statement.)

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i) Legal advisory and representational services in domestic law (host-country law)	1) None 2) None 3) None	1) None 2) None 3) None	
ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	1) None 2) None 3) Natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers in SA.	1) None 2) None 3) None	Limited Licence only is required: Only registration with limited licence is required, rather than full admission/licence, in order to provide: (a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s); (b) legal advisory services in international law; or (c) legal arbitration and conciliation/mediation

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“foreign law” – the law of the territories of AANZFTA Parties and other countries other than the law of Australia. (Derived from definition at 3.B(ii) of Joint Statement.)

“international law” – includes law established by international treaties and conventions, as well as customary law. (As defined at 3.B(iii) of Joint Statement.)

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>services in relation to foreign and international law.</p> <p>(By contrast, a Full Licence is required for (a)(i) above (legal advisory and representational services in domestic law (host-country law)), for which full admission is required: i.e. practitioners must satisfy admission requirements, including qualification requirements, applicable to domestic legal practitioners.)</p> <p>3) Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in NSW, Victoria, Queensland, Tasmania, WA, the ACT and the NT subject to the foreign law firms</p>



### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.
b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None, except that natural persons trading as auditors or liquidators must be resident. In relation to company auditing services, at least one equity partner in a firm must be ordinarily resident in Australia.	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Dental services (CPC 93123)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services supplied by registered nurses and registered midwives (CPC 93191**)	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
B. <u>Computer and related services</u> (CPC 84), excluding measures relating to content covered by CPC 844 and 849	1) None 2) None 3) None .	1) None 2) None 3) None .	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Research and development services</u></p> <p>b) R&amp;D services on social sciences and humanities (CPC 852)</p>	<p>1) None 2) None 3) None</p>	<p>1) None, except a permanent residency requirement for psychologists (Western Australia). 2) None 3) None</p>	
<p>D. <u>Real Estate Service</u></p> <p>a) Involving own or leased property (CPC 821)</p> <p>b) On a fee or contract basis (CPC 822)</p>	<p>1) Commercial presence required 2) Commercial presence required 3) None</p> <p>1) Commercial presence required 2) Commercial presence required 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>E. <u>Rental/leasing services without operators</u></p> <p>a) Relating to ships (CPC 83103**)    Excludes cabotage, intrastate and offshore trades</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Relating to other transport equipment (CPC 83101, 83102, 83105)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-9)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Other business services</u>			
a) Advertising services (CPC 87110, 87120**, 87190)	1) None 2) None 3) None	1) None 2) None 3) None	
Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising; media representation i.e. sale of time and space for various media; distribution and			

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema.			
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 86601, 86609)  Excludes arbitration and conciliation services	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**)	1) None 2) None 3) None	1) None 2) None 3) None	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Provision of advice and guidance relating to crop and livestock management on consultancy basis. Includes specialised consultancy services only, related to forestry activities, timber evaluation, forest management or planning. Does not include logging.</p> <p>g) Services incidental to fishing (CPC 882**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>Consists of specialised consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.</p> <p>h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
j) Services incidental to energy distribution (CPC 887**)  Covers consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	1) None 2) None 3) None	1) None 2) None 3) None	
k) Placement and supply services of personnel (CPC 872)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
l) Investigation and security (CPC 873)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
o) Building-cleaning services (CPC 874)	1) Unbound * 2) None 3) None	1) Unbound* 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909**)  Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage services)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other: Telephone answering services(CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
Duplicating services (CPC 87904)	1) None 2) None	1) None 2) None	



**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
Translation and interpretation services (CPC 87905)	1) None 2) None 3) None	1) None 2) None 3) None	
Mailing list compilation and mailing services (CPC 87906)  Interior design (CPC 87907)  Specialised consultancy services related to the post-construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.	1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
C. <u>Telecommunications services</u>  Covers the following sub-sectors			

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**			
(a) Voice telephone services	1) None	1) None	
(b) Packet-switched data transmission services	2) None	2) None	
(c) Circuit-switched data transmission services	3) None, except that: i) An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law or a partnership where each partner is a constitutional corporation under Australian law.	3) None, except that the Chairperson and majority of directors of Telstra must be Australian citizens. Telstra must maintain its head office, main base of operations and place of incorporation in Australia.	
(d) Telex services			
(e) Telegraph services			
(f) Facsimile services			
(g) Private leased circuit services	ii) The maximum aggregate foreign ownership allowed in Telstra is 35 per cent. The maximum individual foreign ownership allowed in Telstra is 5 per cent.		
(o) <u>Other</u>  Digital Cellular services  Paging services			

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Personal Communications Services			
Trunked Radio System Services			
Mobile Data Services			
Services covered by the Broadcasting Services Act 1992 are excluded from the basic telecommunications sector			
h) Electronic mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Voice mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
j) On-line information and data base retrieval (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
k) Electronic data interchange (EDI) (CPC 7523**)	1) None 2) None	1) None 2) None	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Code and protocol conversion (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. <u>General construction work for buildings</u> (CPC 512)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
B. <u>General construction work for civil engineering</u> (CPC 513)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
C. <u>Installation and assembly work</u> (CPC 514, 516)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
D. <u>Building completion and finishing work</u> (CPC 517)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Other</u> (CPC 511 + 515 + 518)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
<b>4. DISTRIBUTION SERVICES</b>			
A. <u>Commission agents' services</u> (CPC 62113-62118)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Wholesale trade services</u> (CPC 6223-6228)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Retailing services</u> (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 6121)  Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC	1) Unbound except for mail order 2) None 3) None	1) None 2) None 3) None	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing.</p> <p>Does not cover dispensing of pharmaceuticals.</p>			
D. <u>Franchising</u> (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>5. EDUCATIONAL SERVICES</b>			
B. <u>Secondary education services</u> (CPC 922**) <p>Covers general as well as technical and vocational education at the secondary level in private institutions</p>	1) None 2) None 3) None	1) None 2) None 3) Unbound	
C. <u>Higher education services</u> (CPC 923**) <p>Covers provision of private</p>	1) None 2) None 3) None	1) None 2) None 3) Unbound	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
tertiary education services including at university level			
<p><u>E. Other education services</u> (CPC 929**)</p> <p>Covers tuition and testing in English and other languages. Tuition in cuisine and traditional therapies (including massage, acupuncture), music, dance and martial arts.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	
<b>6. ENVIRONMENTAL SERVICES</b> <sup>4</sup>			
<p><u>A. Wastewater management</u> (CPC 9401)</p> <p>This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>4</sup> Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and treatment of solid wastes.			
<p>B. <u>Waste management</u> (CPC 9402, 9403)</p> <p>This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill); sweeping and snow removal, and other sanitation services.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>C. <u>Protection of ambient air and climate</u> (CPC 9404)</p> <p>This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and implementation of control systems or reduction programmes.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	



### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Remediation and cleanup of soil and water</u> (CPC 9406**) <sup>5</sup></p> <p>This covers cleaning- up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>E. <u>Noise and vibration abatement</u> (CPC 9405)</p> <p>This covers monitoring programmes, and installation of noise reduction systems and screens.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>F. <u>Protection of biodiversity and landscape</u> (CPC 9406**) <sup>6</sup></p> <p>This covers ecology and habitat protection and promotion of</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>5</sup> Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

<sup>6</sup> Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
forests and promoting sustainable forestry.			
G. <u>Other environmental and ancillary services</u> (CPC 9409)  This covers other environment protection services, including services related to environmental impact assessment.	1) None 2) None 3) None	1) None 2) None 3) None	
<p><b>7. FINANCIAL SERVICES</b></p> <p>Australia undertakes its specific commitments on financial services in accordance with the World Trade Organisation's (WTO) "Understanding on Commitments in Financial Services" (hereinafter referred to as the "Understanding").</p> <p>The obligations under the Understanding are addressed in this Schedule additionally to those covered by Article 3 (National Treatment), Article 4 (Market Access) and Article 5 (Additional Commitments) of the Trade in Services Chapter of this Agreement, as well as the Annex on Financial Services to this Chapter.</p> <p>The market access commitments with respect to "cross-border supply" and "consumption abroad" (as described in paragraph (s) of Article 2 (Definitions) of the Trade in Services Chapter) bound in this Schedule are limited to the services indicated in paragraphs B.3 and B.4 of the Understanding, respectively.</p> <p>These specific commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p>			

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Insurance and insurance-related services</u></p>	<p>3) Approval of non-resident life insurers is restricted to subsidiaries.</p> <p>Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance:</p> <p>Compulsory Third Party Motor Vehicle Accident: VIC, WA, TAS, NT (monopolies); NSW, QLD, SA, ACT (licensing, premiums/ policy terms).</p> <p>Workers Compensation: SA, VIC, QLD (monopolies); NSW, WA, TAS (licensing, premiums/ policy terms).</p> <p>Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.</p>	<p>3) Sub-national guarantees are provided to some State and Territory Insurance Offices.</p>	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Banking and Other financial services</u> (excluding insurance) <sup>7</sup>	1), 3) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia.		
	3) Foreign banks may undertake banking operations in Australia through locally incorporated	3) Commonwealth owned entities which may conduct financial operations are guaranteed by the	

<sup>7</sup> Including remittance centres and remittance centre services

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>subsidiaries and/or an authorised branch. However, a branch may not accept "retail" deposits. A foreign bank wishing to accept "retail" deposits must seek authorization as a locally incorporated subsidiary for that purpose. Foreign bank branches may accept deposits (and other funds) in any amount from incorporated entities, non-residents and their own employees. Deposits (and other funds) may only be accepted from other sources where the initial deposit (or other funds) is greater than \$A250,000. Deposit-taking outside of this is considered to be "retail" banking business.</p>	<p>Commonwealth Government. While the Commonwealth sold its remaining shareholding in the Commonwealth Bank of Australia (CBA) on 19 July 1996, a transitional Commonwealth guarantee has been provided to all of the liabilities of the CBA. The length of time that the guarantee applies depends on the characteristic of the liability. Transitional guarantees also apply to the former Commonwealth-owned Australian Industry Development Corporation.</p>	
	<p>1), 3) A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities and business enterprises are obliged to borrow (and in some</p>	<p>1), 3)The financial operations of some State or Territory owned entities may be guaranteed by the State or Territory Governments. A number of State and Territory Governments have also provided transitional</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>cases invest) their funds, or otherwise obtain certain financial services:</p> <p>SA - South Australian Government Financing Authority, Local Government Finance Authority of South Australia</p> <p>TAS - Tascorp</p> <p>NSW - NSW Treasury Corporation</p> <p>VIC - Treasury Corporation of Victoria</p> <p>QLD - Queensland Treasury Corporation, Queensland Investment Corporation</p> <p>NT - Northern Territory Treasury Corporation</p> <p>WA - Western Australian Treasury Corporation</p>	<p>guarantees to some of the assets and liabilities of former State-owned or controlled banks.</p>	
	<p>3) To obtain an Australian market licence, an applicant must be a body corporate.</p> <p>The responsible entity of a registered managed investment scheme must be a public company that holds an Australian</p>		

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	financial services licence authorising it to operate a managed investment scheme.		
<b>8. HEALTH-RELATED AND SOCIAL SERVICES</b>			
B. <u>Other human health services</u> (CPC 93199**)  Covers podiatry and chiropody services. Includes podiatry services carried out in health clinics, and in residential health facilities other than hospitals, as well as in own consulting rooms, patients' homes or elsewhere.	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. <u>Hotels and restaurants</u> (CPC 641, 642, 643)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Travel agencies and tour operator services</u> (CPC 7471)	1) Commercial presence required 2) None 3) None	1) None 2) None 3) None	
C. <u>Tourist guide services</u> (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
B. <u>News agency services</u> (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
D. <u>Sporting and other recreational services</u>			
Sporting services (CPC 9641)	1) None 2) None 3) None	1) None 2) None 3) None	
Other recreational services	1) None 2) None	1) None 2) None	



**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(CPC 96491)  Covers recreation park and beach services	3) None	3) None	
<b>11. TRANSPORT SERVICES</b>			
A. <u>Maritime transport services</u>			The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: pilotage, towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; Port Captain's services; navigation aids (a); shore-based operational services

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>essential to ship operations, including communications water and electrical supplies; emergency repair facilities; anchorage, berth and berthing services.</p> <p>(a): except for Queensland, where vessels of 35 m and above must pay conservancy fees to fund navigational aids, while this obligation applies only to Australian vessels of 50m and above.</p> <p>Where road, rail and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability, on reasonable and non-discriminatory</p>

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			terms and conditions, to rent, hire or charter trucks, railway carriages, ships and related equipment for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms of transport services for the purpose of providing multimodal transport services.
International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Note to Schedule)	1) a) Liner Shipping: None, see Note to Schedule.  1) b) Bulk, tramp and other international shipping, including international passenger transportation: None.	1) a) None, see Note to Schedule.  1) b) None  2) None	See Note to Schedule

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2) None		
	<p>3) a) Establishment of registered company for the purpose of operating a fleet under the national flag of Australia: nationality requirements for ownership and registration of vessels as defined by the Shipping Registration Act 1981.</p> <p>3) b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Note to Schedule): None</p>	<p>3) a) Unbound</p> <p>3) b) None</p>	See Note to Schedule
<p><u>Maritime auxiliary services</u></p> <p>International rental of vessels with crew (less cabotage and offshore transport - as defined in Note to Schedule)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime cargo handling services (as described in Note to Schedule)	1) Unbound* 2) None 3) None, except Unbound in South Australia. Licences/concessions are granted by port authorities. Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.	1) Unbound* 2) None 3) None	
Storage and warehousing services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
Customs clearance services (as described in Note to Schedule)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Preshipment inspection (as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime agency services (as described in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>C. <u>Air Transport Services</u></b>			
d) Maintenance and repair of aircraft (CPC 8868**) <p>Covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p>	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Computer reservation systems (CPC 7523**)	1) None 2) None	1) None 2) None	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Activities of establishments engaged in providing and maintaining computer reservation to other enterprises engaged in the provision of travel agency services, including transport and accommodation booking, tour and travel wholesaling/retailing – to establishments engaged in providing reservation services (such as travel agencies etc.). CRS services related to air carriers include the provision of information on air carrier schedules, space availability and tariffs.</p>	3) None	3) None	
<p><u>E. Rail transport services</u></p> <p>b) Freight transportation (CPC 7112);</p> <p>c) Pushing and towing services (CPC 7113); and</p> <p>e) Supporting services for rail</p>	<p>1) None</p> <p>2) None</p> <p>3) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transport services (CPC 743).	<p>right to establish new networks but access to public land may not be guaranteed.</p> <p>Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users.</p>		
<p>F. <u>Road transport services</u></p> <p>a) Passenger transportation (CPC 71213, 71214, 7122)</p> <p>Does not include regular urban bus services</p> <p>b) Freight transportation (CPC 7123)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p>	



### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Rental of commercial vehicles with operator (CPC 7124)	1) None 2) None 3) None	1) None 2) None 3) None	
G. <u>Pipeline transport</u>			
a) Transportation of fuels (CPC 7131)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Transportation of other goods (CPC 7139)	1) None 2) None 3) None	1) None 2) None 3) None	
H. <u>Services auxiliary to all modes of transport</u>			
a) Cargo-handling services in relation to rail, road and air transport only (CPC 741**)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
(Note also that maritime cargo handling services are dealt with under "Maritime Services")			

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
above)			
<p>b) Storage and warehouse services (CPC 742 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime).</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	
<p>c) Freight transport agency services (CPC 748 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
maritime).			
d) Other supporting and auxiliary transport services (CPC 749 excluding maritime)  Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).	1) None 2) None 3) None	1) None 2) None 3) None	

\* Unbound due to lack of technical feasibility

\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance. Unless otherwise stated all CPC references correspond to the United Nations Provisional Central Product Classification.

## NOTE TO SCHEDULE: MARITIME TRANSPORT SERVICES

### DEFINITIONS

1. Multimodal Transport Operator: the person on whose behalf the bill of lading/multimodal document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
2. Cabotage: for the purposes of this Schedule only, cabotage is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia.
3. Offshore Transport refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to, the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.
4. Other Forms of Commercial Presence for the Supply of International Maritime Transport Services: for the purposes of this Schedule, means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery.

These activities include:

- marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

- the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications);
  - the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
  - acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
5. International Rental of Vessels with Crew: rental and/or leasing services of all types of sea-going vessels with crew (such as tankers, bulk dry cargo vessels, cargo and freight vessels) for the purpose of international trade.
  6. Maritime Cargo Handling Services: activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring of terminal operator companies. The activities covered include the organisation and supervision of: the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo; and, the reception/delivery and safekeeping of cargoes in the wharf area before shipment or after discharge.

The organisation and supervision includes the arrangements for (1) engaging skilled labour (dockers), (2) using all the necessary equipment for on-board or shore use and the appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo (upon request of the owner), and (4) the administrative duties as well as the responsibility related to the services.

Container terminal operators can furthermore be appointed for stuffing/stripping containers and e.g. the survey and supply of electricity to containers.

7. Maritime Freight Forwarding Services: the organisation and monitoring of shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
8. Customs Clearance Services: activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this is the main activity of the service provider or a usual complement of its main activity.

9. Preshipment Inspection: all services performed on a fee or contract basis involved in the verification of the quality, quantity, price (including currency exchange rate and financial terms), and/or the customs classification of goods to be exported. Does not include customs or quarantine inspection.
10. Maritime Agency Services: activities consisting in representing, within a given geographic area, as an agent, the business interests of one or more shipping line or shipping companies, for the following purposes:
  - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information
  - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

#### Note on Liner Shipping

Part X of the Trade Practices Act 1974 provides for exemptions from Australian anti-trust legislation so that liner shipping conferences can operate in and out of Australia. Part X requires that every ocean carrier who provides international liner cargo shipping services to or from Australia shall, at all times be represented by a person who is an individual resident in Australia (but not necessarily an Australian citizen) and has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of Part X.

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**Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area**

**NEW ZEALAND'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

## NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS<sup>1</sup>

Modes of supply: 1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>3) Under the Overseas Investment Regulations, 1985, issued under the Overseas Investment Act 1973, Overseas Investment Commission approval is required for the following investments by an "overseas person":<sup>2</sup></p> <p>(a) acquisition or control of 25 per cent or more of the shares or voting power in a company where either the consideration of transfer or the value of the assets of the company exceeds \$NZ10 million;</p> <p>(b) the establishment of new business in New Zealand where the total expenditure in setting up the business exceeds \$NZ10 million;</p>	

<sup>1</sup> See Attachment A.1

<sup>2</sup> See Attachment A.2



**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS<sup>1</sup>**

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		(c) the acquisition of the assets of the business where the total consideration paid or payable for the assets exceeds \$NZ10 million;	
		(d) the issue or allotment of shares where the 25 per cent threshold has already been exceeded or will be exceeded as a result of the issue and where the total consideration paid or payable exceeds \$NZ10 million.	
		<p>OIC consent is required, regardless of the dollar value of the investment, for acquisition of rural land. Approval is also required under the Land Settlement Promotion and Land Acquisition Act for the purchase of some classes of land.</p> <p>Unbound for enterprises currently in State Ownership.</p>	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:                    1)      Cross-border supply    2)      Consumption abroad    3)      Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
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	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:                    1)      Cross-border supply    2)      Consumption abroad    3)      Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Taxation services  Tax preparation, tax planning and consulting services (CPC 86301-86303)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Integrated Engineering Services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
(g) Consultancy related to Urban Planning & Landscape Architecture (CPC 8674**)	1) None 2) None 3) None	1) None 2) None 3) None	
(i) Veterinary services (CPC 9320)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>B. <u>Computer and Related Services</u></b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) Software implementation Services (CPC 842)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Data processing services (CPC 843)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Data base services (CPC 844)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(e) Maintenance and Repair of office machinery and equipment including computers (CPC 845)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Other Computer Services (CPC 849)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>D. <u>Real Estate Services</u></b>			
(a) Involving own or leased Property (CPC 821)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) On a fee or contract basis (CPC 822)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
E. <u>Rental/Leasing of Equipment without Crew</u>  Transport and non transport (CPC 8310)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Other Business Services</u>			
(a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Services related to Management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Services incidental to agriculture, hunting and forestry (CPC 8811, 8813, 8814)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(f) Services incidental to animal husbandry (CPC 8812)	1) None 2) None 3) The Herd Testing Regulations under the Dairy Board Act 1961 restrict the provision of herd testing services to providers licensed by the NZ Dairy Board. The number of licences may be limited.	1) None 2) None 3) None	
(k) Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	



**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(o) Cleaning of buildings and similar activities (CPC 874)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
(p) Photographic Services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
(s) Convention services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	

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\* Unbound due to lack of technical feasibility.

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(t) Credit reporting services (CPC 87901)	1) None 2) None 3) None	1) None 2) None 3) None	The Privacy Act 1993 establishes New Zealand's regulatory framework for the treatment of personal information, in general accordance with the Recommendation of the Council of the OECD Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data.
(t) Collection agency services (CPC 87902)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Translation services (CPC 87905**)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(t) Interior Design Services (87907**)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Telephone Answering Services (CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Duplicating Services (CPC 87904)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Other Business Services – services generally provided to business not elsewhere classified in the CPC and not including convention services. These include: business brokerage services, appraisal services (other than for real estate), secretarial services, demonstration exhibition services, etc. (CPC 87909)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply      2) Consumption abroad      3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
C. <u>Telecommunication Services</u>  (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**)  d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**, CPC 7529**) (g) Private leased circuit services (CPC 7522**, CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None, other than: The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9%. At least half of Board directors are required to be New Zealand citizens.	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other Paging services (CPC 75291) Teleconferencing services (CPC 75292) Personal Communications Services (CPC 75213*) Cellular services (CPC 75213*) Trunked radio system services (CPC 7523**, CPC 75213*) Mobile data services (CPC 7523**)			

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) On-line information and data-base retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhanced/value-added facsimile services (CPC 7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (CPC 843**)	1) None 2) None 3) None	1) None 2) None 3) The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9 per cent. At least half of Board directors are required to be New Zealand citizens.	



**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply      2) Consumption abroad      3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. <u>General Construction Work for Buildings</u> (CPC 512, CPC 515)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
B. <u>General Construction Work for Civil Engineering</u> (CPC 513)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
C. <u>Installation and Assembly Work</u> (CPC 514, CPC 516)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	



**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply      2) Consumption abroad      3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>E. <u>Other</u></b>			
Site preparation: new construction (other than pipelines) (CPC 511)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
Maintenance and repair of fixed structures	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator (CPC 518)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply      2) Consumption abroad      3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>4. DISTRIBUTION SERVICES</b>			
A. <u>Commission Agents' Services</u> (CPC 6211, excluding CPC 62111, CPC 62112, and such services relating to CPC 2613-2615)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Wholesale Trade</u> (CPC 622, excluding CPC 6221, CPC 6222 and such services relating to CPC 2613-2615)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Retail Trade</u> (CPC 631, CPC 632, CPC 6111, CPC 6113 and CPC 6121)	1) None 2) None 3) None	1) None 2) None 3) None	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply      2) Consumption abroad      3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>5. EDUCATION SERVICES</b>			
<p>Primary, Secondary, and Tertiary education in private institutions (CPC 921, CPC 922, CPC 923)</p> <p>Other Education in respect of the following services only:</p> <p>Language training provided in private specialist language institutions;</p> <p>Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system<sup>3</sup>.</p> <p>(CPC 929**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>3</sup> Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

### NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES<sup>4</sup></b>			
A. Waste water management:  (i) consultancy relating to waste water management;  (ii) for all other aspects of this service: those contracted by private industry only.  (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>4</sup> New Zealand's commitments on environmental services exclude the collection, purification and distribution of water, including water for human use.

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. Waste Management</p> <p>Refuse disposal services:</p> <p>(i) consultancy relating to refuse disposal;</p> <p>(ii) for all other aspects of this service: those contracted by private industry only.</p> <p>(CPC 9402**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

### NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sanitation and similar services:  (i) consultancy relating to sanitation and similar services;  (ii) for all other aspects of this service: those contracted by private industry only.  (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Protection of ambient air & climate: consultancy only (CPC 9404**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Remediation & cleanup of soil & water: consultancy only (CPC 9406**) <sup>5</sup>	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>5</sup> New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

### NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Noise & vibration abatement: consultancy only (CPC 9405**)	1) None 2) None 3) None	1) None 2) None 3) None	
F. Protection of biodiversity & landscape: consultancy only (CPC 9406**) <sup>6</sup>	1) None 2) None 3) None	1) None 2) None 3) None	
G. Other environmental & ancillary services: consultancy only (CPC 9409**)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>6</sup> New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<p>1. New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the WTO GATS "Understanding on Commitments in Financial Services" (the Understanding).</p> <p>2. These commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p> <p>3. Market access and national treatment commitments in Modes (1) and (2) are bound to the extent of the obligations in paragraphs B.3 and B.4 of the Understanding.</p> <p>4. The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 3(1) of the Annex on Financial Services to Chapter 8 (Trade in Services).</p> <p>5. Mode 3 commitments are subject to the provisions of the Financial Reporting Act 1993 and the Companies Act 1993. These require overseas companies to prepare financial statements on an annual basis comprising a balance sheet, a profit and loss statement and (if required by an applicable financial reporting standard approved by the Accounting Standards Review Board) a statement of cash flows. The Acts also require such financial statements in relation to an overseas company's New Zealand business. The Acts require the following companies to deliver annual audited financial statements to the Registrar of Companies for registration: (a) issuers (i.e. those which have raised investment from the public); (b) overseas companies; (c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; (d) companies in which 25 per cent or more of the shares are held or controlled by : (i) a subsidiary of a company or body corporate incorporated outside New Zealand or a subsidiary of that subsidiary; (ii) a company or body corporate outside New Zealand; or (iii) a person not ordinarily resident in New Zealand.</p>			



**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Insurance and Insurance- related services</u></p> <p>(a) Life insurance services (CPC 8121)</p> <p>(b) Non-life insurance services (CPC 8129)</p>	<p>3) None</p> <p>1), The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. 3) The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p>	<p>3) None</p> <p>3) None</p>	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (CPC 81299)	<p>1), 3) The Earthquake Commission is the sole insurer of residential property disaster insurance for replacement cover up to NZ\$100,000 per dwelling and NZ\$20,000 on personal property. These amounts may be increased by regulation.</p> <p>1),2)Unbound for marketing and sales 3) related to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p> <p>3) None</p>	<p>3) None</p>	

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)	<p>1), The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p> <p>1), Under the Wheat Producers Levy Act 1987 (or regulations enacted under the Commodities Levy Act 1990), United Wheat growers (NZ) Ltd has the power to organise compulsory disaster insurance on behalf of growers and to require them to pay a levy to recover the premium amount of this insurance.</p> <p>1),2),3) Unbound for loss of products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p>	3) None	

### NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Services Auxiliary to Insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140**)	3) None	3) None	
<b>B. <u>Banking and other Financial Services</u> (excluding insurance)<sup>7</sup></b>			
(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)	3) None	3) None	

<sup>7</sup> As defined in paragraph 2(a) (v)-(xvi) of the Annex on Financial Services to Chapter 8 (Trade in Services).

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transactions(CPC 8113)  (c) Financial leasing (CPC 8112)  (d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts (CPC 81339**)			
(e) Guarantees and commitments (CPC 81199**)			

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the counter market or otherwise, the following:</p> <p>(i) money market instruments (cheques, bills, certificates of deposits etc) (CPC 81339**)</p> <p>(ii) foreign exchange (CPC 81333)</p> <p>(iii) derivative products including, but not limited to, futures and options (CPC 81339**)</p>			

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(iv) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements etc (CPC 81339**)  (v) transferable securities (CPC 81321)  (vi) other negotiable instruments and financial assets, including bullion (CPC 81339**)			

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (CPC 8132)</p> <p>(h) Money broking (CPC 81339**)</p> <p>(i) Asset management, such as cash or portfolio management; all forms of collective investment management, pension fund management, custodial, depository and trust services (CPC 8119**, 81323*)</p>			



**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (CPC 81339**, 81319**)  (k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)			

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) to (k) above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131, 8133)			
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. <u>Hotels and Restaurants</u> (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	



### NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Maritime Auxiliary Services</u>			
Storage and warehousing Services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Attachment A.4)	1) None 2) None 3) None	1) None 2) None 3) None	
<u>C. Air Transport Services</u>			
Selling and marketing of air transport services <sup>8</sup>	1)2) &3) Unbound for products covered under CPC01, 02, 211, 213-216, 22, 2399 and 261.	1) None 2) None 3) None	
Computer reservation system services <sup>9</sup> (CPC 7523**) )	1) None 2) None 3) None	1) None 2) None 3) None	

\* Unbound due to lack of technical feasibility.

<sup>8</sup> As defined in Article 2(m) of Chapter 8 (Trade In Services)

<sup>9</sup> As defined in Article 2(c) of Chapter 8 (Trade In Services).

**NEW ZEALAND – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

Modes of supply:      1) Cross-border supply    2) Consumption abroad    3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
E. <u>Rail Transport Service</u> (CPC 711)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Commercial Road Transport Services</u> (passenger, goods, rental and vehicle recovery) (712 except 71235)	1) None 2) None 3) None	1) None 2) None 3) None	
G. <u>Pipeline Transport</u> (CPC 713)	1) None 2) None 3) None	1) None 2) None 3) None	

## ATTACHMENT A

### NOTES TO THE SCHEDULE

1. Specific commitments in this schedule are prepared in accordance with the WTO Secretariat paper entitled "Scheduling of Initial Commitments on Trade in Services: Explanatory Note" (MTN.GNS/W/164). The classification of sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the WTO Secretariat in MTN.GNS/W/120. In the context of CPC listings in the schedule, the use of \*\* against individual CPC listings indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance.

#### Overseas Investment

2. An "overseas person" is defined as an individual not normally resident in New Zealand; a company not incorporated in New Zealand; a New Zealand-incorporated company in which 25 per cent or more of any class of shares or 25 per cent or more of the voting power is held by overseas persons; or a nominee of the overseas person, whether or not the nominee is himself/herself an overseas person.

#### Maritime Transport Services

3. Cabotage: for purposes of this schedule only, cabotage is defined as the transportation of passengers or goods between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port located in New Zealand.

4. Maritime Freight Forwarding Services: the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

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