

Free Trade Agreement (FTA) on Trade in Services

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CHAPTER 8

TRADE IN SERVICES

Article 1

Definitions

For the purposes of this Chapter, unless the context otherwise requires:

- (a) **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;
- (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 Area of a Party for the purpose of supplying a service;
- (c) **direct taxes** comprise all taxes on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, and taxes on the total amounts of wages or salaries paid by

enterprises, as well as taxes on capital appreciation;

- (d) **juridical person** means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;
- (e) **juridical person of another Party** means a juridical person which is either:
 - (i) constituted or otherwise organised under the law of that other Party, and is engaged in substantive business operations in the Area of that Party or any other Party; or
 - (ii) in the case of the supply of a service through commercial presence, owned or controlled by:
 - (1) natural persons of that Party; or
 - (2) juridical persons of that other Party identified under subparagraph (i);
- (f) 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 Parties affecting trade in services** include measures in respect of:
 - (i) the purchase, payment or use of a service;
 - (ii) the access to and use of, in connection with the supply of a service, services which are required by the Parties to be offered to the public generally;
 - (iii) the presence, including commercial presence, of persons of a Party for the supply of a service in the Area of another Party;
- (i) **monopoly supplier of a service** means any person, public or private, which in the relevant market of the Area of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;

- (j) in respect of the meaning of **natural person of another Party**, Article XXVIII (k) of GATS shall apply to this Chapter, *mutatis mutandis*⁷;
- (k) **person** means either 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 Schedule;
 - (ii) otherwise, the whole of that service sector, including all of its subsectors;
- (m) **services** includes any service in any sector except services supplied in the exercise of governmental authority;
- (n) **service consumer** means any person that receives or uses a service;
- (o) **service of another Party** means a service which is supplied:
 - (i) from or in the Area of that other Party, or in the case of maritime transport, by a vessel registered under the laws of that other Party or by a person of that other Party which supplies the service through the operation of a vessel and/or its use in whole or in part; or

⁷ For Thailand, for a Party that has both nationals and permanent residents and has not notified the WTO, a natural person of that Party shall be limited to a national who resides in the Area of that Party or elsewhere and who under the law of that Party is a national of that Party.

- (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 any person that supplies a service;⁸
- (q) **supply of a service** includes the production, distribution, marketing, sale and delivery of a service; and
- (r) **trade in services** is defined as the supply of a service:
 - (i) from the Area of a Party into the Area of any other Party (cross-border supply: Mode 1);
 - (ii) in the Area of a Party to the service consumer of any other Party (consumption abroad: Mode 2);
 - (iii) by a service supplier of a Party, through commercial presence in the Area of any other Party (commercial presence: Mode 3);
 - (iv) by a service supplier of a Party, through presence of natural persons of a Party in the Area of any other Party (presence of natural persons: Mode 4).

⁸ 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. the juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Chapter. 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 Area where the service is supplied.

Article 2

Scope

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 or 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 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 Area.

4. This Chapter shall not apply to measures affecting:

- (a) government procurement;
- (b) cabotage in maritime transport services;
- (c) subject to Article 13 (Subsidies), 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;

- (d) services supplied in the exercise of governmental authority within the Area of each respective Party; or
- (e) in respect of air transport services, traffic rights however granted; or 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 Chapter 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.

7. For greater certainty, this Chapter shall not prevent a Party from applying measures to regulate the entry of natural persons of another Party into, or their temporary stay in, its Area, including those measures necessary to protect the integrity of, and to ensure the

orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to another Party under the terms as set out in Article 19 (Schedule of Specific Commitments) of the Party applying the measures⁹.

Article 3

Transparency

Article III of GATS is incorporated into and shall form an integral part of this Chapter, *mutatis mutandis*.

Article 4

Disclosure of Confidential Information

Article III *bis* of GATS is incorporated into and shall form an integral part of this Chapter, *mutatis mutandis*.

Article 5

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. (a) Each Party shall maintain or institute as soon as practicable judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of,

⁹ The sole fact of requiring a visa for natural persons of another Party and not for those of a non-Party shall not be regarded as nullifying or impairing benefits accruing to another Party under the terms of a specific commitment.

and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

(b) The provisions of subparagraph (a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.

3. Where authorisation is required for the supply of a service on which a specific commitment under this Chapter has been made, the competent authorities of each 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 its internal laws and regulations, inform the applicant of the decision whether or not to grant the relevant authorisation;
- (c) at the request of the applicant, provide without undue delay information concerning the status of the application; 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.

4. With the objective of ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Parties shall jointly review the results of the negotiations on disciplines on these measures, pursuant to paragraph 4 of Article VI of GATS, with a view to their incorporation into this Chapter. The Parties note that such disciplines aim to ensure that such requirements 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.

5. (a) In sectors in which a Party has undertaken specific commitments, pending the incorporation of the disciplines referred to in paragraph 4, that Party shall not apply licensing and qualification requirements and technical standards that nullify or impair such specific commitments in a manner which:

- (i) does not comply with the criteria outlined in subparagraph 4 (a), 4 (b) or 4 (c); and

- (ii) could not reasonably have been expected of that Party at the time the specific commitments in those sectors were made.

(b) In determining whether a Party is in conformity with the obligation under subparagraph (a), account shall be taken of international standards of relevant international organisations¹⁰ applied by that Party.

6. In sectors where specific commitments regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competence of professionals of any other Party.

7. Where a Party maintains measures relating to qualification requirements and procedures, technical standards and licensing requirements, the Party shall endeavour to make publicly available:

- (a) information on requirements and procedures to obtain, renew or retain any licences or professional qualifications; and
- (b) information on technical standards.

8. In respect of non-governmental bodies which are not exercising governmental authority or are not administering mandatory domestic regulations, each Party shall endeavour to encourage them to comply, where appropriate, with the provisions of this Article.

¹⁰ The term “relevant international organisations” refers to international bodies whose membership is open to the relevant bodies of at least all Parties of this Agreement.

Article 6

Recognition

1. For the purposes of fulfilment, in whole or in part, of their respective standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of paragraph 4, each Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in another Party. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement between the Parties or the relevant competent bodies of the Parties or may be accorded autonomously.

2. Two or more Parties may enter into, or encourage their relevant competent bodies to enter into, negotiations on recognition of qualification requirements, qualification procedures, licensing and/or registration procedures for the purposes of fulfilment of their respective standards or criteria for the authorisation, licensing or certification of service suppliers.

3. 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 Area should be recognised.

4. A Party shall not accord recognition in a manner which would constitute a means of discrimination among the Parties in the application of its standards or criteria for the authorisation, licensing or certification of services suppliers, or a disguised restriction on trade in services.

Article 7

Monopolies and Exclusive Service Suppliers

1. Each Party shall ensure that any monopoly supplier of a service in its Area does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under specific commitments.

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 Area in a manner inconsistent with such commitments.

3. If any Party has 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, that Party may request the Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.

4. The provisions of 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 Area.

Article 8

Business Practices

1. The Parties recognise that certain business practices of service suppliers, other than those falling under Article 7 (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 (the "Requesting Party"), enter into consultations with a view to eliminating practices referred to in paragraph 1. The Party addressed (the "Requested Party") shall accord full and sympathetic consideration to such a request and shall co-operate through the supply of publicly available non-confidential information of relevance to the matter in question. The Requested Party shall also provide other information available to the Requesting Party, subject to its internal law and to the conclusion of satisfactory agreement concerning the safeguarding of its confidentiality by the Requesting Party.

Article 9

Safeguards

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 Chapter so as to incorporate the results of such multilateral negotiations.

2. In the event that the implementation of this Chapter 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 for consultations with the other Party for the purposes of discussing any measure with respect to the affected service sector. Any measure taken pursuant to this paragraph shall be mutually agreed by the Parties concerned. The Parties concerned shall take into account the circumstances of the particular case and give sympathetic consideration to the Party seeking to take a measure.

Article 10

Payments and Transfers

1. Except under the circumstances envisaged in Article 11 (Restrictions to Safeguard the Balance of Payments), a Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.

2. Nothing in this Chapter shall affect the rights and obligations of any Party who is a member of the

International Monetary Fund (the “Fund”) under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement of the Fund, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except under Article 11 (Restrictions to Safeguard the Balance of Payments) or at the request of the Fund.

Article 11

Restrictions to Safeguard the Balance of Payments

Where a Party is in serious balance-of-payments and external financial difficulties or threat thereof, it may adopt or maintain restrictions on trade in services in accordance with Article XII of GATS.

Article 12

Security Exceptions

Nothing in this Chapter shall be construed to:

- (a) require any Party to furnish any information, the disclosure of which it considers contrary to its essential security interests; or
- (b) prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:
 - (i) action relating to fissionable and fusionable materials or the materials from which they are derived;

- (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - (iii) action taken so as to protect critical public infrastructures including communications, power and water infrastructures from deliberate attempts intended to disable or degrade such infrastructures;
 - (iv) action taken in time of war or other emergency in domestic or international relations; or
- (c) prevent any Party from taking any action in pursuance of its obligations under the *United Nations Charter* for the maintenance of international peace and security.

Article 13

Subsidies

1. Except as provided in this Article, this Chapter shall not apply to subsidies or grants provided by a Party, or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services, service consumers or service suppliers. If such subsidies or grants significantly affect trade in services committed under this Chapter, any Party may request for consultations with a view to an amicable resolution of this matter.

2. Pursuant to this Article, the Parties shall:
 - (a) on request, provide information on subsidies related to trade in services committed under this Chapter to any requesting Party; and
 - (b) review the treatment of subsidies when relevant disciplines are developed by the WTO.

Article 14

WTO Disciplines

Subject to any future agreements as may be agreed pursuant to reviews of this Chapter by the Parties under Article 23 (Review), the Parties hereby agree and reaffirm their commitments to abide by the provisions of the agreements under the framework of WTO Agreement as are relevant and applicable to trade in services.

Article 15

Increasing Participation of Cambodia, Lao PDR, Myanmar and Viet Nam

The increasing participation of Cambodia, Lao PDR, Myanmar, and Viet Nam in this Chapter shall be facilitated through negotiated specific commitments, relating to:

- (a) the strengthening of their domestic services capacity and its efficiency and competitiveness, *inter alia*, through access to technology on a commercial basis;

- (b) the improvement of their access to distribution channels and information networks;
- (c) the liberalisation of market access in sectors and modes of supply of export interest to them; and
- (d) appropriate flexibility for Cambodia, Lao PDR, Myanmar, and Viet Nam for opening fewer sectors, liberalising fewer types of transactions and progressively extending market access in line with their respective level of development.

Article 16

Market Access

1. With respect to market access through the modes of supply identified in subparagraph (r) of Article 1 (Definitions), a 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 Schedule.¹¹

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 Area, unless otherwise specified in its Schedule, are defined as:

- (a) limitations on the number of service suppliers whether in the form of numerical

¹¹ If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph (r) (i) of Article 1 (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 in relation to the supply of a service through the mode of supply referred to in subparagraph (r) (iii) of Article 1 (Definitions), it is thereby committed to allow related transfers of capital into its Area.

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 service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;¹²
- (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.

¹² Subparagraph 2 (c) does not cover measures of a Party which limit inputs for the supply of services.

Article 17

National Treatment

1. In the sectors inscribed in its Schedule, 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 suppliers¹³.

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 18

Additional Commitments

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Article 16 (Market Access) and Article 17 (National Treatment) including those regarding qualifications, standards or licensing matters. Such commitments shall be inscribed in a Party's Schedule.

¹³ 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.

Article 19

Schedule of Specific Commitments

1. Each Party shall set out in a schedule the specific commitments it undertakes under Article 16 (Market Access), Article 17 (National Treatment) and Article 18 (Additional Commitments). With respect to sectors where such commitments are undertaken, each Schedule shall specify:

- (a) the sectors in which such commitments are undertaken;
- (b) terms, limitations and conditions on market access;
- (c) conditions and qualifications on national treatment;
- (d) undertakings relating to additional commitments; and
- (e) where appropriate the time-frame for implementation of such commitments.

2. Measures inconsistent with both Article 16 (Market Access) and Article 17 (National Treatment) shall be inscribed in the columns relating to Article 16 (Market Access).

3. The Parties' schedules of specific commitments shall be annexed to this Chapter at Annex 8-1 (Schedules of Specific Commitments) and shall form an integral part thereof.

Article 20

Application and Extension of Commitments

1. Hong Kong, China shall make a single schedule of specific commitments under Article 19 (Schedule of Specific Commitments) and shall apply its Schedule to all ASEAN Member States.
2. Each ASEAN Member State shall make its individual schedule of specific commitments under Article 19 (Schedule of Specific Commitments) and shall apply its Schedule to Hong Kong, China and the rest of the ASEAN Member States.

Article 21

Modification of Commitments

1. A Party may modify or withdraw any commitment in its Schedule (the “modifying Party”) at any time after three years from the date on which that commitment has entered into force, provided that:
 - (a) the modifying Party notifies the other Parties as well as the ASEAN Secretariat of its intention to modify or withdraw a commitment no later than three months before the intended date of implementation of the modification or withdrawal; and
 - (b) the modifying Party enters into negotiations with any affected Party to agree to the necessary compensatory adjustment.
2. In achieving a compensatory adjustment, the Parties concerned shall ensure that the general level of mutually advantageous commitment is not less

favourable to trade than provided for in the Schedules prior to such negotiations.

3. Any compensatory adjustment pursuant to this Article shall be accorded on a non-discriminatory basis to all Parties.

4. If the Parties concerned are unable to reach an agreement on the compensatory adjustment, the matter shall be resolved by arbitration under Chapter 13 (Consultations and Dispute Settlement). The modifying Party may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the arbitration.

5. If the modifying Party implements its proposed modification or withdrawal and does not comply with the findings of the arbitration, any Party that participated in the arbitration may modify or withdraw substantially equivalent benefits in conformity with those findings. Notwithstanding Article 20 (Application and Extension of Commitments), such a modification or withdrawal may be implemented solely with respect to the modifying Party.

Article 22

Contact Point

1. Each Party shall designate a contact point to facilitate communications among the Parties on any matter covered by this Chapter, including the exchange of information relevant to the implementation and operation of this Chapter.
2. At the request of any Party, the contact point of the requested Party shall identify the office or official responsible for the matter and assist in facilitating communication with the requesting Party.

Article 23

Review

1. The Parties shall review this Chapter in accordance with Article 7 (Review) of Chapter 14 (Final Provisions) for the purpose of considering further measures to liberalise trade in services as well as to develop disciplines and negotiate agreements on matters referred to in Article 14 (WTO Disciplines) or any other relevant matters as may be agreed.
2. The Parties may, at the reviews pursuant to paragraph 1, enter into negotiations to negotiate further improvements to specific commitments under this Chapter so as to progressively liberalise trade in services between the Parties.

Article 24

Miscellaneous Provisions

1. The GATS Annexes, namely, *Annex on Movement of Natural Persons Supplying Services under the Agreement*, *Annex on Air Transport Services*, *Annex on Financial Services*, and *Annex on Telecommunications*, shall apply to this Chapter, *mutatis mutandis*.
2. Except as otherwise provided in this Chapter, this Chapter or any action taken under it shall not affect or nullify the rights and obligations of a Party under existing agreements to which it is a party.

Article 25

Denial of Benefits

A Party may deny the benefits of this Chapter:

- (a) to the supply of a service, if the Party establishes that the service is supplied from or in the area of a non-Party;
- (b) in the case of the supply of a maritime transport service, if the Party 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 the Party establishes that that juridical person is not a service supplier of another Party.

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

Schedule of Brunei Darussalam

Schedule of Cambodia

Schedule of Indonesia

Schedule of Lao PDR

Schedule of Malaysia

Schedule of Myanmar

Schedule of the Philippines

Schedule of Singapore

Schedule of Thailand

Schedule of Viet Nam

Schedule of Hong Kong, China

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF BRUNEI DARUSSALAM

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|--|---|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence unless otherwise specified in the specific commitments.</p> <p>4) Unbound except for measures concerning the entry and temporary presence of intra- corporate transferees at the level of managers, executives and</p> | <p>3) With respect to existing commercial presence:</p> <ul style="list-style-type: none"> - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be ordinarily resident in 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. <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>specialists. Intra-corporate transferees refer to managers, executives and specialists, as defined below, who are employees of firms that provide services within Brunei Darussalam through a branch, subsidiary, or affiliate established in Brunei Darussalam and who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p> <p>(a) Managers - persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or</p> | | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.</p> <p>(b) Executives - persons within the organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to</p> | | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>the actual provision of the service or services of the organisation.</p> <p>(c) Specialists - persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions).</p> <p>Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed five years.</p> | | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| b) Auditing services (CPC 862) | <p>1) Foreign-based auditors (public accountants) are allowed to provide public accountancy services in Brunei Darussalam in accordance to Accountants Order, 2010 and approved by the Ministry of Finance through the Public Accountants Oversight Committee (PAOC).</p> <p>2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p> | <p>1) & 2) Professional accountants who intend to become a Public Accountant must possess the following prescribed by the Ministry of Finance:</p> <p>a) Pass examination in accountancy from any recognized professional accountancy body listed below:</p> <p>(i) Certified Practising Accountant Australia</p> <p>(ii) Association of Chartered Accountants of Australia</p> <p>(iii) The Institute of Chartered Accountants of Australia</p> <p>(iv) The Institute of Chartered</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|------------------------------|---|------------------------|
| | | <p style="text-align: center;">Accountants of Canada</p> <p style="text-align: center;">(v) The Institute of Chartered Accountants of England and Wales</p> <p style="text-align: center;">(vi) The Institute of Chartered Accountants of Ireland</p> <p style="text-align: center;">(vii) The Institute of Chartered Accountants of New Zealand</p> <p style="text-align: center;">(viii) The Institute of Chartered Accountants of Scotland</p> <p style="text-align: center;">b) Relevant audit practical experience of not less than three (3) years cumulatively within a five (5) year period.</p> <p style="text-align: center;">c) Fulfil 40 units/hours of Continuous Professional Education (CPE) requirements.</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p>3) Public Accountant who intends to set up a business in Brunei Darussalam must adhere to Part V of the Accountants Order and it is subject to approval by the Ministry of Finance.</p> | <p>d) Must be a member of Brunei Institute of Certified Public Accountants (BICPA) as National Accountancy Body.</p> <p>3) a) To maintain a location Programme i.e. employ 75% local in audit related posts.</p> <p>b) For applicants who are not citizens or permanent residents of Brunei:</p> <p>i) Must be residing in Brunei for at least 90 days in one year;</p> <p>ii) Must have one local partner who is a Public Accountant at the same firm.</p> <p>For foreign applicants who cannot fulfil requirements in (b) above may be considered if he/she satisfies other requirements</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|--|--|------------------------|
| | 4) Unbound except as indicated under horizontal measures. | with regards to any other requirements prescribed by the Ministry of Finance. 4) Unbound except as indicated under horizontal measures. | |
| (d) Architectural Services (CPC 8671) | <p>1) None, other than plans should be submitted through licensed practising architects and a registered partnership.</p> <p>2) None</p> <p>3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Name Act respectively.</p> <p>ii) Foreign equity participation shall not exceed 45%.</p> <p>iii) Companies or firm must be registered with the Ministry of Development.</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>iv) The Board of Directors of a company must comply with the requirements of the relevant professional legislation related to architects and must be registered with the Ministry of Development.</p> <p>4) In addition to those indicated in the horizontal section, the licensed practising architects should have recognised academic and professional qualifications and registered as “qualified persons” with the Ministry of Development. Qualified persons or licensed architects are registered if they have been one year residence in Brunei and practising with a local licensed architect.</p> | <p>4) Unbound</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (h) Medical and dental services (CPC 9312) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal measures. | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal measures. | |
| B. Computer and Related Services | | | |
| (a) Consultancy services related to installation of computer hardware | 1) None 2) None | 1) None 2) None | |
| (b) Software implementation | 3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam. | 3) None | |
| (c) Data processing services | 4) Unbound except as indicated in the horizontal measures. | 4) Unbound except as indicated in the horizontal measures. | |
| (d) Database services (CPC 841, 842, 843, 844, 845 + 849) | 4) Unbound except as indicated in the horizontal measures. | 4) Unbound except as indicated in the horizontal measures. | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| E. Rental/Leasing Services without Operators | | | |
| 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). 4) Unbound except with respect to (b), one technical post subject to: - Local availability test, | 1) None 2) None 3) Unbound 4) Unbound except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met: | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|--|
| | - Designation of a specified number of Brunei trainees. | (a) residency; (b) registration). | |
| 2. COMMUNICATION SERVICES | | | |
| C. Telecommunication Services | | | |
| 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. 4) Unbound except as indicated in the horizontal section. | 1) Unbound 2) Unbound 3) None except as indicated in the horizontal section. 4) None except as indicated in the horizontal section. | 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. 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. 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 |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|--|
| | | | interest and economic conditions justify the issuance of such licence. |
| 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). 4) Unbound except as indicated in the horizontal section. | 1) Unbound 2) Unbound 3) None except as indicated in the horizontal section. 4) Unbound except as indicated in the horizontal section. | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>3. Mobile services</p> <p>(a) Public cellular mobile telephone service</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) Unbound</p> <p>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).</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None except as indicated in the horizontal section.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|--|
| (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 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522**) | 1) None 2) None 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act These services are being provided exclusively by TelBru Sdn Bhd. 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) None, except as indicated in the horizontal section. 4) Unbound except as indicated in the horizontal section. | The period of exclusivity for these services will be extended for up to one year 2016. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of the period. |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (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 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| (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 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (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 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| (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 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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**) | <ul style="list-style-type: none"> 1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control. 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| (m) Voice mail services (CPC 7523**) | <ul style="list-style-type: none"> 1) None except service providers must use Public Telecom Network under Government National Authority. 2) Unbound 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's Companies' Act. 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) Unbound 2) Unbound 3) None except as indicated in the horizontal section. 4) Unbound except as indicated in the horizontal section. | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| <p>CONSTRUCTION SERVICES (CPC 512, 513, 514 + 516, 517, 515)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) a) The company should be registered under the office of Registrar of Companies and Business Names, Attorney Generals' Chamber.</p> <p style="padding-left: 20px;">b) Foreign equity should not exceed 50%.</p> <p style="padding-left: 20px;">c) The company should be registered with the Ministry of Development.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| 5. EDUCATIONAL SERVICES | | | |
| Adult Education (CPC 924) Course with the maximum duration of 3 months (Private education) | 1) None 2) None 3) (i) Through joint venture, with foreign equity participation shall not exceed 49%. (ii) Foreign employees not exceeding 10% of the workforce. 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| Foreign Language Training Centre (CPC 929) | 1) None 2) None 3) Foreign Equity participation should not exceed 49%. 4) Unbound | 1) None 2) None 3) Majority of senior managers in any such enterprise are Bruneian nationals 4) Unbound | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| 7. FINANCIAL SERVICES | | | |
| A. All insurance and insurance-related Services | | | |
| (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. 4) Unbound except as indicated in the horizontal section. | 1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| | 4) Unbound except as indicated in the horizontal section. | 4) Unbound except as indicated in the horizontal section. | |
| (c) Reinsurance and retrocession (life and non-life) (CPC 81299*) | 1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| (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 the Ministry of Finance (ii) Broker, underwriting and insurance managers require approval. | 1) Unbound 2) None 3) Unbound | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | 4) Unbound except as indicated in the horizontal section. | 4) Unbound except as indicated in the horizontal section. | |
| 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 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and restaurants (including catering) | | | |
| Hotel Lodging Services (CPC 64110) 4 and 5 star hotels only | 1) None 2) None 3) Joint ventures in which local equity constitutes not less than 30%. 4) Unbound except as indicated in the horizontal section. | 1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section. | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| a) Passenger Transportation (CPC 7211) | 1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section. | |
| b) Freight Transportation (CPC 7212) | 1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section. | |
| C. Air Transport Services | | | |
| c) Rental of aircraft with crew (CPC 734) | 1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity. 2) None | 1) None 2) None | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p>3) Unbound except:</p> <p style="padding-left: 20px;">(a) Only through a representative office;</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 20px;">(b) Only by appointment of a General Sales Agent: who is a Bruneian controlled company; and</p> <p style="padding-left: 20px;">(c) Permanent address in Brunei Darussalam with respect to (a).</p> <p>4) Unbound except with respect to (b), one technical post subject to:</p> <ul style="list-style-type: none"> - Local availability test; - Designation of a specified number of Brunei trainees. | <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| (d) Maintenance and repair of aircraft (CPC 8868**) | 1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section. | |

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF CAMBODIA

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| A. HORIZONTAL COMMITMENTS APPLICABLE TO SECTORS LISTED IN THE SECTORAL PART OF THE SCHEDULE | | | |
| Subsidies | | 3), 4) 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 | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----------------------------|---|--|------------------------|
| 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 | |
| Presence of natural persons | <p>4) Unbound except for measures concerning the entry and temporary stay of a natural person who falls in one of the following categories:</p> <p><u>Business visitors</u></p> <p>A natural person who:</p> <ul style="list-style-type: none"> - enters Cambodia for the purposes of participating in business meetings, establishing business contacts including negotiations for the sale of services and/or other similar activities; - stays in Cambodia without | 4) Unbound, except for measures affecting the categories referred to under market access | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>receiving income from within Cambodian sources;</p> <p>- does not engage in making direct sales to the general public or supplying services</p> <p>Entry visa for business visitors shall be valid for a period of 90 days for an initial stay of 30 days, which may be extended.</p> <p><u>Persons responsible for setting up of a commercial establishment:</u></p> <p>Persons working in an executive or managerial position, receiving remuneration from an entity as defined below, who are responsible for the setting up, in Cambodia, of a commercial presence of a service provider of a Party, that will support employment of persons described in a, b, and c below. The subject persons are not subject to a maximum duration of stay.</p> | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p><u>Intra-Corporate Transferees</u></p> <p>Natural persons who have been employed by a juridical person of another Party for a period of not less than 1 year and who seek temporary entry to provide services through a branch, subsidiary and affiliate in Cambodia and who are:</p> <p>a) <u>Executives</u>: without requiring compliance with labour market tests, persons within an organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization.</p> <p>b) <u>Managers</u>: without requiring compliance with labour market tests, natural</p> | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>persons employed by a juridical entity and who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity product, service, research, equipment, techniques, or management, and who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service.</p> | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>c) Specialists: Natural persons, within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management.</p> <p>Temporary residency and work permit is required for the natural persons in the categories defined under intra-corporate transferees. Such permits are issued for two years and may be renewed annually up to maximum of total five years.</p> | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| A. SECTOR-SPECIFIC COMMITMENTS | | | |
| I. BUSINESS SERVICES | | | |
| 1. Professional Services | | | |
| (a) Legal services (CPC 861) | 1) None 2) None 3) In commercial association with Cambodian law firms ¹ , and may not directly represent clients in courts 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| 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 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

¹ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| (b) Accounting, auditing, bookkeeping (CPC 86211, 86212, 86220) | 1) None, except must have commercial presence in Cambodia for auditing services. 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| (c) Taxation services (CPC 8630) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| (d) Architectural services (consulting, planning or design services) (CPC 8671) | 1) None 2) None 3) None 4) Unbound, except as | 1) None 2) None 3) None 4) Unbound, except as | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | indicated in the horizontal section | indicated in the horizontal section | |
| (e) Engineering services (CPC 8672) | 1) None | 1) None | |
| (f) Integrated engineering services (CPC 8673) | 2) None | 2) None | |
| (g) Urban planning and landscape architectural services (CPC 8674) | 3) None | 3) None | |
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| (h) Specialized medical services (CPC 93122) | 1) Unbound | 1) Unbound | |
| Dental services (CPC 93123**) | 2) None | 2) None | |
| These services are limited only to orthodontic services, oral surgery, and other specialized dental service. | 3) Provision of services is permitted through a joint venture with Cambodian juridical persons | 3) None | |
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 2. Computer and Related Services | | | |
| (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) | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| (c) Data processing services (CPC 843) | | | |
| (d) Data base services (CPC 844) | | | |
| (e) Other (CPC 845+849) | | | |
| 5. Rental/Leasing Services without Operators | | | |
| (d) Renting and leasing of studio recording equipment (CPC 83109**) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 6. Other Business Services | | | |
| (a) Advertising services (CPC 871) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| (b) Market research services (CPC 86401) | 1) None 2) None | 1) None 2) None | |
| (c) Management consulting services (CPC 865) | 3) None 4) Unbound, except as indicated in the horizontal section | 3) None 4) Unbound, except as indicated in the horizontal section | |
| (d) Services related to man. Consulting (CPC 866) | | | |
| (e) Technical testing and analysis services (CPC 8676) | | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| (h) Services incidental to mining (CPC 883**) | 1) None 2) None | 1) None 2) None | |
| (j) Services incidental to energy distribution (CPC 887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels household, industrial, commercial and other users | 3) None 4) Unbound, except as indicated in the horizontal section | 3) None 4) Unbound, except as indicated in the horizontal section | |
| (k) Placement and supply services of Personnel (CPC 872) | 1) None 2) None | 1) None 2) None | |
| (m) Engineering related scientific and technical consulting services (CPC 8675) | 3) None 4) Unbound, except as indicated in the horizontal section | 3) None 4) Unbound, except as indicated in the horizontal section | |
| (q) Packaging services (CPC 876) | | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|--|
| II. COMMUNICATION SERVICES | | | |
| 2. Courier Services | | | |
| Courier Services (CPC 7512) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| 3. Telecommunication Services | | | |
| 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) of the WTO. | | | |
| (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 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 undertakes obligations contained in the Reference Paper attached. |
| (c) Circuit-switched data transmission services (CPC 7523**) | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| (d) Telex services (CPC 7523**) | | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (e) Telegraph services (CPC 7522) | | | |
| (f) Facsimile services (CPC 7521**+ 7529**) | | | |
| (g) Private leased circuit services (CPC 7522**+7523**) | | | |
| (h) E-mail (CPC 7523**) | 1) None | 1) None | |
| (i) Voice-mail (CPC 7523**) | 2) None | 2) None | |
| (j) On-line information and data base-retrieval (CPC 7523**) | 3) None | 3) None | |
| (k) Electronic Data Interchange (CPC 7523**) | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**) | | | |
| (m) Code and protocol conversion | | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|---|
| (n) On-line information and/or data processing (including transaction processing) (CPC 843**) | | | |
| (o) Other services: - Mobile services | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services. |
| III. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| 1. General Construction Work for Buildings (CPC 512) | 1) Unbound* 2) None | 1) Unbound* 2) None | |
| 2. General Construction Work for Civil Engineering (CPC 513) | 3) None 4) Unbound, except as indicated in the horizontal section | 3) None 4) Unbound, except as indicated in the horizontal section | |
| 3. Installation and Assembly Work (CPC 514; CPC 516) | | | |

* Unbound due to lack of technical feasibility.

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 4. Building Completion and Finishing Work (CPC 517) | | | |
| 5. Other (CPC 511, 515, 518) | | | |
| IV. DISTRIBUTION SERVICES | | | |
| 1. Commission agents' services (CPC 621) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| 2. Wholesale trade services Wholesale trade services of motor vehicles (CPC 61111) Sales of parts of motor vehicles (CPC 6113) Sales of motorcycles and related parts (CPC 6121) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC 62244) | | | |
| <p>3. Retailing services</p> <ul style="list-style-type: none"> - Retail sales of motor vehicles (CPC 61112); - Sales of parts of motor vehicles (CPC 6113); - Sales of motorcycles and related parts (CPC 6121) <p>For supermarkets and large department stores only²:</p> <ul style="list-style-type: none"> - Food and non-food retailing services (CPC631+632), excluding sales of pharmaceutical goods, | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> | |

² Large supermarkets and department stores are those of floor space no less than 2,000 m².

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| medical and orthopaedic goods (CPC63211). - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234) | | | |
| 5. Franchising services (CPC 8929) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| 6. Other - Retail sales of motor fuel (CPC 613) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|--|
| V. EDUCATIONAL SERVICES | | | |
| 3. Higher education services (CPC 923) | 1) None | 1) 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) | 2) None | 2) None | |
| 5. Other education services (CPC 929) | 3) None | 3) None | |
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| VI. ENVIRONMENTAL SERVICES | | | |
| 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 | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| - Cleaning of exhaust gases (CPC 9404) | | | |
| - Noise abatement services (CPC 9405) | | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| <ul style="list-style-type: none"> - Nature and landscape protection services (CPC 9406) - Other environmental services not included elsewhere (CPC 9409) | | | |
| VI. FINANCIAL SERVICES | | | |
| 1. All insurance and insurance-related services | | | |
| (a) Life insurance services (CPC 81211) | <ul style="list-style-type: none"> 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 4) Unbound, except as indicated in the horizontal section | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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 once a law has been passed, the appropriate regulations in place and a local firm authorized, whichever comes first.</p> <p>Until the conditions above are met, 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</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal</p> | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | section | section | |
| (c) Reinsurance and retrocession (CPC 81299) | 1) None 2) None 3) None, except companies must reinsure 20% of their risk in Cambodia Re 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| (d) Services auxiliary to insurance (including broking and agency services) (CPC 8140) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| 2. Banking and other financial services | | | |
| <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 81339³)</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>4) Unbound, except as indicated in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> | |

³ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>The commitments for subsectors (c) and (e) refer to commercial banking only.</p> <p>(c) Financial leasing</p> <p>(e) Guarantees and commitments</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound until related laws and regulations are established</p> <p>4) Unbound, except as indicated in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</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> <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</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound for subsectors (f) – (I), 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>4) Unbound, except as indicated in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|------------------------------|-----------------------------------|------------------------|
| <p>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 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</p> | | | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|------------------------------|-----------------------------------|---|
| <p>assets, including securities, derivative products, and other negotiable instruments;</p> <p>(k) Provision 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 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</p> | | | <p>Note: “subparagraphs (v) through (xv)” as stated under (l) refer to items (a) through (k) of those financial services set out in the definition of a financial service under Annex on Financial Services of the GATS.</p> |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| VIII. HEALTH RELATED AND SOCIAL SERVICES | | | |
| 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 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| IX. TOURISM AND TRAVEL RELATED SERVICES | | | |
| 1. Hotels (CPC 64110) | 1) None 2) None 3) None for hotel 3 stars or higher ⁴ 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

⁴ 3 stars hotel is defined as in the Sub-decree on Hotel One to Five Stars Rating and Accommodations of 2004.

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Restaurants (CPC 642, 643) | 1) Unbound* 2) None 3) Permit is granted taking into account characteristics of the area ⁵ 4) Unbound | 1) Unbound* 2) None 3) Unbound 4) 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 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

⁵ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 3. Tourist guides services (CPC 7472) | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section. Cambodian nationality requirement for tourist guides. | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |
| X. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| - Other entertainment services n.e.c. (CPC 96199): - Cinema theatre services, including cinema projection services | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|--|
| XI. TRANSPORT SERVICES | | | |
| 1. Maritime Services | | | |
| International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage | 1) Unbound 2) Unbound 3) Unbound 4) Unbound | 1) Unbound 2) Unbound 3) Unbound 4) Unbound | Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii) of the GATS, no measures shall be applied which deny reasonable and non-discriminatory access to the following services: <ol style="list-style-type: none"> 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; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|---|
| | | | 9. Surveying and classification services. |
| 2. Air Transport Services | | | |
| - Aircraft repair and maintenance services (CPC 8868) | 1) None 2) None | 1) None 2) None | |
| - Selling and marketing of air transport services | 3) None | 3) None | |
| - Computer Reservation System Services (CRS) | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| 6. Road Services | | | |
| (a) Passenger transportation (CPC 7121 + 7122) | 1) None 2) None | 1) None 2) None | |
| (b) Freight transportation (CPC 7123) | 3) None | 3) None | |
| (c) Rental of commercial vehicles with operator (CPC 7124) | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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) | 1) None 2) None | 1) None 2) None | |
| (e) Supporting services for road transport services (CPC 744) | 3) None 4) Unbound, except as indicated in the horizontal section | 3) None 4) Unbound, except as indicated in the horizontal section | |
| 7. Pipeline Transport Services | | | |
| (a) Transport of fuels (CPC 7131) | 1) Services must be provided through a contract of concession granted by the State on case-by- cases basis | 1) None | |
| (b) Transport of other goods (CPC 7139) | 2) None 3) Services must be provided through a contract of concession granted by the State on case-by-cases basis 4) Unbound, except as indicated in the horizontal section | 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

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 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 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 (incl. 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 (incl. 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 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 licencing 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. 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.

CAMBODIA – LIST OF MFN EXEMPTIONS

| Sector or Sub-sector | Description of measures indicating its inconsistency with Article II | Countries to which the measures applies | Intended duration | Conditions creating the need for the exemption |
|--|---|---|-------------------|---|
| Audiovisual services - Production and distribution of television programmes and cinematographic works | Measures based upon coproduction agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements | Countries with which such bilateral or plurilateral agreements are in force, nor or in the future | Indefinite | The aim of these agreements is to promote cultural links between the countries concerned |
| Audiovisual services - Production and distribution of television programmes and cinematographic works | Measures granting the benefit of support programmes (such as “Fonds d’aide a la production de l’agence intergovernmental de la Francophonie”) to audiovisual works, and suppliers of such works meeting origin criteria | Countries with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation | Indefinite | These programmes aim at preserving the cultural identity of countries with which Cambodia has a long-standing cultural links |
| Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public | Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission | Countries with which bilateral or plurilateral agreements concluded in the area of cultural cooperation | Indefinite | These measures aim, within the sector, to promote cultural values both within Cambodia, and with other countries, including in the region |

| Sector or Sub-sector | Description of measures indicating its inconsistency with Article II | Countries to which the measures applies | Intended duration | Conditions creating the need for the exemption |
|----------------------|---|--|-------------------|---|
| Land transport | Facilitation of transport and transit transport agreements | Existing and future bilateral or plurilateral agreements | Indefinite | The need to promote tourism and trade in transport services especially among the neighbouring countries |
| Internal waterways | Establishes procedures, charges, and specific regulations applicable for ships of countries concerned operating in Mekong river basin | Existing and future bilateral or plurilateral agreements | Indefinite | Ensure and facilitate navigation in the Mekong river |
| Maritime transport | Establishes procedures, charges, and specific regulations for maritime transport applicable for ships of countries concerned operating in Siam Gulf | Existing and future bilateral or plurilateral agreements | Indefinite | Ensure and facilitate navigation in the Siam Gulf |

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF INDONESIA

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| <p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p> | <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>(i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT),</p> <p>(ii) 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) The Income Tax Law provides that non-resident taxpayers will be subject to withholding tax as stipulated in Indonesian tax laws and regulations if they derive the following income from Indonesian source</p> <p>(a) interest</p> <p>(b) royalties</p> <p>(c) dividend</p> <p>(d) fee from service performed in Indonesia</p> <p>Land Acquisition</p> <p>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</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p>4) Subject to Indonesian Labour and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise, are allowed to stay for two years and could be extended for a maximum two times subject to two years extension each time. Manager and technical experts (intra corporate transfer) are allowed based on an economic needs test.</p> <p>The entry and temporary stay of business visitor(s) is (are) permitted for a period of 60 days and could be extended maximum for 120 days.</p> | <p>Bangunan), and they may rent/lease land and property.</p> <p>4) Expatriate Charges</p> <p>Any foreign natural persons supplying services are subject to charges levied by Governments</p> <p>Labor Laws and Regulations</p> <p>Any expatriate employed by a joint venture enterprise, representatives office, and/or other types of juridical person and/or an individual services provider must hold a valid working permit issued by the Ministry of Manpower.</p> <p>Any juridical and natural persons shall meet professional qualification requirements.</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|------------------------------|-----------------------------------|------------------------|
| <p>Definitions:</p> <p>"Director": One or a group of persons entrusted by the shareholders of a services providing entity with the final overall control and direction of the enterprise, and legally responsible to act on behalf of the enterprises inside and/or outside of the court.</p> <p>"Manager": Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from the board of directors of the business, including directing the service supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee.</p> <p>"Technical Expert/Advisor": Person employed by a service supplier who possesses a standard of high or common (i) qualifications referring to a type of work or trade requiring specific technical knowledge or (ii) knowledge essential or proprietary to the service, research equipment, techniques or management.</p> <p>"Joint Operator": A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws.</p> <p>"Joint venture Enterprise": A joint venture enterprise is a legal entity organized under Indonesian law and having its domicile in Indonesia, in the form of cooperation between foreign capital and Indonesian (national) capital.</p> <p>"Contract Management": Contract management is a contract organized under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.</p> <p>Business visitor(s) is (are) natural person staying in Indonesia for the purpose of participating in business meeting, business contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.</p> | | | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| F. Other Business Services | | | |
| <u>ENERGY SERVICES</u> | | | |
| General condition on energy services | | | |
| Indonesia's Schedule of Specific Commitments on energy services sector based on 2nd Revised Indonesian proposal of energy services classification. | | | |
| <p>Core analysis and other Lab Test, only for Isotop Analysis</p> <ul style="list-style-type: none"> - According to Indonesia Proposal of Energy Services Classification is under: Isotop Analysis (1A.2.7.3.) - According to W120 is under: Business Services on Technical Testing and Analysis Services (CPC 8676) | <ul style="list-style-type: none"> 1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound | <ul style="list-style-type: none"> 1) None 2) None 3) As specified in the Horizontal Section 4) Unbound | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>Geological and geophysical services, only for seismic data acquisition</p> <ul style="list-style-type: none"> - According to Indonesia Proposal of Energy Services Classification is under: Seismic Data Acquisition (1A.1.4.1.1.) - According to W120, Seismic Data Acquisition is under: Business Services on Subsurface Surveying Services (CPC 86752) | <ul style="list-style-type: none"> 1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound | <ul style="list-style-type: none"> 1) None 2) None 3) As specified in the Horizontal Section 4) Unbound | |
| <p>Liquefaction and Gasification - only for Coal</p> <ul style="list-style-type: none"> - According to Indonesia Proposal of Energy Services Classification is under: <ul style="list-style-type: none"> - Coal Liquefaction (2.4.4.4.) - Coal Gasification (2.4.4.5.) | <ul style="list-style-type: none"> 1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound | <ul style="list-style-type: none"> 1) None 2) None 3) As specified in the Horizontal Section 4) Unbound | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| According to W120 is under: Services Incidental to Manufacturing (CPC 884) | | | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General construction work for building | | | |
| Construction work for building (CPC 512 except CPC 51210) | 1) Unbound 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. Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign | 1) Unbound 2) Unbound 3) (a) 1. License fee requirement 2. 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. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big. | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | partner(s). 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| B. General construction work for civil engineering | | | |
| Construction work for civil engineering (CPC 513) | 1) Unbound 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. Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign | 1) Unbound 2) Unbound 3) (a) 1. License fee requirement 2. 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. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big. | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | partner(s). 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| C. Installation and assembly work | | | |
| Assembly and erection of prefabricated construction (CPC 514) | <p>1) Unbound</p> <p>2) None</p> <p>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.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) (a) 1. License fee requirement</p> <p>2. 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | partner(s). 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| E. Other | | | |
| Pre-erection work at construction system (CPC 511 except CPC 51110 and 51113) | <p>1) Unbound</p> <p>2) None</p> <p>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.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) (a) 1. License fee requirement</p> <p>2. 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| | partner(s). 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| Renting Services related to equipment for construction or demolition of building or civil engineering works, with operator (CPC 518) | 1) Unbound 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. Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). | 1) Unbound 2) Unbound 3) (a) 1. License fee requirement 2. 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. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big. | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| Foundation work including pile driving (CPC 51510) | <p>1) Unbound</p> <p>2) None</p> <p>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.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) (a) 1. License fee requirement</p> <p>2. 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| Gas fitting construction work (CPC 51630) | <p>1) Unbound</p> <p>2) None</p> <p>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.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) (a) 1. License fee requirement</p> <p>2. 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | 4) Unbound, except as indicated in the Horizontal Section | 4) Unbound, except as indicated in the Horizontal Section | |
| 7. FINANCIAL SERVICES | | | |
| Non-Banking Sub-Sector | | | |
| General condition on Non Banking Financial Services Sub-sector: | | | |
| <ol style="list-style-type: none"> 1. The share ownership of foreign services suppliers is bound at the prevailing laws and regulations. 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. 2. In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year. 3. Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors. 4. In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended. 5. All joint venture companies shall provide training for their employees. | | | |
| Factoring Services (CPC 8113) | <ol style="list-style-type: none"> 1) Unbound except for international factoring transaction 2) None 3) As specified in the Horizontal Section and | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As specified in General Condition | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | <p style="text-align: center;">General Conditions</p> <p>4) Unbound, except as indicated in the Horizontal Section</p> | <p>4) Unbound, except as indicated in the Horizontal Section</p> | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and restaurants (incl. catering) | | | |
| <p>Hotel (CPC 64110)</p> <p>(3, 4 and 5 starred hotels)</p> | <p>1) None</p> <p>2) None</p> <p>3) In East Indonesia and Sumatra FEP is up to 100%</p> <p>4) Unbound, except for:</p> <p style="margin-left: 20px;">a. Top Management Level in Hotel business comprised of:</p> <p style="margin-left: 40px;">i. General Manager</p> <p style="margin-left: 40px;">ii. Food and Beverage Manager</p> <p style="margin-left: 40px;">iii. Comptroller (only for 4 and 5 starred</p> | <p>1) None</p> <p>2) None</p> <p>3) Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020.</p> <p>4) Unbound, except as indicated in the Horizontal Section</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | <p style="text-align: center;">hotels)</p> <p style="text-align: center;">iv. Marketing Director (only for 4 and 5 starred hotels)</p> <p style="text-align: center;">b. Highly-skilled Professionals comprised of:</p> <p style="text-align: center;">i. Executive Chef</p> <p style="text-align: center;">ii. Sous Chef (only for 4 and 5 starred hotels)</p> <p style="text-align: center;">iii. Specialty Cook</p> | | |
| <p>Tourist Resorts including:</p> <ul style="list-style-type: none"> - Hotels (3,4, and 5 star) - Golf Courses and other Sport Facilities | <p>1) None</p> <p>2) None</p> <p>3) In East Indonesia and Sumatra FEP is up to 100%</p> <p>4) Unbound, except for Resort Managers</p> | <p>1) None</p> <p>2) None</p> <p>3) Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020.</p> <p>4) Unbound, except as indicated in the Horizontal Section</p> | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| Meal Serving Services with Full Restaurant Services (CPC 64210) | <ul style="list-style-type: none"> 1) None 2) None 3) FEP is up to 51% in all areas 4) Unbound, except for: <ul style="list-style-type: none"> a. Top Management Level in Hotel Business comprised of: <ul style="list-style-type: none"> i. General Manager ii. Food and Beverage Manager iii. Resident Manager iv. Comptroller (only for 4 and 5 starred hotels) v. Marketing Director (only for 4 and 5 starred hotels) | <ul style="list-style-type: none"> 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 4) Unbound, except as indicated in the Horizontal Section | |

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| | b. Highly-skilled professionals comprised of: <ul style="list-style-type: none"> i. Executive Chef ii. Sous Chef (only for 4 and 5 starred hotels) iii. Specialty Cook | | |
| B. Travel agencies and tour operators services | | | |
| Travel Agent and Tour Operator (TA & TO) (CPC 74710) | 1) None 2) None 3) Maximum services providers total up to 30 TA & TO 4) Unbound, except for technical advisor | 1) None 2) None 3) Tour operator must be Travel Agent located in Jakarta and Bali 4) Unbound, except as indicated in the Horizontal Section | |

**ASEAN – HONG KONG, CHINA
FREE TRADE AGREEMENT**

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF LAO PDR

- a) The classification of services in this initial offer is based on the Services Sectoral Classification list (MTN.GNS/W/120 dated 10 July 1991) and is in accordance with the definition in the 1991 UN Provisional Central Product Classification (CPC), unless otherwise specified.
- b) 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.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| I. HORIZONTAL COMMITMENTS (APPLICABLE TO ALL SECTORS INCLUDED IN THIS SCHEDULE) | | | |
| Land ownership | | 3), 4) Non-Lao PDR 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), 4) 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) To establish a commercial presence, a services provider must be incorporated in specific legal form in accordance with laws and regulations of Lao PDR. | 3) Foreign investors shall provide adequate training opportunities to Lao PDR nationals. 3) Tax measures, generally pertaining to small and medium enterprises may result in a difference of treatment in favour of Lao PDR services and service suppliers. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|-----------------------------------|------------------------|
| <p>Movement of natural persons providing services</p> | <p>4) Unbound, except for measures affecting the temporary entry and stay of natural persons who are qualified under one of the following categories, and in all cases, the total number of foreign natural persons in the following categories shall not exceed 20% of the total staff:</p> <p>A. <u>Business visitors</u>:</p> <p>Natural persons who:</p> <ul style="list-style-type: none"> - Enter Lao PDR to be engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier; - Stay in Lao PDR without receiving remuneration from sources within Lao PDR; and - Do not engage in making direct sales to the general public or | | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>supplying services.</p> <p>The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.</p> <p>B. <u>Intra-Corporate Transferees:</u></p> <p>Natural persons who have been employed by a juridical person of another Party outside Lao PDR for a period of not less than 1 year immediately preceding the request for transfer to Lao PDR, who seek temporary entry to provide services through commercial establishment of that juridical person in Lao PDR, who cannot be substituted by Lao PDR nationals, and who fall within one of the following categories:</p> <p>(a) <u>Executives:</u> Natural persons within an organization who primarily direct the management of the organization, exercise</p> | | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization; and</p> <p>(b) <u>Managers</u>: Natural persons who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity's products, services, research, equipment, techniques, or management, and who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees;</p> | | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals¹, nor do they include employees who primarily perform tasks necessary for the supply of the service.</p> <p>(c) <u>Specialists</u>: Natural persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management and where</p> | | |

¹ Natural persons with professional qualifications for performing work within the scope of a particular profession, where these are required by the laws and regulations of Lao PDR.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>there are shortages of Lao PDR nationals with requisite skills.</p> <p>For the natural persons in the categories defined under intra-corporate transferees, temporary residency and work permit will be issued for 1 year which may be renewed every 6 months for up to 3 years as long as conditions indicated for each category are satisfied.</p> | | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| (b) Accounting, auditing and bookkeeping services (CPC 862) | 1) None. 2) None. 3) Unbound until 2 nd February 2020. Thereafter, a joint venture with a Lao PDR national accountant who is a full member of the Lao Institute of Certified Public Accountants (LICPA) is required ² . 4) Unbound. | 1) None. 2) None. 3) The majority of directors must be certified accountants who are Lao nationals. 4) Unbound. | |
| (c) Taxation consulting services (part of CPC 863) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

² For all phased in commitments in this schedule, it is understood that limitations indicated in sectoral headnotes and/or the horizontal commitments section will apply at phase in.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (d) Architectural services (CPC 8671) | 1) None. | 1) The service must be authenticated by an architect or engineer who has appropriate practicing certificate working in a juridical entity established in Lao PDR. | |
| (e) Engineering services (CPC 8672) | | | |
| (f) Integrated engineering services (CPC 8673) | 2) None. | 2) The service must be authenticated by an architect or engineer who has appropriate practicing certificate working in a juridical entity established in Lao PDR. | |
| (g) Urban planning and landscape architectural services (CPC 8674) | | | |
| | 3) Foreign equity participation limited to 51% until 2 nd February 2018. Thereafter: none. | 3) None. | |
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| B. Computer and Related Services | | | |
| Computer and Related Services (CPC 84) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| C. Research and Development | | | |
| (a) R&D services on natural sciences (CPC 851) | 1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| F. Other Business Services | | | |
| (a) Advertising services: - Planning, creating and placement services of advertising (CPC 87120) | 1) None. 2) None. 3) Foreign equity participation limited to 49%. | 1) None. 2) None. 3) Unbound. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| (c) Management consulting services (CPC 865) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (e) Technical testing and analysis services (CPC 8676) | 1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) The majority of directors must be engineers who are Lao PDR nationals. 4) Unbound, except as indicated in the horizontal section. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| (h) Services incidental to mining (CPC 5115) | 1) Unbound ³ . 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound ⁴ . 2) None. 3) The majority of directors must be engineers who are Lao PDR nationals. 4) Unbound, except as indicated in the horizontal section. | |
| (m) Related scientific and technical consulting services (CPC 86751 and 86752 only) | 1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) The majority of directors must be engineers who are Lao PDR nationals. 4) Unbound, except as indicated in the horizontal section. | |

³ Unbound due to lack of technical feasibility.

⁴ Unbound due to lack of technical feasibility.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment): - Repair of energy equipment (part of CPC 88620) | 1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. (4) Unbound, except as indicated in the horizontal section. | |
| (t) Specialty design services (CPC 87907) | 1) None. 2) None. 3) Foreign equity participation limited to 49%. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| 2. COMMUNICATION SERVICES | | | |
| B. Courier Services | | | |
| <p>Courier services (CPC 7512) consisting of express delivery services⁵, except for the following services:</p> <p>(a) the collection, transport and delivery of domestic and cross-border addressed mail to Post Office (PO) boxes in the following categories:</p> <p style="margin-left: 40px;">(i) addressed letters weighing not more than 200 grams;</p> <p style="margin-left: 40px;">(ii) small items or packages weighing up to 2 kg;</p> <p>(b) the collection, transport and delivery to PO boxes of domestic and international postal parcels weighing up to 20 kg;</p> <p>(c) the provision of PO boxes; and</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

⁵ Express delivery services include the collection, transport and delivery of documents, printed matter, parcels and/or other goods on an expedited basis, while tracking and maintaining control of these items throughout the supply of the service.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| (d) issuing of postage stamps. | | | |
| C. Telecommunication Services | | | |
| 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) of the WTO. | | | |
| <p>The following services (a-o) can be supplied only on a facilities basis, and for public use services:</p> <p>Basic telecommunication services</p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> | <p>1) Wire-based services, Terrestrial-based mobile services and Satellite-based services: Service must be offered through commercial arrangements with an entity established in Lao PDR and licensed to provide international telecommunication services.</p> <p>2) None.</p> <p>3) Only through acquisition of existing operators and foreign equity participation limited to 49%. After 2nd February 2018, Commercial presence for new Investments will be allowed</p> | <p>1) Wire-based services, Terrestrial-based mobile services and Satellite-based services: Service must be offered through commercial arrangements with an entity established in Lao PDR and licensed to provide international telecommunication services.</p> <p>2) None.</p> <p>3) None.</p> | |

** The (**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance (e.g. voice mail is only a component of CPC item 7523).

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services (CPC 7522**+7523**) (o) Other: - Terrestrial-based mobile phone services | with foreign equity participation limited to 60%. 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| Value-added telecommunication services (h) Electronic-mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) Online information and data base retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| (l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**) | | | |
| (m) Code and protocol conversion | | | |
| (n) On-line information and/or data processing (including transaction processing) (CPC 843**) | | | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General construction work for buildings (CPC 512) | 1) Unbound. 2) None. | 1) Unbound. 2) None. | |
| B. General construction work for civil engineering (CPC 513) | 3) Foreign equity participation limited to 70%. 4) Unbound, except as indicated in the horizontal section. | 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| C. Installation and assembly work (CPC 514+516) | | | |
| D. Building completion and finishing work (CPC 517) | | | |
| E. Other: | | | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| (CPC 511+515+518) | | | |
| <p>4. DISTRIBUTION SERVICES</p> <p>The distribution of goods under the Controlled List of the Ministry of Industry of Commerce - arms, ammunition, explosives and explosive substances, highly toxic chemicals, narcotics, cultural items, books, newspapers and magazines, precious metals and stones, medicines and medical equipment, endangered species, gambling machines, money printing machines, processed oil and crude oil, alcohols, tobacco products, rice - is excluded from commitments.</p> | | | |
| <p>B. Wholesale trade services (part of CPC 61111, 6113, 6121)</p> | <p>1) None.</p> <p>2) None.</p> <p>3) Unbound until 2nd February 2020. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests⁶.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) Unbound.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p> | |

⁶ The main criteria include the number of existing service suppliers in a particular geographical area, the stability of market and geographical scale.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| C. Retailing services (part of CPC 61112, 6113, 6121) | 1) Unbound. 2) Unbound. 3) Unbound. 4) Unbound, except for executives and managers as per conditions in the horizontal section. | 1) Unbound. 2) Unbound. 3) Unbound. 4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| D. Franchising (part of CPC 8929) ⁷ | 1) None. 2) None. 3) Unbound until 2 nd February 2020. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests ⁸ . 4) Unbound, except for executives and managers as per conditions in the horizontal section. | 1) None. 2) None. 3) Unbound. 4) Unbound, except for executives and managers as per conditions in the horizontal section. | |

⁷ As related to the provision of a distribution service which is subject to a specific commitment under Section II.4 of this Schedule.

⁸ The main criteria include the number of existing service suppliers in a particular geographical area, the stability of market and geographical scale.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 6. ENVIRONMENTAL SERVICES⁹ Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators. | | | |
| A. Wastewater management (part of CPC 9401) | 1) Unbound, except related consulting services. | 1) Unbound, except related consulting services. | |
| B. Waste management (part of CPC 9402 and 9403) | 2) None. 3) None. | 2) None. 3) None. | |
| C. Protection of ambient air and climate (part of CPC 9404) | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| D. Remediation and cleanup of soil and water (part of CPC 9406) | | | |
| E. Noise and vibration abatement (part of CPC 9405) | | | |

⁹ Environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| <p>7. FINANCIAL SERVICES</p> <p>Access by foreign services suppliers and the provision of new financial services within the scope of the commitments below and that have not yet been provided by the private sector in Lao PDR at the date of accession to the WTO, may be subject to measures adopted for prudential reasons.</p> <p>Direct branching is not allowed. Financial institutions in Lao PDR must adopt a specific legal form.</p> <p>All the commitments are subject to entry requirements, domestic laws, rules and regulations and the terms and conditions of the Bank of Lao PDR, the Ministry of Finance and/or any other competent authority in Lao PDR, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services and do not impair the commitments undertaken herewith.</p> | | | |
| <p>A. All insurance and insurance-related services</p> <p>Insurance companies are restricted from offering both Life and Non-life insurance services. Excluded from the scope of these commitments are compulsory insurance, including but not limited to motor vehicle insurance, collective accident insurance for workers, depositors' protection fund and social security fund.</p> | | | |
| <p>(i) Direct insurance</p> <p style="padding-left: 20px;">(A) Life insurance</p> | <p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) Unbound until 2nd February 2018. Thereafter, foreign equity participation limited to 51%.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) None.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p> | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|------------------------|---|---|------------------------|
| (B) Non-life insurance | <p>1) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) 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</p> <p style="padding-left: 20px;">(ii) goods in international transit.</p> <p>2) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being</p> | <p>1) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) 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</p> <p style="padding-left: 20px;">(ii) goods in international transit.</p> <p>2) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods</p> | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | <p>transported, the vehicle transporting the goods and any liability arising there-from; and</p> <p>(ii) goods in international transit.</p> <p>3) Unbound until 2nd February 2018. Thereafter, foreign equity participation limited to 51%.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p> | <p>being transported, the vehicle transporting the goods and any liability arising there-from; and</p> <p>(ii) goods in international transit.</p> <p>3) Unbound.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p> | |
| <p>B. Banking and other financial services (excluding insurance)</p> <p>Commitment is with respect to commercial banking only and limited to financial institutions licensed to provide banking services. Foreign juridical person must incorporate as either a joint stock or limited liability company, but may not incorporate as a sole ownership limited liability company.</p> | | | |
| <p>(v) Acceptance of deposits and other repayable funds from the public</p> <p>(vi) Lending of all types, including, <i>inter alia</i>, consumer credit, mortgage credit, factoring and</p> | <p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) For (v) to (x): Unbound until 2nd February 2018. Thereafter, foreign equity participation limited to 51%.</p> | <p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) None.</p> | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| financing of commercial transactions (vii) Financial leasing (viii) All payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts (ix) Guarantees and commitments (x) 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 | 4) Unbound, except for executives and managers as per conditions in the horizontal section. | 4) Unbound, except for executives and managers as per conditions in the horizontal section. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| instruments, including products such as swaps, forward rate agreements; (E) transferable securities; (F) other negotiable instruments and financial assets, including bullion. | | | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and restaurants (including catering) (part of CPC 641 (excluding guesthouses ¹⁰ and 6419), CPC 642, and CPC 643) | 1) None. 2) None. 3) For lodging services: limited to establishments with three stars rating or higher. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

¹⁰ Defined as "furnished accommodation with up to 14 bedrooms, mainly provided in private apartments or homes on a temporary lodging, and with a two stars rating or lower".

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| B. Travel agencies and tour operators services (CPC 7471) | 1) None. 2) None. 3) Foreign equity participation limited to 70%. 4) Unbound, except for executives and managers as per conditions in the horizontal section. | 1) None. 2) None. 3) Foreign service supplying enterprises can only do inbound services. 4) Unbound, except for executives and managers as per conditions in the horizontal section. | |
| 11. TRANSPORT SERVICES | | | |
| C. Air Transport Services | | | |
| (d) Maintenance and repair of aircraft (part of CPC 8868) | 1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <ul style="list-style-type: none"> - Selling and marketing of air transport services - Computer reservation system (CRS) services | <ul style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

**ASEAN – HONG KONG, CHINA
FREE TRADE AGREEMENT**

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF MALAYSIA

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| <p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p> | <p>3) <u>Acquisition, Mergers and Take-overs</u></p> <p>The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following:</p> <p>(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 RM10 million in value;</p> <p>(b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and</p> | <p>3) <u>Land, Property and Real Estate</u></p> <p>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 services sectors promoted by the Government.</p> <p>Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <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>4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below or indicated in sectoral commitments</p> <p>1. <u>Intra-corporate Transferees</u></p> <p>(a) senior managers being persons within an organisation having proprietary information of the organisation and</p> | <p>unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to services suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other services suppliers where their services are competitive in terms of price, quality and delivery.</p> <p>4) Unbound except for the categories of natural persons referred to under market access</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>who exercise wide latitude in decision making relating to the establishment, control and operation of the organisation being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organisation; and</p> <p>(b) two specialists or experts per organisation being persons within the organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management.</p> | | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>Additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant services sector or sub sector. Provided that such persons are employees of the foreign services supplier for a period of not less than one year immediately preceding the date of application for a work permit and he is to serve in at least a similar capacity.</p> <p>2. <u>Others</u></p> <p>(a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's</p> | | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>products and services subject to market test and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or sub sector</p> <p>(b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognised by the professional bodies in Malaysia and registered with those respective professional bodies; and</p> <p>(c) business visitors being persons not</p> | | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>based within Malaysia, receiving no remuneration from any source within Malaysia, who has been employed for at least one year by a foreign services supplier, whose entry and temporary stay is for the purposes of negotiating for the sale of services or entering into agreements to sell services for that service supplier and who will not engage in direct sales to the general public.</p> <p>3. Entry and stay of natural persons defined in categories 1 (a) and (b) and 2 (a) and (b) shall not exceed a total of five years. For category 2 (c), the period of stay shall not exceed a total of 90 days.</p> | | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|--|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| 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 49 per cent. 4) Unbound except as indicated in the horizontal section. In respect of 1 (b), additional two specialists/experts for each firm/company In respect of 2 (b), residency is required for registration | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | 4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the MIA will be conducted in the English language. |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--------------------------------|--|---|--|
| Taxation Services (CPC 863) | <p>1) None</p> <p>2) None</p> <p>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 30 per cent.</p> <p>4) Unbound except as indicated in the horizontal section. In respect of 1 (b), additional two specialists/experts for each firm/company</p> <p>In respect of 2 (b), residency is required for registration</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | <p>4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language.</p> |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--------------------------------------|--|--|--|
| Architectural services (CPC 8671) | <p>1) None</p> <p>2) None</p> <p>3) a) Architectural services may be supplied only by natural person.</p> <p style="padding-left: 20px;">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.</p> <p>4) Unbound except as indicated in the horizontal section and, in respect of 2 (b) only an architect who is a consultant to a project in</p> | <p>1) Architectural services must be authenticated by a licensed professional architect in Malaysia.</p> <p>2) Architectural services must be authenticated by a licensed professional architect in Malaysia.</p> <p>3) a) None</p> <p style="padding-left: 20px;">b) Unbound</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | <p>4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language.</p> |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------|--|--|---|
| | collaboration with a Malaysian professional architect for wholly foreign funded projects | | |
| Engineering services (CPC 8672) | 1) None 2) None 3) a) Engineering 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) Engineering services must be authenticated by a registered professional engineer in Malaysia. 2) Engineering services must be authenticated by a registered professional engineer in Malaysia. 3) a) None b) Unbound | 4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|---|
| | 4) Unbound except as indicated in the horizontal section and, in respect of 2 (b), subject to temporary registration for a period of one year per temporary registration. | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| Integrated engineering services (CPC 8673) | <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 for the purpose of services contract awarded in Malaysia.</p> <p>The aggregate foreign</p> | <p>1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>3) None</p> | 4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|--|
| | <p>shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>Establishment of such joint-venture corporation is only for duration necessary to complete the services contract.</p> <p>4) Unbound, except as indicated in the horizontal section <i>and in respect of 2 (b), for a period of up to one year or the duration necessary to complete the services contract</i></p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| <p>Urban Planning Services (CPC 86741)</p> <p>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.</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except for:</p> <p>(i) independent professionals* with an employment contract with a registered</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | <p>4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.</p> |

* Independent professionals is as defined in para 2 (b) in the horizontal section

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities;</p> <p>(ii) consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company; and</p> <p>(iii) Any other requirements or provisions as spelt out under the relevant legislation</p> | | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| 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 registered landscape architects or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| B. Computer and Related Services | | | |
| a. Consultancy services related to the installation of computer hardware (CPC 841) | 1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| | horizontal section | market access. | |
| b. Consultancy services related to software implementation service covering advisory and implementation for customised software (CPC 842) | 1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| c. Data processing services (CPC 843) | 1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| d. Data base services (CPC 8440) | 1) None 2) None 3) None | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| F. Other Business Services | | | |
| i) Sale or leasing services of advertising space or time (CPC 8711) | <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 in the joint-venture corporation shall not exceed 30 per cent.</p> <p><u>Advertisement through electronic media</u></p> <p>Advertisement must have at least 80 per cent local content and be made in Malaysia.</p> <p>4) Unbound except as indicated in 1 (a) and (b)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | and 2 (a) and (c) in the horizontal section. | persons referred to under market access. | |
| ii) Planning, creating and placement services of advertising (CPC 8712) | <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 in the joint-venture corporation shall not exceed 30 per cent.</p> <p><u>Advertisement through electronic media</u></p> <p>Advertisement must have at least 80 per cent local content and be made in Malaysia.</p> <p>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| iii) Other advertising services (CPC 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 30 per cent. <u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 1) Unbound 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Market research services (CPC 864) 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 is at least 30 per cent. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| Other Management Consulting Services covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*) | 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 | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | <p>least 30 per cent.</p> <p>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| <p>covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</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>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>covering advisory and guidance in the field of pharmacy as follows:</p> <ul style="list-style-type: none"> - Basic material manufacturing consultancy in the manufacture of drugs in raw material form; - New systems of drug delivery; - Biotechnology-new techniques for influencing the process and products of living cells; - New techniques in drug development and methods of producing drugs and vaccine; and - Vaccine production (CPC 8650*) | <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>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*) | 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. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| Technical Testing and Analysis Services i) Composition and purity testing and analysis services (CPC 86761) | 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 | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | <p style="text-align: center;">least 30 per cent.</p> <p>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| <p>ii) Testing and analysis services of physical properties (CPC 86762)</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>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| iii) Testing and analysis services of integrated mechanical and electrical systems (CPC 86763) | 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. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| iv) Other technical testing and analysis services (CPC 86769) | 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 | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| | least 30 per cent. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| 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. (part of CPC 881* and 882*) | 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. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Services incidental to manufacturing (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. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| Translation and interpretation services (CPC 87905) | 1) None 2) None 3) Translation and interpretation services may be supplied only by a natural person. 4) Unbound except as indicated in 2 (a) in the horizontal section | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| | | market access. <i>Translation and/or interpretation from English Language to the Malay language or vice versa is not permitted.</i> | |
| Convention Centre (part of CPC 87909) (convention and exhibition management services covering the provision of planning, organisational, management and marketing services or conventions and other similar events) | 1) None 2) None 3) a) <i>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 30 per cent.</i> b) for Convention Centers with seating capacity of over 5,000 aggregate foreign shareholdings up to 49% shall be permitted. | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|--|
| | 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section. | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| 2. COMMUNICATION SERVICES | | | |
| C. Telecommunication Services | | | |
| <p><u>Basic Telecommunication</u></p> <p>Based on domestic regulations, Malaysia has reclassified its communications services sector on the basis of provision of Network Service Provider (NSP), provision of Application Service Provider (ASP) Basic local, inter-exchange and international services; supplied over public telecommunications transport networks using any network technology, facilities regardless of whether the means of delivery services are wired or wireless are mapped into the aforementioned three categories.</p> | <p>1) None</p> <p>2) None</p> <p>3) With respect to Network Facilities Provider (NFP) and NSP components of the service, only through an acquisition of shares of existing licensed NFP(I), NSP(I).</p> <p>With respect to ASP(I), through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled Corporations; or through acquisition of shares of an existing licensed ASP(I) operator/corporations.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> | <p>Pro-competition regulatory principle in respect of interconnection (Refer to Annex I)</p> |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p><i>Individual licence</i></p> <p>1. <i>NFP(I)</i>¹</p> <p>2. <i>NSP(I)</i>²</p> <p>3. <i>ASP(I)</i>³</p> | <ul style="list-style-type: none"> - For NFP(I) and NSP(I) foreign shareholding of up to 30 per cent in these services providers is allowed - For ASP(I), foreign shareholding of up to 49 per cent in these services providers is allowed. [The management control of such companies shall be in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30 per cent <i>with not one single country holding more than 5 per cent of the equity at any one time.</i>] <p>4) Unbound, except as indicated in the horizontal</p> | <p>4) Unbound, except for the categories of natural</p> | |

Explanatory Note for Individual Licence Categories

- ¹ Network facilities provider (NFP) individual licence enables the provision of network facilities services such as earth stations, fixed links and cables public payphone facilities, radio communications transmitters and links, satellite hubs and towers, duct and pits used in conjunction with other network facilities.
- ² Network service provider (NSP) individual licence enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access services and mobile satellite services.
- ³ Application Service Provider (ASP) individual licence enables the provision of applications services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data service.

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | section | persons referred to under market access. | |
| <p>Value-Added Services</p> <p>Telecommunication services of which enhanced value-added services must be provided from channels or lines obtained only from licensed NFP(I) and NSP(I) operators and are also mapped into the three categories below:</p> <p>Class License</p> <ol style="list-style-type: none"> 1. NFP(C)⁴ 2. NSP(C)⁵ 3. ASP(C)⁶ | <ol style="list-style-type: none"> 1) None 2) None 3) With respect to NFP and NSP components of the service, only through an acquisition of shares of existing licensed NFP(C), NSP(C). <p>With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled Corporations; or through acquisition of shares of an existing licensed ASP(C) operator/corporations.</p> | <ol style="list-style-type: none"> 1) None 2) None 3) None | |

⁴ NFP class license enables the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

⁵ NSP class license enables the provision of niched customer access or niched connection services such as public mobile radio work services, one or two way radio paging network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

⁶ ASP class license enables the provision of application services such as audio text hosting services provided on an opt-in basis, directory services, messaging services.

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <ul style="list-style-type: none"> - For NFP(C) and NSP(C) foreign shareholding of up to 30 per cent in these services providers is allowed - With respect to ASP(C), foreign shareholding of up to 49 per cent in these services providers is allowed. <p>4) Unbound, except as indicated in the horizontal section</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |

Explanatory Note

- 1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.
- 2) Definitions as per Communications and Multimedia Act 1998
 - 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.
 - b. Network services means a service for carrying communications by means of guided and/unguided electromagnetic radiation.
Network service provider means a person who provides network services.
 - c. Application service means a service provided by means of, but not solely by means of, one or more network services.

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>Application service provider means a person who provide an applications service.</p> <p>3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001</p> <p>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.</p> <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.</p> <p>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.</p> <p>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> | | | |
| D. Audiovisual services | | | |
| <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-</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| | <p>controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent.</p> <p>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| <p>Construction Work</p> <p>Building completion and finishing work (CPC 517)</p> | <p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) (a) 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>(b) Foreign construction companies that are not</p> | <p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) (a) None</p> <p>(b) Unbound</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <ul style="list-style-type: none"> i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans; iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available. iv) 100 per cent Malaysian funded construction projects where local expertise is not available. <p>Subject to compulsory sub-</p> | | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | contracting to local sub-contractors. 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| Hotel, Tourist Resort And Restaurant Services Covering the management and operational of hotels or resorts including, outlet which may not include ownership of such properties (CPC 641) | 1) None 2) None 3) (a) Entry for service activities under CPC 641 is permitted 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 corporation shall not exceed 30 per cent; (b) or CPC 64110 covering 4- and 5-star hotel establishments only, aggregate foreign | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------|---|---|------------------------|
| | <p style="text-align: center;">shareholdings up to 49 per cent in the joint venture corporation is permitted</p> <p>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| Food serving services (CPC 642) | <p>1) None</p> <p>2) None</p> <p>3) Entry for service activities under CPC 642 is permitted 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 corporation shall not exceed 30 per cent.</p> <p>4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Beverage serving services for consumption on the premises (CPC 643) | 1) None 2) None 3) Entry for service activities under CPC 643 is permitted 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 corporation shall not exceed 30 per cent. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | 1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| Travel Agencies and Tour Operators Services for inbound travel only (CPC 7471) | 1) None 2) None 3) Joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not | 1) None 2) None 3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | exceed 49 per cent. 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| Other Entertainment Services Theatrical producer, singer group, band and orchestra entertainment services (CPC 96191) | 1) Unbound due to lack of technical feasibility. 2) None 3) Entertainment services may be supplied only by a natural person. 4) Unbound except as indicated in 2 (a) in the horizontal section | 1) Unbound due to lack of technical feasibility. 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access. | |
| Services provided by authors, composers, sculptors, entertainers and other individual artists (CPC 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 | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | <p>(Only through a Malaysian-controlled corporation acting as the local sponsor)</p> <p>4) Unbound except as indicated in 2 (a) in the horizontal section</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| Sports events promotion services (CPC 96411) | <p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) Only through a Malaysian-controlled corporation acting as the local sponsor.</p> <p>4) Unbound, except as indicated in the horizontal section</p> | <p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| Sports events organisation services (CPC 96412) | <p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) Only through a Malaysian-controlled corporation acting as the local sponsor.</p> | <p>1) Unbound due to lack of technical feasibility.</p> <p>2) None</p> <p>3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|--|
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access. | |
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| International maritime transportation services excluding cabotage and government cargo Passenger transportation (CPC 7211) Freight transportation (CPC 7212) | 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 aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met: | 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 aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met: | The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: a) Pilotage b) Towing and tug assistance c) Provisioning, fuelling and watering d) Garbage collection and ballast waste disposal e) Port Captain's services f) Navigation aids g) Shore-based operational services essential to ship operations, including |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|--|
| | <ul style="list-style-type: none"> a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. <p>4) Unbound, except as indicated in the horizontal section</p> | <ul style="list-style-type: none"> a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | <ul style="list-style-type: none"> communications, water and electrical supplies h) Emergency repair facilities i) Anchorage, berth and berthing services |
| <p>Rental/Leasing Services Concerning Vessels without Operator (Bareboat Charter) for International Shipping (CPC 83103)</p> <p>Excludes cabotage and offshore trades</p> | <ul style="list-style-type: none"> 1) None 2) None 3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent | <ul style="list-style-type: none"> 1) None 2) None 3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | 4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations. | 4) Unbound, except as indicated in the horizontal section | |
| <p>SUPPORTING SERVICES FOR MARITIME TRANSPORT</p> <p>Vessel salvage and refloating services except on inland waters (CPC 74540)</p> <p><i>(Vessels salvage services provided on ocean and seas. Such services consist of Recovering distressed and sunk vessels\ and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels)</i></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 Bumiputera shareholding in the joint-venture corporation of at least 30 per cent.</p> <p>4) Unbound, except as indicated in the horizontal section</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 Bumiputera shareholding in the joint-venture corporation of at least 30 per cent</p> <p>4) Unbound, except as indicated in the horizontal section</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>Maritime agency services</p> <p>Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required</p> <p>(CPC 748*)</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 Bumiputera shareholding in the joint-venture corporation of at least 30 per cent</p> <p>4) Unbound, except as indicated in the horizontal section</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 Bumiputera shareholding in the joint-venture corporation of at least 30 per cent</p> <p>4) Unbound, except as indicated in the horizontal section</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>Maritime freight forwarding services</p> <p>Consist of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information</p> <p>(CPC 7480)</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 aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent; and establishment of local branches requires additional licences.</p> <p>4) Unbound, except as indicated in the horizontal section</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 aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent; and establishment of local branches requires additional licences.</p> <p>4) Unbound, except as indicated in the horizontal section</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

ANNEX I

| Principles | Procedural Requirements |
|--|---|
| 1. Competition Safeguards | <p>The regulatory body must take measures to:</p> <ul style="list-style-type: none"> - Maintain fair competition among network operators; - Safeguards the interest of consumers; |
| 2. Universal Service | <ul style="list-style-type: none"> - Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other undeserved areas as stipulated in the licences; |
| 3. Public availability of licensing criteria | <ul style="list-style-type: none"> - To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators; |
| 4. Independent regulator | <p>To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act;</p> |
| 5. Interconnection arrangements | <p>To ensure that the following principles pertaining to interconnection arrangements are adhered to:</p> <ul style="list-style-type: none"> - Interconnection and access between network operators shall be on an equitable and non-discriminatory basis; - Charges for interconnection facilities and services provided by network operators shall be fair and equitable; - The technical qualities of interconnect facilities and services provided by network operators shall be of no less quality than that provided by them within their own networks; - A domestic network operator in any of the market segments shall not abuse its |

| | |
|--|--|
| | <p>market power to limit access to essential facilities only for interconnection;</p> <ul style="list-style-type: none">- The network operator that provides the access connection to the customer should be allowed to tell him (the customer);- No cross-subsidies should be allowed between carriers whereby one carrier has to bear an inequitable share of the Universal Service Obligation burden where the said share is not proportional to its market share. |
|--|--|

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF MYANMAR

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments | | | | | | |
|---|--|--|------------------------|------------------------|--|-----|--|-----|--|
| I. HORIZONTAL COMMITMENTS | | | | | | | | | |
| All Sectors; Except for Hong Kong, China which does not have nationals, for a services supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound | | | | | | | | | |
| All Sectors | <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with Myanmar Companies Act 1914 , Partnership Act 1932, The Special Companies Act 1950 and the laws amending or replacing such acts, the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law.</p> <p>(b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Act 1914.</p> <p style="padding-left: 40px;">If the investment involves a state enterprise, incorporation</p> | <p>3) (a) According to the Notification No. 51/2017, Non-Resident Foreigner will be subject to a withholding tax as follows;</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left; width: 60%;">Class of Income</th> <th style="text-align: left; width: 40%;">Non-resident foreigner</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">- Interest payment for a loan or indebtedness or a transaction of similar nature or Saving</td> <td style="vertical-align: top; text-align: right;">15%</td> </tr> <tr> <td style="vertical-align: top;">- Royalties for the use of licenses, trademarks, patent rights, etc.</td> <td style="vertical-align: top; text-align: right;">15%</td> </tr> </tbody> </table> | Class of Income | Non-resident foreigner | - Interest payment for a loan or indebtedness or a transaction of similar nature or Saving | 15% | - Royalties for the use of licenses, trademarks, patent rights, etc. | 15% | |
| Class of Income | Non-resident foreigner | | | | | | | | |
| - Interest payment for a loan or indebtedness or a transaction of similar nature or Saving | 15% | | | | | | | | |
| - Royalties for the use of licenses, trademarks, patent rights, etc. | 15% | | | | | | | | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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, Special Companies Act 1950, Myanmar Companies Act (Amendment) 1955, and Myanmar Companies Regulations 1957.</p> <p>(c) Services activities are restricted under section 3 of the State-owned Economic Enterprises Law (1989). However, these activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p><u>Tax</u></p> <p>Income Tax exemption for promoted sectors may be granted by Myanmar Investment Commission in accordance with the Myanmar Investment Law (2016) based on zoning system. If it is in zone (1), the income tax exemption</p> | <p>- Payment by State Organizations, State Enterprises, Development Committees, co-operative societies, foreign companies, foreign enterprises and organizations, local companies and under an existing law for purchase of goods, work performed or supply of services and hiring within the country under a tender, contract,</p> <p style="text-align: right;">2.5%</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>for a period of 7 consecutive years including the year of commencement of business, in zone (2), the income tax exemption for a period of 5 consecutive years including the year of commencement of business, and in zone (3), the income tax exemption for a period of 3 consecutive years including the year of commencement of business.</p> | <p>quotation or other modes (other than the services mentioned in above items of this table).</p> <p>According to the 2017 Union Taxation Law, paragraph 23, sub-paragraph (a), in respect of the following kind of taxpayer, before the reliefs under section 6 of the Income Tax Law shall be deducted, 25 per cent of income tax shall be assessed on the total net profit income:</p> <p>(ii) other income except income under the salary heading of non-resident foreigner.</p> <p>And under, paragraph 24, in the case of a non-resident foreigner, the reliefs under section 6 and 6-a of the Income Tax Law</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|------------------------------|--|------------------------|
| | | <p>shall not be deducted in the case of income under the salary heading, income tax shall be assessed on the total income at the tax rates under sub-section (c), section 19 of the 2017 Union Taxation Law.</p> <p>The income tax can be changed due to the Union Taxation Law enacted on a yearly basis.</p> <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 a company, a company formed under the Myanmar Companies Act or any other existing</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|------------------------------|---|------------------------|
| | | <p>law wholly or partly with foreigner shareholders;</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 Republic of the Union of Myanmar.</p> <p>- In this regards, foreign workers and staff who work at least six months (183 days) in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners.</p> <p>(b) A foreign lawyer may perform service to client in Myanmar but are not</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | | <p>allowed to practice in Myanmar courts of law.</p> <p>(c) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned.</p> <p>(d) According to the Farm-Land Law 2012 and the Transfer of Immoveable Property Restriction Law 1987, the Law Amending the Transfer of Immoveable Property Restriction Law (2005), 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> | |
| | <p>4) (a) Subject to the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law,</p> | <p>4) - Any expatriate engage in joint venture, representative offices or other types of judicial person and/ or</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p>Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of 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>(b) All foreign enterprises and foreign workers shall abide by</p> <p><u>Business Visa*</u></p> <p>Period of Permission of Visa 70 days</p> <p>Period for Permission of stay Extension</p> <p>- up to 3 months 36 US\$</p> <p>- Over 3 months- up to one year** 90 US\$</p> | <p>individual services provider shall receive the approval of the respective authority.</p> <p>- Any expatriate entering into Myanmar shall abide by The Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948, The Permanent Residence of a Foreigner Rules and Immigration rules , regulations and procedures of Myanmar</p> <p>- Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour, the Ministry of Labour, Immigration and Population.</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>[**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License]</p> <p>(Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating)</p> <p>(c) The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission.</p> | <ul style="list-style-type: none"> - The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission. - Regarding the recognition of the educational certificates and technical standard certificate, Myanmar only determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective parties and non-parties. | |

Remark: - For negotiation purpose and subject to confirmation.
 - Right to modify or withdraw.

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

*Types of visa and Regulation for stay extension

| No | Type of visa | Period for Permission of visa | Period for Permission of stay Extension | Documents to be Needed | Ministry/board for stay extension permitted | Remark |
|----|----------------|-------------------------------|---|---|---|--|
| 1 | Business Visa | 70 days | <ul style="list-style-type: none"> - Up to 3 months - Over 3 months - Up to one year | <ul style="list-style-type: none"> - Recommendation of Ministry concerned - Permission of Ministry of Labour, Immigration and Population - Validated company registration certificate, application Form - Passport (original & copy) - (2) Recent Photos | Visa confirming Board | In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating |
| 2 | Education Visa | 70 days | <ul style="list-style-type: none"> - Up to 3 months - Over 3 months - Up to one year | <ul style="list-style-type: none"> - Permission of Ministry of Labour, Immigration and Population - Recommendation of Ministry of Education - Application form to extend stay permit of related school (or) university - Passport (original & copy) | Visa confirming Board | In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

| No | Type of visa | Period for Permission of visa | Period for Permission of stay Extension | Documents to be Needed | Ministry/board for stay extension permitted | Remark |
|----|--------------|-------------------------------|---|--|---|--|
| | | | | <ul style="list-style-type: none"> - (2) Recent Photos | | |
| 3 | Crew Visa | 28 days | <ul style="list-style-type: none"> - Up to 3 months - Over 3 months - Up to one year | <ul style="list-style-type: none"> - Permission of Ministry of Labour, Immigration and Population - Recommendation of relevant Ministries - Application form to extend stay permit of current company (or) airline - Passport (original & copy) - (2) Recent Photos | Visa confirming Board | In accordance with permission of Visa Confirming Board, Ministry of Immigration and Population has been obligating |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|---|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| Accounting, auditing and bookkeeping Services (CPC 862) | 1) None 2) None 3) Joint venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling the requirements prescribed by Myanmar Investment Law (2016), provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/her home jurisdiction. Up to 70% foreign equity participation is permitted. 4) None | 1) None 2) None 3) As indicated in market access 4) As indicated in market access | <ul style="list-style-type: none"> - Foreign practising accountant holds an Accountancy Certificate or Degree confer by any foreign country and recognized by the Myanmar Accountancy Council - MAC. - He/she is registered in the list of practising accountants managed by his/her home jurisdiction. - Subject to MAC's licensing requirement. - Not allowed to engage in CPC 8621 Accounting and Auditing Services. |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Engineering Services (CPC 8672) | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | |
| Integrated Engineering Services (CPC 8673) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Landscape Architectural Services (CPC 86742) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| B. Computer and Related Services | | | |
| Consultancy services related to the installation of computer hardware (CPC 841) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Software implementation Services (CPC 842) (i) System and software consulting Services (CPC 8421) (ii) System analysis services (CPC 8422) (iii) System design services (CPC 8423) (iv) Programming services (CPC 8424) (v) System maintenance services (CPC 8425) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Data processing services (CPC 843) (i) Input processing services (CPC 8431) (ii) Data-processing and tabulation services (CPC 8432) (iii) Time-sharing services (CPC 8433) (iv) Other data processing services (CPC 8439) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Data base services (CPC 844) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Other (CPC 845+849) | 1) None | 1) None | |
| (i) Maintenance and repair services of office machinery (CPC 845) | 2) None | 2) None | |
| (ii) Other computer services (CPC 849) | 3) As indicated in the Horizontal Commitments | 3) As indicated in the Horizontal Commitments | |
| - Data-processing services (CPC 8491) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| - Other computer services (CPC 8499) | | | |
| - System integration services | | | |
| - Software development services | | | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| E. Rental/Leasing Services without Operators | | | |
| Rental and Leasing of Studio Recording equipment (CPC 83109) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| F. Other Business Services | | | |
| Advertising Services (CPC 871) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| Printing and Publishing (CPC 88442) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Translation and Interpretation Services (CPC 87905) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| 2. COMMUNICATION SERVICES | | | |
| C. Telecommunication Services | | | |
| Telex Services (CPC 7523**) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Telegraph Services (CPC 7522) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Electronic Mail services (CPC 7523**) | <ol style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Voice Mail Services (CPC 7523**) | <ol style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| On Line information and data base retrieval (CPC 7523**) | <ol style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Electronic Data Interchange (EDI) Services (CPC 7523**) | <ol style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| Code and protocol conversion (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| On Line information and /or data base processing (CPC 843**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| D. Audio Visual Services | | | |
| Motion Picture Projection Services (CPC 9612) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| Cinema Theatre Services | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| Construction Work for Buildings (CPC 512) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Construction Work for Civil Engineering (CPC 513) | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | |
| Assembly and Erection of Prefabricated Construction (CPC 514) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Installation Work (CPC 516) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| Building Completion and Finishing Work (CPC 517) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Pre-erection Work at Construction Site (CPC 511) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Special Trade Construction (CPC 515) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| 7. FINANCIAL SERVICES | | | |
| A. All insurance and insurance related services | | | |
| Average and loss adjustment services (CPC 81403) | 1) None 2) None 3) None 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Business Regulatory Board. | 1) None 2) None 3) None 4) None | |
| Actuarial Services | 1) None 2) None 3) None 4) None | 1) According to the existing laws & regulations and subject to the permission of Insurance Business Regulatory Board. 2) None 3) According to the existing laws & regulations and subject to the permission of Insurance Business Regulatory Board. 4) According to the existing laws & regulations and subject to the permission of | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | | Insurance Business Regulatory Board. | |
| B. Banking and other Financial Services | | | |
| Foreign Bank's Representative Offices and Branches Services (CPC 811) | <ol style="list-style-type: none"> 1) Subject to Central Bank of Myanmar's (CBM's) approval 2) Subject to CBM's approval 3) Foreign Banks are allowed to open their representative offices and branches in Myanmar subject to CBM's approval. 4) Subject to CBM's approval | <ol style="list-style-type: none"> 1) Subject to CBM's approval 2) Subject to CBM's approval 3) Foreign Banks are allowed to open their representative offices and branches in Myanmar subject to CBM's approval. 4) Subject to CBM's approval | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| Hotel and Other Lodging Services (CPC 6411/ 64110) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) None | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Motel lodging services (CPC 64120) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |
| Other lodging services (CPC 6419) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |
| Meal serving services with full restaurant services (CPC 6421/64210) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Meal serving services in self-services facilities (CPC 6422) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |
| Caterer services, providing meals to outside (CPC 6423) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |
| Other Food serving services (CPC 6429) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| Beverage serving services without entertainment (CPC 64310) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |
| Beverage serving services with entertainment (CPC 64320) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |
| Travel Agencies and Tour Operators Services (CPC 7471) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| International Passenger Transport Services (excluding Cabotage) (CPC 7211) | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| International Freight Transport Services (excluding Cabotage) (CPC 7212) | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Maritime Cargo Handling Services | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Maritime Storage and Warehousing Services | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Maritime Freight Forwarding Services | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| C. Air Transport Services | | | |
| Aircraft Repair and Maintenance Services | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Selling and Marketing of Air Transport Services | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Computer Reservation System Services | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

Remark: - For negotiation purpose and subject to confirmation.
 - Right to modify or withdraw.

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF MYANMAR

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments | | | | | | |
|---|--|--|------------------------|------------------------|--|-----|--|-----|--|
| I. HORIZONTAL COMMITMENTS | | | | | | | | | |
| All Sectors; Except for Hong Kong, China which does not have nationals, for a services supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound | | | | | | | | | |
| All Sectors | <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with Myanmar Companies Act 1914 , Partnership Act 1932, The Special Companies Act 1950 and the laws amending or replacing such acts, the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law.</p> <p>(b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Act 1914.</p> <p>If the investment involves a state enterprise, incorporation</p> | <p>3) (a) According to the Notification No. 51/2017, Non-Resident Foreigner will be subject to a withholding tax as follows;</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left; width: 60%;">Class of Income</th> <th style="text-align: left; width: 40%;">Non-resident foreigner</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">- Interest payment for a loan or indebtedness or a transaction of similar nature or Saving</td> <td style="vertical-align: top; text-align: right;">15%</td> </tr> <tr> <td style="vertical-align: top;">- Royalties for the use of licenses, trademarks, patent rights, etc.</td> <td style="vertical-align: top; text-align: right;">15%</td> </tr> </tbody> </table> | Class of Income | Non-resident foreigner | - Interest payment for a loan or indebtedness or a transaction of similar nature or Saving | 15% | - Royalties for the use of licenses, trademarks, patent rights, etc. | 15% | |
| Class of Income | Non-resident foreigner | | | | | | | | |
| - Interest payment for a loan or indebtedness or a transaction of similar nature or Saving | 15% | | | | | | | | |
| - Royalties for the use of licenses, trademarks, patent rights, etc. | 15% | | | | | | | | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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, Special Companies Act 1950, Myanmar Companies Act (Amendment) 1955, and Myanmar Companies Regulations 1957.</p> <p>(c) Services activities are restricted under section 3 of the State-owned Economic Enterprises Law (1989). However, these activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p><u>Tax</u></p> <p>Income Tax exemption for promoted sectors may be granted by Myanmar Investment Commission in accordance with the Myanmar Investment Law (2016) based on zoning system. If it is in zone (1), the income tax exemption</p> | <p>- Payment by State Organizations, State Enterprises, Development Committees, co-operative societies, foreign companies, foreign enterprises and organizations, local companies and under an existing law for purchase of goods, work performed or supply of services and hiring within the country under a tender, contract,</p> <p style="text-align: right;">2.5%</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>for a period of 7 consecutive years including the year of commencement of business, in zone (2), the income tax exemption for a period of 5 consecutive years including the year of commencement of business, and in zone (3), the income tax exemption for a period of 3 consecutive years including the year of commencement of business.</p> | <p>quotation or other modes (other than the services mentioned in above items of this table).</p> <p>According to the 2017 Union Taxation Law, paragraph 23, sub-paragraph (a), in respect of the following kind of taxpayer, before the reliefs under section 6 of the Income Tax Law shall be deducted, 25 per cent of income tax shall be assessed on the total net profit income:</p> <p>(ii) other income except income under the salary heading of non-resident foreigner.</p> <p>And under, paragraph 24, in the case of a non-resident foreigner, the reliefs under section 6 and 6-a of the Income Tax Law</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|------------------------------|--|------------------------|
| | | <p>shall not be deducted in the case of income under the salary heading, income tax shall be assessed on the total income at the tax rates under sub-section (c), section 19 of the 2017 Union Taxation Law.</p> <p>The income tax can be changed due to the Union Taxation Law enacted on a yearly basis.</p> <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 a company, a company formed under the Myanmar Companies Act or any other existing</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|------------------------------|---|------------------------|
| | | <p>law wholly or partly with foreigner shareholders;</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 Republic of the Union of Myanmar.</p> <p>- In this regards, foreign workers and staff who work at least six months (183 days) in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners.</p> <p>(b) A foreign lawyer may perform service to client in Myanmar but are not</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | | <p>allowed to practice in Myanmar courts of law.</p> <p>(c) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned.</p> <p>(d) According to the Farm-Land Law 2012 and the Transfer of Immoveable Property Restriction Law 1987, the Law Amending the Transfer of Immoveable Property Restriction Law (2005), 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> | |
| | <p>4) (a) Subject to the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law,</p> | <p>4) - Any expatriate engage in joint venture, representative offices or other types of judicial person and/ or</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p>Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of 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>(b) All foreign enterprises and foreign workers shall abide by</p> <p><u>Business Visa*</u></p> <p>Period of Permission of Visa 70 days</p> <p>Period for Permission of stay Extension</p> <p>- up to 3 months 36 US\$</p> <p>- Over 3 months- up to one year** 90 US\$</p> | <p>individual services provider shall receive the approval of the respective authority.</p> <p>- Any expatriate entering into Myanmar shall abide by The Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948, The Permanent Residence of a Foreigner Rules and Immigration rules , regulations and procedures of Myanmar</p> <p>- Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour, the Ministry of Labour, Immigration and Population.</p> | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>[**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License]</p> <p>(Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating)</p> <p>(c) The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission.</p> | <ul style="list-style-type: none"> - The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission. - Regarding the recognition of the educational certificates and technical standard certificate, Myanmar only determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective parties and non-parties. | |

Remark: - For negotiation purpose and subject to confirmation.
 - Right to modify or withdraw.

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

*Types of visa and Regulation for stay extension

| No | Type of visa | Period for Permission of visa | Period for Permission of stay Extension | Documents to be Needed | Ministry/board for stay extension permitted | Remark |
|----|----------------|-------------------------------|---|---|---|--|
| 1 | Business Visa | 70 days | <ul style="list-style-type: none"> - Up to 3 months - Over 3 months - Up to one year | <ul style="list-style-type: none"> - Recommendation of Ministry concerned - Permission of Ministry of Labour, Immigration and Population - Validated company registration certificate, application Form - Passport (original & copy) - (2) Recent Photos | Visa confirming Board | In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating |
| 2 | Education Visa | 70 days | <ul style="list-style-type: none"> - Up to 3 months - Over 3 months - Up to one year | <ul style="list-style-type: none"> - Permission of Ministry of Labour, Immigration and Population - Recommendation of Ministry of Education - Application form to extend stay permit of related school (or) university - Passport (original & copy) | Visa confirming Board | In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

| No | Type of visa | Period for Permission of visa | Period for Permission of stay Extension | Documents to be Needed | Ministry/board for stay extension permitted | Remark |
|----|--------------|-------------------------------|---|--|---|--|
| | | | | <ul style="list-style-type: none"> - (2) Recent Photos | | |
| 3 | Crew Visa | 28 days | <ul style="list-style-type: none"> - Up to 3 months - Over 3 months - Up to one year | <ul style="list-style-type: none"> - Permission of Ministry of Labour, Immigration and Population - Recommendation of relevant Ministries - Application form to extend stay permit of current company (or) airline - Passport (original & copy) - (2) Recent Photos | Visa confirming Board | In accordance with permission of Visa Confirming Board, Ministry of Immigration and Population has been obligating |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|---|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| Accounting, auditing and bookkeeping Services (CPC 862) | 1) None 2) None 3) Joint venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling the requirements prescribed by Myanmar Investment Law (2016), provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/her home jurisdiction. Up to 70% foreign equity participation is permitted. 4) None | 1) None 2) None 3) As indicated in market access 4) As indicated in market access | <ul style="list-style-type: none"> - Foreign practising accountant holds an Accountancy Certificate or Degree confer by any foreign country and recognized by the Myanmar Accountancy Council - MAC. - He/she is registered in the list of practising accountants managed by his/her home jurisdiction. - Subject to MAC's licensing requirement. - Not allowed to engage in CPC 8621 Accounting and Auditing Services. |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Engineering Services (CPC 8672) | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | |
| Integrated Engineering Services (CPC 8673) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Landscape Architectural Services (CPC 86742) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| B. Computer and Related Services | | | |
| Consultancy services related to the installation of computer hardware (CPC 841) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Software implementation Services (CPC 842) (i) System and software consulting Services (CPC 8421) (ii) System analysis services (CPC 8422) (iii) System design services (CPC 8423) (iv) Programming services (CPC 8424) (v) System maintenance services (CPC 8425) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Data processing services (CPC 843) (i) Input processing services (CPC 8431) (ii) Data-processing and tabulation services (CPC 8432) (iii) Time-sharing services (CPC 8433) (iv) Other data processing services (CPC 8439) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Data base services (CPC 844) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Other (CPC 845+849) | 1) None | 1) None | |
| (i) Maintenance and repair services of office machinery (CPC 845) | 2) None | 2) None | |
| (ii) Other computer services (CPC 849) | 3) As indicated in the Horizontal Commitments | 3) As indicated in the Horizontal Commitments | |
| - Data-processing services (CPC 8491) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| - Other computer services (CPC 8499) | | | |
| - System integration services | | | |
| - Software development services | | | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| E. Rental/Leasing Services without Operators | | | |
| Rental and Leasing of Studio Recording equipment (CPC 83109) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| F. Other Business Services | | | |
| Advertising Services (CPC 871) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| Printing and Publishing (CPC 88442) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Translation and Interpretation Services (CPC 87905) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| 2. COMMUNICATION SERVICES | | | |
| C. Telecommunication Services | | | |
| Telex Services (CPC 7523**) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Telegraph Services (CPC 7522) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Electronic Mail services (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Voice Mail Services (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| On Line information and data base retrieval (CPC 7523**) | <ol style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Electronic Data Interchange (EDI) Services (CPC 7523**) | <ol style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ol style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| Code and protocol conversion (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| On Line information and /or data base processing (CPC 843**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| D. Audio Visual Services | | | |
| Motion Picture Projection Services (CPC 9612) | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| Cinema Theatre Services | 1) None 2) None 3) Unbound 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| Construction Work for Buildings (CPC 512) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Construction Work for Civil Engineering (CPC 513) | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) None 4) As indicated in the Horizontal Commitments | |
| Assembly and Erection of Prefabricated Construction (CPC 514) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Installation Work (CPC 516) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| Building Completion and Finishing Work (CPC 517) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Pre-erection Work at Construction Site (CPC 511) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Special Trade Construction (CPC 515) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| 7. FINANCIAL SERVICES | | | |
| A. All insurance and insurance related services | | | |
| Average and loss adjustment services (CPC 81403) | 1) None 2) None 3) None 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Business Regulatory Board. | 1) None 2) None 3) None 4) None | |
| Actuarial Services | 1) None 2) None 3) None 4) None | 1) According to the existing laws & regulations and subject to the permission of Insurance Business Regulatory Board. 2) None 3) According to the existing laws & regulations and subject to the permission of Insurance Business Regulatory Board. 4) According to the existing laws & regulations and subject to the permission of | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | | Insurance Business Regulatory Board. | |
| B. Banking and other Financial Services | | | |
| Foreign Bank's Representative Offices and Branches Services (CPC 811) | <ol style="list-style-type: none"> 1) Subject to Central Bank of Myanmar's (CBM's) approval 2) Subject to CBM's approval 3) Foreign Banks are allowed to open their representative offices and branches in Myanmar subject to CBM's approval. 4) Subject to CBM's approval | <ol style="list-style-type: none"> 1) Subject to CBM's approval 2) Subject to CBM's approval 3) Foreign Banks are allowed to open their representative offices and branches in Myanmar subject to CBM's approval. 4) Subject to CBM's approval | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| Hotel and Other Lodging Services (CPC 6411/ 64110) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) None | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Motel lodging services (CPC 64120) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |
| Other lodging services (CPC 6419) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |
| Meal serving services with full restaurant services (CPC 6421/64210) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Meal serving services in self-services facilities (CPC 6422) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |
| Caterer services, providing meals to outside (CPC 6423) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |
| Other Food serving services (CPC 6429) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) Unbound 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| Beverage serving services without entertainment (CPC 64310) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |
| Beverage serving services with entertainment (CPC 64320) | 1) None 2) None 3) None 4) None | 1) None 2) None 3) None 4) Unbound | |
| Travel Agencies and Tour Operators Services (CPC 7471) | 1) None 2) None 3) None 4) Unbound | 1) None 2) None 3) Unbound 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| International Passenger Transport Services (excluding Cabotage) (CPC 7211) | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| International Freight Transport Services (excluding Cabotage) (CPC 7212) | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Maritime Cargo Handling Services | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| Maritime Storage and Warehousing Services | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Maritime Freight Forwarding Services | 1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound | 1) None 2) None 3) None 4) Unbound | |
| C. Air Transport Services | | | |
| Aircraft Repair and Maintenance Services | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Selling and Marketing of Air Transport Services | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |
| Computer Reservation System Services | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | |

Remark: - For negotiation purpose and subject to confirmation.
 - Right to modify or withdraw.

**ASEAN – HONG KONG, CHINA
FREE TRADE AGREEMENT**

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF THE PHILIPPINES

1. The classification of services in this Schedule of Specific Commitments is based on the Services Sectoral Classification List (MTN.GNS/W/120 dated 10 July 1991) and is in accordance with the definition in the 1991 UN Provisional Central Product Classification (CPC), unless otherwise specified.
2. The use of the following against individual CPC codes indicates that:
 - “**” – the service specified is a component of a more aggregated CPC item specified elsewhere in the Services Sectoral Classification List
 - “***” – the specific commitment for that code does not extend to the total range of services covered under the code
3. 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.
4. The entry Unbound* means unbound due to lack of technical feasibility.

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| HORIZONTAL COMMITMENTS | | | |
| <p>All Sectors included in this Schedule</p> | <p>3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e., foreign equity is limited to a minority share):</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. Only citizens of the Philippines or corporations or associations at least 60 per cent of whose capital is owned by such citizens may own land other than public</p> | <p>3) <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in nonmanufacturing activities availing itself of peso borrowings, shall observe, at the time of the 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> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>lands and acquire public lands through lease</p> <p>Foreign investors may lease only private lands.</p> <p>4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u></p> <p>In activities expressly reserved by law to citizens of the Philippines where foreign equity participation is limited to a maximum of 40 percent, all executives and managers must be citizens of the Philippines.</p> <p>Pursuant to Article 40 of the Labor Code, as amended, and its implementing rules and regulations, non-resident foreign nationals may be admitted to the Philippines after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application, to perform the services for which the foreign national is</p> | <p>4) Pursuant to Section 14, Article XII of the Philippine Constitution, the practice of profession in the Philippines shall be limited to citizens of the Philippines, save in cases prescribed by law. If the position of the natural person constitutes the practice of a regulated profession under the laws, rules and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission (PRC) pursuant to Section 7(j) of Republic Act No. 8981. The natural person shall likewise comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>desired.</p> <p>1), 2), 3), 4) All measures taken by local government units are unbound</p> <p>1), 2), 3), 4) All measures relating to taxation are unbound</p> | <p>professional regulatory law.</p> <p>Pursuant to the Constitution and other relevant laws, in activities expressly reserved to citizens of the Philippines or corporation or association where foreign equity participation is limited to a maximum of 40 percent, all executive and managing officers must be citizens of the Philippines. A non-Filipino citizen as officer or assigned to do technical functions shall have two (2) Filipino understudies.</p> <p>1), 2), 3), 4) All measures relating to taxation are unbound</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|-----------------------------------|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| F. Other Business Services | | | |
| h. Services incidental to Mining (CPC 883) | | | |
| Oil and Gas Exploration and Development | 1) Unbound* 2) None 3) Up to 100 percent foreign equity participation is allowed provided there is President's approval. 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. Limitations listed in the horizontal section shall also apply. | 1) Unbound* 2) None 3) None | |
| | 4) Employment of foreign | 4) Unbound | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | professionals: Limitations listed in the horizontal section shall also apply. | | |
| Geothermal Exploration and Development | 1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. 4) Employment of foreign professionals: Limitations listed in the horizontal section shall also apply. | 1) Unbound* 2) None 3) None 4) Unbound | |
| Coal Exploration and Development | 1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is | 1) Unbound* 2) None 3) None | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| | <p>allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Employment of foreign professionals:</p> <p>Limitations listed in the horizontal sections shall also apply.</p> | <p>4) Unbound</p> | |
| <p>j. 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 lines</p> | <p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity participation is allowed.</p> <p>4) Unbound</p> | <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------------------|--|--|------------------------|
| 2. COMMUNICATION SERVICES | | | |
| A./B. Postal/Courier Services | 1) Commercial presence is required | 1) None | |
| a. Domestic Mail Services | 2) None | 2) None | |
| 1) Ordinary Mail | 3) Entry is subject to the following requirements: | 3) Entry is subject to the following requirements: | |
| 2) Registered Mail ¹ | A. Foreign equity is permitted up to 40 percent; and | 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; and | |
| 3) Express Mail | B. Philippine Government authority to operate private express and/or messengerial delivery services. | B. All executives and managers must be citizens of the Philippines. | |
| 4) Domestic Parcel | | | |
| 5) Business Reply ² | | | |
| 6) Printed Matters | | | |
| b. International Mail Services | | | |
| 1) Ordinary Mail | | | |
| 2) Registered Mail ³ | | | |
| 3) Express Mail | 4) Provision of postal/courier services is reserved only to Filipino citizens. | 4) Provision of postal/courier services is reserved only to Filipino citizens. | |
| 4) Printed Matters | | | |
| 5) International Parcels | | | |

¹ Postal services that are only offered by the Philippine Postal Corporation (PPC)

² Postal services that are only offered by the Philippine Postal Corporation (PPC)

³ Postal services that are only offered by the Philippine Postal Corporation (PPC)

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|---|
| c. Money Order Service (Domestic and International) ⁴ | | | |
| C. Telecommunication Services | | | |
| <p>The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV).</p> <p>a. Voice telephone services (CPC 7521)</p> <ul style="list-style-type: none"> • Local services • Toll services • Domestic • International <p>b. Packet-switched data transmission services (CPC 7523**)</p> <p>c. Circuit-switched data transmission services</p> | <p>1) Unbound⁵</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p style="padding-left: 20px;">A. Franchise from Congress of the Philippines</p> <p style="padding-left: 20px;">B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p style="padding-left: 20px;">C. Foreign equity is permitted up to 40 percent.</p> | <p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p style="padding-left: 20px;">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.</p> <p style="padding-left: 20px;">B. All executives and managers must be citizens of the Philippines.</p> | <p>The Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.</p> |

⁴ Postal services that are only offered by the Philippine Postal Corporation (PPC)

⁵ Shall be reviewed in the future in accordance with the developments of its laws and regulations.

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|-----------------------------------|------------------------|
| <p style="text-align: center;">(CPC 7523**)</p> <p>d. Telex Services (CPC 7523**)</p> <p>e. Telegraph Services (CPC 7522)</p> <p>f. Facsimile services (CPC 7521***+7529**)</p> <p>g. Private Leased Circuit Services (CPC 7522**+7523)</p> <ul style="list-style-type: none"> • Cellular Mobile Telephone Service (CPC 75213) • Satellite services | <p>D. Resale of private leased line is not allowed⁶.</p> <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</p> | | |

⁶ Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

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|--|--|---|------------------------|
| | <p>provide 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>4) Service suppliers must be Filipino citizens.</p> | <p>4) Service suppliers must be Filipino citizens.</p> | |
| <p>Data and message transmission services</p> <ul style="list-style-type: none"> • Data network services (CPC 75231) • Electronic message and information services (CPC 75232) | <p>1) Unbound⁷</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p style="padding-left: 20px;">a. Franchise from Congress of the Philippines</p> <p style="padding-left: 20px;">b. Certificate of Public</p> | <p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p style="padding-left: 20px;">A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the</p> | |

⁷ Shall be reviewed in the future in accordance with the developments of its laws and regulations.

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p>Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p>c. Foreign equity is permitted up to 40 percent.</p> <p>d. Resale of private leased lines is not allowed⁸.</p> <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 certified</p> | <p>aggregate share of foreign capital of that entity.</p> <p>B. All executives and managers must be citizens of the Philippines.</p> | |

⁸ Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p>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 service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>4) Service suppliers must be Filipino citizens.</p> | <p>4) Service suppliers must be Filipino citizens.</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|-----------------------------------|------------------------|
| Philippine Reference Paper on Regulatory Principles in Telecommunications Services | | | |
| <p>The commitments in telecommunication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.</p> | | | |
| 1. | <p><u>Competitive Safeguard</u></p> <p>Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.</p> | | |
| 2. | <p><u>Interconnection</u></p> <p>In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.</p> <p>Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.</p> <p>A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body 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.</p> | | |
| 3. | <p><u>Universal Service</u></p> <p>Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner. Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.</p> | | |
| 4. | <p><u>Public available of licensing criteria</u></p> <p>Where a license is required, the following shall be made publicly available:</p> | | |

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|----------------------|--|-----------------------------------|------------------------|
| | <p>(a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license;</p> <p>(b) the terms and conditions of individual licenses</p> <p>The reasons for the denial of a license will be made known to the applicant upon request.</p> | | |
| 5. | <p><u>Independent regulators</u></p> <p>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.</p> <p>The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.</p> <p>A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.</p> | | |
| 6. | <p><u>Allocation and use of scarce resources</u></p> <p>Any procedures for the allocation and use of scarce resources, which are 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.</p> | | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| <p>Constructions for mining and manufacturing (CPC 5136**)</p> <p>Construction for large-scale mining development projects covered by Financial and Technical Assistance Agreements (FTAA)</p> | <p>1) Unbound*</p> <p>2) None</p> <p>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.</p> <p>4) Unbound</p> | <p>1) Unbound*</p> <p>2) None</p> <p>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 proprietorships or partnerships/corporations with at least 60 percent 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.</p> <p>4) Unbound</p> | |

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|----------------------------------|---|--|------------------------|
| 6. ENVIRONMENTAL SERVICES | | | |
| Sewerage Services (CPC 9401) | <p>1) Unbound*</p> <p>2) None</p> <p>3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed.</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 Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made.</p> <p>For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the</p> | <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>following:</p> <p>a. Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs.</p> <p>b. In the absence of existing 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>4) Unbound</p> | <p>4) Unbound</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|-----------------------------------|------------------------|
| <p>7. FINANCIAL SERVICES</p> <p>The commitments in financial services are in accordance with the General Agreement on Trade in Services and its Annex on Financial Services.</p> | | | |
| All subsectors | <p>3) The appropriate regulatory authority in the Philippines shall determine whether the public interest and economic conditions justify authorization for the establishment of commercial presence of expansion of existing operations in banking and other financial services in the Philippines. For foreign financial institution 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 place of incorporation has strategic trade and investment relations with the</p> | | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | Philippines. 3), 4) Limitations listed in the horizontal section shall also apply | | |
| <p>Investment Houses</p> <ul style="list-style-type: none"> - Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of other corporations - Participate as soliciting dealer of selling group member in tender offers, block sales, or exchange offering of securities - Deals in options, rights or warrants relating to securities - Act as financial consultant, investment adviser or broker - Act as portfolio manager/financial agent - Design pension, profit- | <p>1) Commercial presence required</p> <p>2) None</p> <p>3) Must be organized as a stock corporation. Subject to foreign equity limitation of fifty-five per cent (55%) of the voting stock, subject to reciprocity requirement.</p> <p>Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise. Resident foreign directors or officers of an Investment House, if any, shall register with the Bureau of Immigration and Deportation.</p> <p>An Investment House which intends to engage in quasi-</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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|---|---|---|------------------------|
| sharing and other employee benefits plans | <p>banking, trust functions, investment management activities, and foreign exchange operations is subject to the licensing requirements and supervision of the Bangko Sentral ng Pilipinas (BSP).</p> <p>Limitations listed in the horizontal section for financial services shall also apply.</p> <p>4) Unbound, except as indicated in the horizontal section for financial services.</p> | 4) Unbound | |
| <p>Securities dealership/brokerage</p> <ul style="list-style-type: none"> - Trading for own account or for account of customers, whether in an exchange, in an over-the-counter market or otherwise, the following: <ul style="list-style-type: none"> - Equities and its derivative products such as warrants and options | <p>1) Commercial presence required</p> <p>2) None</p> <p>3) Must be performed by an Investment House or Securities Broker/Dealer organized as a stock corporation.</p> <p>For Investment Houses, all other limitations mentioned</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> | |

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|---|---|---|------------------------|
| <p>- Transferable securities</p> | <p>under mode 3) above for Investment Houses shall apply.</p> <p>For Securities Broker/Dealer – must be a member of the stock exchange in case they intend to participate therein. Underwriting is allowed only on best-efforts basis.</p> <p>Limitations listed in the horizontal section for financial services also apply.</p> <p>4) Unbound, except as indicated in the horizontal section for financial services</p> | <p>4) Unbound</p> | |
| <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) Must be performed by an Investment House or Securities Broker/Dealer organized as a stock corporation.</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | <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 in case they intend to participate therein. Underwriting is allowed only on best-efforts basis.</p> <p>Limitations listed in the horizontal section for financial services also apply.</p> <p>4) Unbound, except as those provided in the horizontal section for financial services.</p> | <p>4) Unbound</p> | |
| Performance of the functions of stock transfer agent such as but not limited to monitoring the issuance and transfer of stock certificates | <p>1) Commercial presence required</p> <p>2) None</p> <p>3) Must be organized as a stock corporation and have an officer who is a certified</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | <p>public accountant duly licensed in the Philippines.</p> <p>Limitations listed in the horizontal section for financial services also apply.</p> <p>4) Unbound, except as those provided in the horizontal section for financial services.</p> | <p>4) Unbound</p> | |
| <p>Transactions of an issuer primarily engaged in the business of investing, reinvesting, or trading in securities</p> | <p>1) Commercial presence required</p> <p>2) None</p> <p>3) Must be performed by an Investment Company organized as a stock corporation. Up to forty percent (40%) foreign equity is allowed.</p> <p>All members of the Board of Directors must be citizens of the Philippines</p> <p>4) Unbound, except as indicated in the horizontal section for financial</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> <p>4) Unbound</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | services. | | |
| Factoring | <p>1) Commercial presence required</p> <p>2) None</p> <p>3) Must be performed by a Financing Company organized as a stock corporation.</p> <p>Foreign nationals are allowed to own up to fifty percent (50%) of the voting stock, subject to reciprocity requirement. Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise.</p> <p>Limitations listed in the horizontal section for financial services shall also apply.</p> <p>4) Unbound, except as indicated in the horizontal section for financial services.</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> <p>4) Unbound</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| Financial leasing | <p>1) Commercial presence required</p> <p>2) None</p> <p>3) Must be performed by a Financing Company organized as a stock corporation.</p> <p>Foreign nationals are allowed to own up to fifty percent (50%) of the voting stock, subject to reciprocity requirement. Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise.</p> <p>Limitations listed in the horizontal section for financial services shall also apply.</p> <p>4) Unbound, except as indicated in the horizontal section for financial services.</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> <p>4) Unbound</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| Hotel Lodging Services (CPC 64110) | 1) None 2) None 3) None, except as indicated in the horizontal commitments 4) None, except as indicated in the horizontal commitments | 1) None 2) None 3) None, except as indicated in the horizontal commitments 4) None | |
| Restaurants (CPC 6421-64310) | 1) Unbound* 2) None 3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million is complied; provided further that prequalification requirements are complied in accordance with appropriate government agencies. Foreign nationals may also establish branches provided that the minimum paid in | 1) Unbound* 2) None 3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million are maintained. Prior notification for cessation of operation Foreign nationals may also establish additional branches provided that the minimum paid in capital of US\$ 830,000 per restaurant | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>capital of US\$ 830,000.00 per restaurant are complied.</p> <p>Limitations listed in the horizontal section also apply.</p> | <p>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 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"> 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; b. An audited financial statement and income tax return; c. Certification by | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p>4) None, except as provided in the horizontal commitment</p> | <p>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 cease operations in the Philippines</p> <p>Qualified foreign restaurants 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> <p>4) None</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------------------|--|---|------------------------|
| Travel Agencies (CPC 74710) | 1) None 2) None 3) None, except as indicated in the horizontal commitments 4) None, except as indicated in the horizontal commitments | 1) None 2) None 3) None, except as indicated in the horizontal commitments 4) None | |
| Professional Congress Organizers | 1) None 2) None 3) 60% foreign equity is allowed 4) Subject to horizontal commitment | 1) None 2) None 3) None 4) None | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-------------------------------|--|-----------------------------------|------------------------|
| 11. TRANSPORT SERVICES | | | |
| All Subsectors | <p>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.</p> <p>4) Only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their stay not to exceed five (5) years upon entry.</p> <p>Each employed alien should have at least two (2) Filipino understudies.</p> <p>3), 4) Limitations listed in the horizontal section shall also apply.</p> | | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| A. Maritime Transport Services | | | |
| International Transport (passenger and freight), except a) cabotage transport, and b) government-owned cargoes ⁹ | 1) None 2) None 3) None 4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months | 1) None 2) None 3) None 4) None | |
| Leasing/rental of vessels without crew | 1) None 2) None 3) Bareboat charter of lease contract subject to approval by the Maritime Industry Authority (MARINA) 4) Unbound | 1) None 2) None 3) None 4) None | |

⁹ 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.

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----------------------------------|---|--|------------------------|
| Maintenance and repair of vessels | 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 4) None | 1) Unbound* 2) None 3) None 4) None | |
| Shipbuilding | 1) Unbound* 2) None 3) Up to seventy percent (70%) foreign equity is allowed. Needs accreditation of the Maritime Industry Authority (MARINA) 4) Unbound, except as indicated in the horizontal section | 1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| C. Air Transport Services | | | |
| Leasing/rental of aircraft without crew | 1) None 2) None 3) Lease contract subject to approval by the Civil Aeronautics Board 4) None | 1) None 2) None 3) None 4) None | |
| Maintenance and repair of aircraft | 1) Unbound* 2) None 3) None 4) None | 1) Unbound* 2) None 3) None 4) None | |
| General Sales and Cargo Sales Agency | 1) Commercial presence required 2) None 3) None 4) None | 1) None 2) None 3) None 4) None | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| E. Rail Transport Services | | | |
| Passenger and freight transport | 1) Unbound* 2) None 3) None 4) None | 1) Unbound* 2) None 3) None 4) None | |
| Maintenance and repair of rail transport equipment | 1) Unbound* 2) None 3) None 4) Unbound | 1) Unbound* 2) None 3) None 4) Unbound | |
| F. Road Transport Services | | | |
| Passenger and freight transport | 1) Unbound* 2) None 3) Provisional authority/certificate of public convenience must be secured from the Land Transportation Franchising and Regulatory Board (LTFRB) | 1) Unbound* 2) None 3) None | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | <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> <p>4) None</p> | <p>4) None</p> | |
| Maintenance and repair of road vehicles | <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p> | <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p> | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| H. Services auxiliary to all modes of transport | | | |
| Cargo handling services | 1) Unbound* 2) None 3) None 4) None | 1) Unbound* 2) None 3) None 4) None | |
| Freight forwarding services | 1) Unbound* 2) None 3) None 4) None | 1) Unbound* 2) None 3) None 4) None | |
| Storage and warehouse services | 1) Unbound* 2) None 3) None 4) None | 1) Unbound* 2) None 3) None 4) None | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Container yard and depot services within ports | 1) Unbound* 2) None 3) None 4) None | 1) Unbound* 2) None 3) None 4) None | |
| 12. OTHERS | | | |
| ENERGY SERVICES | | | |
| Services Related to Power Generation Construction and operation of power plants (<i>as provided under the BOT scheme</i>) Construction of Power Plants | 1) Unbound* 2) None 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. | 1) Unbound* 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 proprietorships or partnerships/corporations | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--------------------------|---|--|------------------------|
| | 4) Unbound | with at least 60 percent 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 such as BOT. 4) Unbound | |
| Operation of Power Plant | 1) Unbound* 2) None 3) None, except electric cooperative operation is limited to Filipinos. 4) Unbound | 1) Unbound 2) None 3) None 4) Unbound | |

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Services Related to the Supply of Energy Oil Refinery | 1) Unbound* 2) None 3) Initial Public Offering (IPO) for 10 percent of common stock on commencement of refinery operation. 4) Unbound | 1) Unbound* 2) None 3) None 4) Unbound | |
| Oil Terminals/Depots | 1) Unbound* 2) None 3) None 4) Unbound | 1) Unbound* 2) None 3) None 4) Unbound | |

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF HONG KONG, CHINA

ASEAN - HONG KONG, CHINA FREE TRADE AGREEMENT
HONG KONG, CHINA'S SCHEDULE OF SPECIFIC COMMITMENTS

Where appropriate, Hong Kong, China's commitments are referenced to the *Provisional Central Product Classification* ("CPC") as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 and on the basis of the *Services Sectoral Classification List* WTO document MTN.GNS/W/120.

HONG KONG, CHINA'S SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|--|---|--|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>1), 2), 3), 4) Unbound for any measures with respect to:</p> <p>(a) the provision of public law enforcement, ambulance services, correctional services and fire fighting services; and</p> <p>(b) the following, to the extent that they are social services established for a public purpose:</p> <ul style="list-style-type: none"> i.) health; ii.) education; iii.) housing; iv.) training; v.) transport; vi.) public utilities; vii.) social security; and viii.) social welfare. | | |
| | <p>4) Unbound except for business visitors and intra-corporate transferees, subject to the following conditions:</p> <p>(a) <u>Business Visitors</u></p> <p style="padding-left: 20px;">I. <u>Definition</u></p> <p style="padding-left: 20px;">A business visitor means a natural person of an ASEAN Member State:</p> <ul style="list-style-type: none"> i.) who is seeking temporary entry to Hong Kong, China for the purpose of: <ul style="list-style-type: none"> (1) attending meetings or conferences, or engaging in consultations with business colleagues; (2) taking orders or negotiating contracts for a juridical person located in Hong Kong, China but not selling goods or providing services to the general public; or (3) undertaking business consultations | <p>4) Unbound except as indicated in "Limitations on Market Access"</p> | <p>With respect to entry visas/permits for categories of personnel for which market access/national treatment commitments are made, the following information is available on the website of the visa/permit issuing authority:</p> <ul style="list-style-type: none"> (a) relevant ordinances and regulations; (b) application procedures; and (c) pledge on processing time required on average where applicable. |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>concerning the establishment, expansion or winding up of a juridical person or investment in Hong Kong, China;</p> <p>ii.) who is not seeking to enter the labour market of Hong Kong, China; and</p> <p>iii.) whose principal place of business, actual place of remuneration and predominant place of accrual of profits remain outside Hong Kong, China.</p> <p>II. <u>Conditions (including duration of stay)</u></p> <p>The commitments shall apply to:</p> <p>i.) all sectors in the WTO Services Sectoral Classification List (MTN.GNS/W/120); and</p> <p>ii.) entry and temporary stay for a period not exceeding 90 days, provided that normal immigration requirements are met.</p> <p>(b) <u>Intra-corporate transferees</u></p> <p>I. <u>Definition</u></p> <p>An intra-corporate transferee means a senior manager or a specialist who is an employee of a service supplier of an ASEAN Member State with a commercial presence in Hong Kong, China.</p> <p>A senior manager means a natural person of an ASEAN Member State within an organisation of that ASEAN Member State who:</p> <p>i.) is a senior employee of that organisation with responsibility for the entire organisation's operations, or a substantial part of it, in Hong Kong, China;</p> <p>ii.) has proprietary information of the organisation and receives only general</p> | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>supervision or direction from higher level executives or the board of directors or stockholders of the organisation; and</p> <p>iii.) supervises and controls the work of other supervisory, professional or managerial employees in Hong Kong, China. This does not include a first-line supervisor, unless the employees supervised are professional; nor does it include an employee who primarily performs tasks necessary for the provision of the service.</p> <p>A specialist means a natural person of an ASEAN Member State within an organisation of that ASEAN Member State who possesses knowledge at an advance level of expertise; possesses proprietary knowledge of the organisation's service, research equipment, techniques, or management; and who is essential to the operation of the concerned service supplier's establishment in Hong Kong, China.</p> <p>II. <u>Conditions (including duration of stay)</u></p> <p>Natural persons of ASEAN Member States seeking entry into Hong Kong, China as senior manager or specialist under Hong Kong, China's commitments on intra-corporate transferees shall:</p> <p>i.) be employees who have been in the prior employment of the concerned service supplier which sponsors their entry into Hong Kong, China for a period of not less than one year immediately preceding the date of application for admission; and</p> <p>ii.) during their stay in Hong Kong, China except with the prior approval of the Government of Hong Kong, China, not change employment or employers.</p> | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>The commitments:</p> <ul style="list-style-type: none"> i.) shall only apply to the sectors and sub-sectors as set out in <u>Appendix I</u>; ii.) shall only apply to natural persons of ASEAN Member States of service suppliers of ASEAN Member States which have a bona fide business establishment operating in Hong Kong, China. The number of natural persons who may seek entry under these commitments shall be reasonable having regard to the size and the nature of the business operation of the relevant establishment in Hong Kong, China; and iii.) are limited to entry and temporary stay. Temporary stay implies that the appropriate prior authority will have been applied for and obtained before departure for Hong Kong, China. Temporary stay shall be limited to one year in the first instance, which may be extended up to a total of five years. <p>Temporary entry granted to a natural person of an ASEAN Member State pursuant to Hong Kong, China's commitments on Business Visitors and Intra-corporate Transferees does not exempt that person from the requirements needed to carry out a profession or activity according to the internal law, and any applicable mandatory codes of practice made pursuant to the internal law, in force in the Area of Hong Kong, China.</p> <p>Hong Kong, China shall grant temporary entry or extension of stay to the extent provided for in the commitments set out in this Schedule to natural persons of ASEAN Member States, provided that those natural persons:</p> | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | i.) follow prescribed application procedures for the immigration formality ¹ sought; and ii.) meet all relevant eligibility requirements for entry into Hong Kong, China. | | |
| II. SECTOR SPECIFIC COMMITMENTS Commitments made by Hong Kong, China shall not prevent it from adopting or maintaining non-discriminatory measures which restrict or require specific types of legal entity through which a service supplier may supply a service, to achieve a legitimate policy objective. | | | |
| 1. BUSINESS SERVICES | | | |
| A. <u>Professional Services</u> Accounting, auditing and bookkeeping services: these are limited to auditing and advisory services on matters such as financial management consultancy, company formation and restructuring, raising of capital, debt-rescheduling, receivership and liquidation (Part of CPC 862) | 1) Unbound 2) None 3) None other than that the provision of statutory auditing services is limited to corporate practices and natural persons licensed as certified public accountants (practising), either as sole proprietors or in partnership. 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |

¹ It is understood that “immigration formality” means a visa, permit, pass or other document or electronic authority granting a natural person permission to enter, stay, work or establish commercial presence in the Area of Hong Kong, China.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Taxation services (excluding legal services): these are limited to advisory and consulting services to enterprises or individuals on compilation of tax returns, tax planning, review, assessment and back-duty work (Part of CPC 863) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Architectural services (CPC 8671) | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None, except that to be registered as a Registered Architect, a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments | |
| Engineering services (CPC 8672) | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None, except that to be registered as a Registered Professional Engineer, a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Urban planning and landscape architectural services (CPC 8674) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) None, except that to be registered as a Registered Landscape Architect or Registered Professional Planner, a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments | |
| Medical and dental services (CPC 9312) | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | |
| Veterinary services (CPC 932) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191) | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | |
| B. <u>Computer and Related Services</u> (CPC 84) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| <p>E. <u>Rental/Leasing Services without Operators</u></p> <p>Relating to ships (CPC 83103)</p> <p>Relating to other transport equipment (excluding services relating to air transport) (CPC 83101-83102)</p> <p>Relating to other machinery and equipment (excluding transport equipment) (CPC 83106-83109)</p> | <p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong, China's profits tax. 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| F. <u>Other Business Services</u> | | | |
| Advertising services (CPC 871) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Market research and public opinion polling services (CPC 864) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Management consulting services (CPC 865) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Services related to management consulting, including such services related to Halal food (CPC 866) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Technical testing and analysis services, including such services related to Halal food (CPC 8676) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>Services incidental to agriculture and forestry: these are limited to the provision of advice and guidance relating to crop, livestock and forestry management. These do not include ownership of farms and farming (Part of CPC 881)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>Services incidental to fishing: these are limited to the provision of advice and guidance relating to marine or freshwater fisheries and fish hatchery services. These do not include ownership of fish ponds and fishing (Part of CPC 882)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>Services incidental to manufacturing, including such services related to Halal food. These are limited to consulting services only (Part of CPC 884+885)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>Placement and supply services of personnel (CPC 872)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Investigation services (CPC 87301) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Security services (CPC 87302–87305) | 1) None 2) None 3) None other than that service supplier may only provide the service in the form of a company incorporated in Hong Kong, China under the Companies Ordinance. 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 8861–8866) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Building cleaning services (CPC 874) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Photographic services (CPC 875) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Packaging services (CPC 876) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Printing, publishing (CPC 88442) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Translation and interpretation services (CPC 87905) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Specialty design services (CPC 87907) | 1) None 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | |
| Convention services including exhibition management services which are limited to activities relating to planning, organizing, managing and marketing services for exhibitions, conventions and similar events (Part of CPC 87909) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p><u>International services</u></p> <p>(a) Voice services (resale based only)</p> <p>(b) Packet-switched data transmission services (resale based only)</p> <p>(c) Circuit-switched data transmission services (resale based only)</p> <p>(f) Facsimile services (resale based only)</p> <p>(o) Other</p> <p>- Self provision of external satellite circuits for a company if the messages originated from or received at the Hong Kong, China end are intended for the company, its holding, subsidiary or affiliated companies; or for an organization if the messages originated from or received at the Hong Kong, China end are intended for the common business or activities of the organization</p> <p>- Virtual private network service (resale based only)</p> <p>- Mobile satellite service</p> | <p>1) None other than:</p> <ul style="list-style-type: none"> - Public external telephone service² is not allowed; - For self-provision of external satellite circuits, connection to the public-switched telephone network (PSTN) at the Hong Kong, China end may be restricted; - For virtual private network service, connection to the PSTN at the Hong Kong, China end may be restricted; - For mobile satellite service, gateway station for mobile satellite traffic is not allowed. <p>2) None</p> <p>3) None other than:</p> <ul style="list-style-type: none"> - Public external telephone service² is not allowed; - For self-provision of external satellite circuits, connection to the PSTN at the Hong Kong, China end may be restricted; - For virtual private network service, connection to the PSTN at the Hong Kong, China end may be restricted; - For mobile satellite service, gateway station for mobile satellite traffic is not allowed. <p>4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |

² “External telephone services” only include person to person voice communications with places outside Hong Kong, China.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p><u>Value added services</u></p> <p>(h) Electronic mail</p> <p>(i) Voice mail</p> <p>(j) On-line information and data base access and retrieval</p> <p>(k) Electronic data interchange (EDI)</p> <p>(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve</p> <p>(m) Videotex and teletex, code, protocol and/or format conversion</p> <p>(n) On-line information and/or data processing (including transaction processing)</p> | <p>1) None</p> <p>2) None</p> <p>3) None other than that commercial presence must take the form of a company³.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>D. <u>Audiovisual Services</u></p> <p>Radio and television services</p> <p>- Production services of programme content for sale to operators of radio services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |

³ “Company” means broadly a company incorporated in Hong Kong, China under the Companies Ordinance, or a company incorporated outside Hong Kong, China which establishes a place of business and registered as such in Hong Kong, China under the Companies Ordinance.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>- Production services of programme content for sale to operators of television services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China</p> | <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>Motion picture and video tape production and distribution services (CPC 9611)</p> <p>Motion picture projection services</p> <p>- Motion picture projection services in cinemas (Part of CPC 96121)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>Sound recording services: these are limited to services relating to the provision of sound-track</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| D. <u>Building Completion and Finishing Work</u> Interior design services: these are limited to specialized consulting services related to the post-construction design and fitting out of interior living and working spaces (Part of CPC 517) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| E. <u>Other</u> Project management services: these are limited to the supervision and coordination of construction projects but do not cover engineering or architectural services and railway construction and project implementation | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| 4. DISTRIBUTION SERVICES | | | |
| A. <u>Commission agents' services, including such services related to Halal food (CPC 621) (except for energy products and services)</u> | 1) None 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| B. <u>Wholesale trade services, including such services related to Halal food</u> (CPC 622) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| Wholesale trade services of fishery products (CPC 62224) | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments | |
| C. <u>Retailing services, including such services related to Halal food</u> Retailing services excluding all pharmaceutical, medical, surgical and orthopaedic products (CPC 631-632 except for CPC 63211) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| 5. EDUCATIONAL SERVICES | | | |
| C. <u>Higher education services</u> (CPC 923) D. <u>Adult education</u> (CPC 924) | <p>1) None except that the provision of local courses and non-local courses at post-secondary level are subject to different registration requirements. Institutions providing local courses at post-secondary level shall be registered under the Post Secondary Colleges Ordinance (Cap. 320) or for provision of courses not leading to the award of a degree shall be registered under the Education Ordinance (Cap. 279), while non-local courses leading to the award of a non-local higher academic or professional qualification shall be registered under the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493).</p> <p>A person who provides non-local courses which are regulated courses is subject, <i>inter alia</i>, to the following measures under Cap. 493: a regulated course conducted in collaboration with a local institution of higher education specified under Cap. 493 can be exempted from registration subject to conditions stipulated in Section 8 of Cap. 493.</p> <p>2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None except that a person who provides non-local courses which are regulated courses is subject, <i>inter alia</i>, to the following measures under Cap. 493: an application for registration of a regulated course requires, <i>inter alia</i>, the undertaking of a person who states that he/she undertakes to perform, in relation to the course, the functions imposed on a designated person by Cap. 493. Such person shall be ordinarily resident in Hong Kong, China and the holder of a Hong Kong identity card.</p> <p>2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments</p> | |
| 6. ENVIRONMENTAL SERVICES | | | |
| A. <u>Sewage services</u> (CPC 9401) | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| B. <u>Refuse disposal services:</u> These are limited to collection services of garbage, trash, rubbish and waste from households (Part of CPC 9402) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| C. <u>Sanitation and similar services (CPC 9403)</u> | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| D. <u>Others</u> - Cleaning services of exhaust gas (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental protection services not elsewhere classified (CPC 9409) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| 7. FINANCIAL SERVICES <u>Mode 1/Mode 2</u> The commitments made with respect to mode 1 (cross-border supply) and mode 2 (consumption abroad) supply of financial services inscribed in this section of the Schedule do not signify a commitment to allow a service supplier from the Area of an ASEAN Member State to solicit business or to conduct marketing in Hong Kong, China. There is a statutory monopoly on the operation of a stock market in Hong Kong, China. | | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| A. <u>All Insurance and Insurance-Related Services</u> | | | |
| Life, accident and health insurance services Non-life insurance services | 1) Unbound 2) None other than that statutory insurances must be purchased from an insurer authorized in Hong Kong, China. 3) None other than that only an incorporated company authorised by the Insurance Authority (IA) or an association of underwriters approved by the IA is permitted to carry on insurance business. In the case of the former, commercial presence must take the form of a subsidiary, branch or representative office, although insurance business shall not be carried out through a representative office. 4) Unbound except as indicated in Horizontal Commitments ⁴ | 1) Unbound 2) Unbound 3) None other than that the chief executive appointed by the authorised insurer should normally reside in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments | |
| Reinsurance and retrocession | 1) None, provided that the insurance company is a company incorporated outside Hong Kong, China and has no agent nor place of business in Hong Kong, China. 2) None 3) None other than that only an incorporated company authorised by the Insurance Authority (IA) or an association of underwriters approved by the IA is permitted to carry on insurance business. In the case of the former, commercial presence must take the form of a subsidiary, branch or representative office, although insurance business shall not be carried out through a representative office. 4) Unbound except as indicated in Horizontal Commitments ⁴ | 1) Unbound 2) Unbound 3) None other than that the chief executive appointed by the authorised insurer should normally reside in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments | |

⁴ Commitments on presence of natural persons are confined to businesses regulated under Hong Kong, China's banking, securities, insurance and related legislation.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Services auxiliary to insurance (including broking and agency services) | 1) None other than claims settlement services, except for settlement of claims under contracts of goods in transit insurance entered into wholly outside Hong Kong, China in respect of goods consigned to Hong Kong, China. 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments ⁴ | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| <p>B. <u>Banking and Other Financial Services</u> (excluding insurance)</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 transaction</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None other than that</p> <p>(a) all authorised institutions (i.e. licensed banks, restricted licence banks and deposit-taking companies) shall maintain a physical presence in Hong Kong, China.</p> <p>(b) in the case of an overseas bank seeking to establish a locally incorporated full licensed bank, the bank must:</p> <p>(i) have maintained a locally incorporated restricted licence bank or deposit-taking company (or any combination thereof) in Hong Kong, China for at least 3 continuous years before they can apply for approval from the Hong Kong Monetary Authority (HKMA) for upgrading to a full licensed bank; or</p> <p>(ii) have maintained a branch in Hong Kong, China for not less than three continuous years before they can apply for approval from HKMA to subsidiarise the operation of the branch by transferring the branch operation to a locally incorporated company; and</p> <p>(c) in the case of an overseas bank seeking to establish a representative office in Hong Kong, China, such offices are prohibited from taking deposits and undertaking banking business in general.</p> <p>4) Unbound except as indicated in Horizontal Commitments⁴</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments⁴</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None other than that all authorised institutions (local or overseas) must appoint a chief executive and not less than one alternative chief executive, each of whom shall be an individual and ordinarily resident in Hong Kong, China.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Financial leasing | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments ⁴ | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| All payment and money transmission services | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments ⁴ | 1) Unbound 2) Unbound 3) None other than that all licensees to operate stored value facilities must appoint a chief executive and not less than one alternative chief executive each of whom shall be an individual who is ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments | |
| Guarantees and commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments ⁴ | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| <p>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"> - Money market instruments (including cheques, bills, certificate of deposits) - foreign exchange - derivative products including, but not limited to, futures and options - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements - transferable securities | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None other than the following: Only corporations incorporated in Hong Kong, China, may become members of exchange companies recognised under the Securities and Futures Ordinance (in addition, natural persons born in Hong Kong, China or resident in Hong Kong, China for five of the preceding seven years or partnerships composed of such persons may also become members of the Stock Exchange of Hong Kong Limited⁵). 4) Unbound except as indicated in Horizontal Commitments⁴ | <ul style="list-style-type: none"> 1) Unbound 2) Unbound 3) None other than that for dealing in securities or commodities futures, there is a residence requirement in Hong Kong, China in respect of a sole proprietor, or, in the case of a partnership or company, in respect of at least one partner or director, who is registered as a dealer. 4) Unbound except as indicated in Horizontal 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> | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments⁴ | <ul style="list-style-type: none"> 1) Unbound 2) Unbound 3) None other than that if registration as a dealer is required, as it is in the case of public issues, the limitations as for dealers (above) shall apply. 4) Unbound except as indicated in Horizontal Commitments | |
| <p>Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments⁴ | <ul style="list-style-type: none"> 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |

⁵ The residence requirement for memberships can be waived for persons of good reputation with substantial experience of dealing in securities.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| <p>Advisory and other auxiliary financial services on all the activities listed in subparagraph 5(a)(v) to (xv) of the <i>GATS Annex on Financial Services</i>, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p> <p>Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p> | <p>1) None other than commodity trading and investment advisory service</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments⁴</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments⁴</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>8. HEALTH RELATED AND SOCIAL SERVICES</p> | | | |
| <p>A. <u>Hospital services</u> (CPC 93110)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>9. TOURISM AND TRAVEL RELATED SERVICES</p> | | | |
| <p>A. <u>Hotels and Restaurants</u> (including catering) Hotel services (CPC 6411)</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| <p>Motel lodging services (CPC 6412)</p> <p>Other lodging services (CPC 64191, 64192, 64194 and 64195)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>Restaurant and catering services including such services related to Halal food (CPC 642 and 643)</p> | <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p><u>B. Travel Agencies and Tour Operator Services</u> Travel agencies and tour operator services: these are limited to the business of obtaining for clients carriage and/or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning (Part of CPC 7471)</p> | <p>1) None 2) None 3) None other than that only a company may operate tours and open branch offices³ 4) Unbound</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)</p> | | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| A. <u>Entertainment Services</u> (CPC 9619 except 96194, 96199) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| C. <u>Libraries, Archives, Museums and Other Cultural Services</u> Library and archives services (CPC 9631) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| D. <u>Sporting and Other Recreational Services</u> (excluding gambling and betting services) (Part of CPC 964) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| 11. TRANSPORT SERVICES | | | |
| A. <u>Maritime Transport Services</u> Note: Cabotage transport is excluded by virtue of Article 2 (Scope) of Chapter 8 (Trade in Services). | | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|--|
| International transport (Passenger) (CPC 7211) | 1) None 2) None 3) None ⁶ 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong's profits tax. 4) Unbound except as indicated in Horizontal Commitments | Where the following services are not otherwise covered by the obligation enshrined in subparagraph (h)(ii) of Article 1 (Definitions) of Chapter 8 (Trade in Services), they will be made available to international transport service suppliers on reasonable and non-discriminatory terms and conditions: pilotage; anchorage, berth and berthing services; towing and tug assistance; provisioning, fuelling and watering; garbage collecting and ballast waste disposal; port captain's services; navigation aids; shore-based operational services essential to ship operation, including communications, water and electrical supplies; and emergency repair facilities. |
| International transport (Freight) (CPC 7212) | 1) None 2) None 3) None ⁶ 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong's profits tax. 4) Unbound except as indicated in Horizontal Commitments | |

⁶ "Commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service supplier of another Party 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.

These activities include, but are not limited to:

- (a) 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 supplier with which the service seller has established standing business arrangements;
- (b) 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;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of *GATS Annex on Telecommunications*);
- (e) the 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; and
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| <p>MARITIME AUXILIARY SERVICES</p> <p>- Rental of vessel with crew: these are limited to services of hiring a vessel with crew under charter party terms for a voyage or period of time</p> <p>- Maritime cargo handling services: these are limited to 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 or 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 before shipment or after discharge</p> | <p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound except for no limitation on trans-shipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment.</p> <p>2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong's profits tax.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound except for no limitation on trans-shipment (board to board or via the quay) and/or on use of on-board cargo handling equipment.</p> <p>2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>- Storage and warehousing services: these are limited to the movement or placing of goods from warehouse to vessels or vice versa</p> <p>- Customs clearance services: these are limited to activities consisting of 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</p> <p>- Container station and depot services: these are limited to activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipment</p> | <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>- Maritime agency services: these are limited to activities consisting of representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies for marketing and sales of maritime transport and related services and for acting on behalf of the companies organising the call of the ship or taking over cargoes when required</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>- Maintenance and repair of vessels: these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |
| <p>- Maritime freight forwarding services: these are limited to the activities 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</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| - Preshipment inspection services: these are limited to services performed on a fee or contract basis involved in the verification of quality, quantity, price (including currency, exchange rate and financial terms), and/or the customs classification of goods to be exported. Customs or quarantine inspection is not included | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| <u>F. Road Transport Services</u> Freight transportation (CPC 7123) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| <u>H. Services auxiliary to all modes of transport</u> Freight transport agency services (CPC 748) | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |
| 12. OTHER SERVICES NOT INCLUDED ELSEWHERE | | | |
| Spa services (Part of CPC 9702) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments | |

Hong Kong, China's Commitments on Intra-corporate Transferees under Mode 4 apply only to the following sectors / sub-sectors:

1. BUSINESS SERVICES

A. Professional Services

Accounting, auditing and bookkeeping services: these are limited to auditing and advisory services on matters such as financial management consultancy, company formation and restructuring, raising of capital, debt-rescheduling, receivership and liquidation (Part of CPC 862)

Taxation services (excluding legal services): these are limited to advisory and consulting services to enterprises or individuals on compilation of tax returns, tax planning, review, assessment and back-duty work (Part of CPC 863)

Architectural services (CPC 8671)

Engineering services (CPC 8672)

Urban planning and landscape architectural services (CPC 8674)

Veterinary services (CPC 932)

B. Computer and Related Services (CPC 84)

E. Rental/Leasing Services without Operators

Relating to ships (CPC 83103)

Relating to other transport equipment (excluding services relating to air transport) (CPC 83101-83102)

Relating to other machinery and equipment (excluding transport equipment) (CPC 83106-83109)

F. Other Business Services

Advertising services (CPC 871)

Market research and public opinion polling services (CPC 864)

Management consulting services (CPC 865)

Services related to management consulting, including such services related to Halal food (CPC 866)

Technical testing and analysis services, including such services related to Halal food (CPC 8676)

Services incidental to agriculture and forestry: these are limited to the provision of advice and guidance relating to crop, livestock and forestry management. These do not include ownership of farms and farming (Part of CPC 881)

Services incidental to fishing: these are limited to the provision of advice and guidance relating to marine or freshwater fisheries and fish hatchery services. These do not include ownership of fish ponds and fishing (Part of CPC 882)

Services incidental to manufacturing, including such services related to Halal food. These are limited to consulting services only (Part of CPC 884+885)

Placement and supply services of personnel (CPC 872)

Investigation services (CPC 87301)

Security services (CPC 87302–87305)

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 8861–8866)

Building cleaning services (CPC 874)

Photographic services (CPC 875)

Packaging services (CPC 876)

Printing, publishing (CPC 88442)

Translation and interpretation services (CPC 87905)

Convention services including exhibition management services which are limited to activities relating to planning, organizing, managing and marketing services for exhibitions, conventions and similar events (Part of CPC 87909)

2. COMMUNICATION SERVICES

B. Courier Services (these are limited to the provision of services on a fee or contract basis for the delivery of documents and parcels, but excluding services reserved to the Post Office under the Post Office Ordinance (Part of CPC 7512))

C. Telecommunication Services

Local services

- (a) Voice services
- (b) Packet-switched data transmission services
- (c) Circuit-switched data transmission services
- (d) Telex services
- (e) Telegraph services
- (f) Facsimile services
- (g) Private leased circuit services
- (o) Other

Mobile services

- mobile radio telephone services including Cellular and Personal Communications Services
- mobile data services
- radio paging services

International services

- (a) Voice services (resale based only)
- (b) Packet-switched data transmission services (resale based only)
- (c) Circuit-switched data transmission services (resale based only)

- (f) Facsimile services (resale based only)
- (o) Other

- Self provision of external satellite circuits for a company if the messages originated from or received at the Hong Kong, China end are intended for the company, its holding, subsidiary or affiliated companies; or for an organization if the messages originated from or received at the Hong Kong, China end are intended for the common business or activities of the organisation
- Virtual private network service (resale based only)
- Mobile satellite service

Value added services

- (h) Electronic mail
- (i) Voice mail
- (j) On-line information and data base access and retrieval
- (k) Electronic data interchange (EDI)
- (l) Enhanced/value-added facsimile services, including store and forward, store and retrieve
- (m) Videotex and teletex, code, protocol and/or format conversion
- (n) On-line information and/or data processing (including transaction processing)

D. Audiovisual Services

Radio and television services

- Production services of programme content for sale to operators of radio services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China
- Production services of programme content for sale to operators of television services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China

Motion picture and video tape production and distribution services (CPC 9611)

Motion picture projection services

- Motion picture projection services in cinemas (Part of CPC 96121)

Sound recording services: these are limited to services relating to the provision of sound-track

3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

D. Building Completion and Finishing Work

Interior design services: these are limited to specialised consulting services related to the post-construction design and fitting out of interior living and working spaces (Part of CPC 517)

E. Other

Project management services: these are limited to the supervision and coordination of construction projects but do not cover engineering or architectural services and railway construction and project implementation

4. DISTRIBUTION SERVICES

B. Wholesale trade services, including such services related to Halal food (CPC 622)

C. Retailing services, including such services related to Halal food

Retailing services excluding all pharmaceutical, medical, surgical and orthopaedic products (CPC 631-632 except for CPC 63211)

6. ENVIRONMENTAL SERVICES

A. Sewage services (CPC 9401)

B. Refuse disposal services: these are limited to collection services of garbage, trash, rubbish and waste from households (Part of CPC 9402)

C. Sanitation and similar services (CPC 9403)

D. Others

- Cleaning services of exhaust gas (CPC 9404)
- Noise abatement services (CPC 9405)
- Nature and landscape protection services (CPC 9406)
- Other environmental protection services not elsewhere classified (CPC 9409)

7. FINANCIAL SERVICES

A. All insurance and insurance-related services

Life, accident and health insurance services

Non-life insurance services

Reinsurance and retrocession

Services auxiliary to insurance (including broking and agency services)

B. Banking and other financial services (excluding insurance)

Acceptance of deposits and other repayable funds from the public

Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction

Financial leasing

All payment and money transmission services

Guarantees and commitments

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, certificate of deposits)
- foreign exchange
- derivative products including, but not limited to, futures and options
- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements

- transferable securities

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

Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services

Advisory and other auxiliary financial services on all the activities listed in subparagraph 5(a)(v) to (xv) of *GATS Annex on Financial Services*, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services

9. TOURISM AND TRAVEL RELATED SERVICES

A. Hotels and Restaurants (including catering)

Hotel services (CPC 6411)

Motel lodging services (CPC 6412)

Other lodging services (CPC 64191, 64192, 64194 and 64195)

Restaurant and catering services including such services related to Halal food (CPC 642 and 643)

B. Travel Agencies and Tour Operators Services

Travel agencies and tour operators services: these are limited to the business of obtaining for clients carriage and/or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning (Part of CPC 7471)

10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)

A. Entertainment Services (CPC 9619 except 96194, 96199)

C. Libraries, Archives, Museums and Other Cultural Services

Library and archives services (CPC 9631)

D. Sporting and Other Recreational Services (excluding gambling and betting services) (Part of CPC 964)

11. TRANSPORT SERVICES

A. Maritime Transport Services

International transport (Passenger) (CPC 7211)

International transport (Freight) (CPC 7212)

MARITIME AUXILIARY SERVICES

- Rental of vessel with crew: these are limited to services of hiring a vessel with crew under charter party terms for a voyage or period of time
- Maritime cargo handling services: these are limited to 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 or 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 before shipment or after discharge
- Storage and warehousing services: these are limited to the movement or placing of goods from warehouse to vessels or vice versa
- Customs clearance services: these are limited to activities consisting of 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
- Container station and depot services: these are limited to activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipment
- Maritime agency services: these are limited to activities consisting of representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies for marketing and sales of maritime transport and related services and for acting on behalf of the companies organising the call of the ship or taking over cargoes when required
- Maintenance and repair of vessels: these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels
- Maritime freight forwarding services: these are limited to the activities 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
- Preshipment inspection services: these are limited to services performed on a fee or contract basis involved in the verification of quality, quantity, price (including currency, exchange rate and financial terms), and/or the customs classification of goods to be exported. Customs or quarantine inspection is not included

F. Road Transport Services

Freight transportation (CPC 7123)

H. Services auxiliary to all modes of transport

Freight transport agency services (CPC 748)

12. OTHER SERVICES NOT INCLUDED ELSEWHERE

Spa services (Part of CPC 9702)

Additional Commitments on Regulatory Principles

Scope

The following are definitions and principles on the regulatory framework for 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-subsidisation;
- (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 regulator as referred to in paragraph 5, 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

Hong Kong, China 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 Hong Kong, China.

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. Independent regulators

The regulator 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.

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF SINGAPORE

- a) The classification of service sectors in this Schedule of Specific Commitments 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.
- b) 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|---|---|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | 4) Presence of natural persons unbound. | <p>4) Unbound</p> <p>3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions:</p> <p>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.)</p> <p>- At least one director of the company must be locally resident</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p>1), 2), 3), 4) 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.</p> | <ul style="list-style-type: none"> - 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.) | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| b. Accounting/Auditing Services (CPC 862**) | 1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore 2) None 3) As in mode 1 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| c. Taxation Services Taxation services except for other tax-related services (CPC 863**) | 1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore. Only Public Accountants registered with the Accounting and Corporate Regulatory Authority can practise as tax consultants for local tax | 1) None | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--------------------------------------|--|---|------------------------|
| | <p>laws.</p> <p>2) None</p> <p>3) As in mode 1</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>2) None</p> <p>3) None</p> <p>4) Unbound</p> | |
| d) Architectural Services (CPC 8671) | <p>1) None</p> <p>2) None</p> <p>3) <u>Limited Corporations</u></p> <ul style="list-style-type: none"> - Only registered architect or allied professionals (Professional Engineers or Land Surveyors) shall be director of the corporation - Not less than two-thirds or such lower proportion as the Minister for National Development may specify in relation to any corporation of each class of shares of the corporation shall be beneficially owned by | <p>1) None</p> <p>2) None</p> <p>3) None</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>and registered architects or allied professionals who are directors, managers or employees of the corporation.</p> <ul style="list-style-type: none"> - Architectural work 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 a valid certificate and is registered owner of at least one share of the corporation. <p><u>Unlimited Corporation</u></p> <ul style="list-style-type: none"> - Only registered architects or allied professionals (Professional Engineers or Land Surveyors) shall be a director of the corporation - The articles of association of the | | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>corporation provide that any person who is neither a registered architect nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee of the corporation, shall not be registered as a member of that corporation</p> <ul style="list-style-type: none"> - the business of the corporation, so far as it related to architectural services, will be under the control and management of a director of the corporation who: <ul style="list-style-type: none"> - is a registered architect ordinarily resident in Singapore; - has in force a practising certification authorizing him to engage in the practice of | | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p style="text-align: center;">architecture, and</p> <ul style="list-style-type: none"> - is a member, or a registered owner of at least one share of the corporation <p style="text-align: center;"><u>Partnership</u></p> <ul style="list-style-type: none"> - The partnership consists of only registered architects with valid practising certificates and allied professionals; and - The supply of architectural services in Singapore will be under the control and Management of a partner who is a Registered architect, ordinary resident in Singapore and who has a valid practising certificate. <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| e. Engineering Services (CPC 8672**) | 1) None | 1) None, other than engineers should be effectively resident in Singapore | |
| The sectors covered by Engineering services are: | 2) None | 2) None | |
| (a) Civil engineering services | 3) These measures are also limitations on national treatment. | 3) None | |
| (b) Production engineering services | <u>Limited Corporations</u> | | |
| (c) Mechanical engineering services | - Not less than 80% of the directors of the corporation shall be registered Professional Engineers or allied professionals (registered Architects or Land Surveyors). | | |
| (d) Electrical engineering services | | | |
| (e) Electronic engineering services | | | |
| (f) Aeronautical engineering services | - Not less than two-thirds or such lower proportion as the Minister for National Development may specify in relation to any corporation of each class of shares of the corporation shall be beneficially owned by | | |
| (g) Marine engineering services | and registered in the names of registered | | |
| (h) Naval architectural engineering services | | | |
| (i) Industrial engineering services | | | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----------------------------------|---|-----------------------------------|------------------------|
| (j) Chemical engineering services | <p>Professional Engineers or allied professionals</p> <ul style="list-style-type: none"> - Professional engineering work in Singapore will be under the control and Management of a director of the Corporation who is a registered owner of at least one share of the corporation; who is a registered Professional Engineer ordinarily resident in Singapore and who has a valid Certificate <p><u>Unlimited Corporation</u></p> <ul style="list-style-type: none"> - Only registered Professional Engineers or allied professionals (registered Architects or Land Surveyors) shall be a director of the corporation - The articles of association of the corporation provide that any person who is neither a registered | | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>Professional Engineer nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee of the corporation, shall not be registered as a member of that corporation</p> <ul style="list-style-type: none"> - The business of the corporation, so far as it relates to professional engineering work, will be under the control and management of a director of the corporation who:- <ul style="list-style-type: none"> - is a registered Professional Engineer ordinarily resident in Singapore; - has in force a practising certificate authorizing him to engage in such professional engineering work; and | | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <ul style="list-style-type: none"> - is a member, or a registered owner of at least one share of the corporation <p style="text-align: center;"><u>Partnership</u></p> <ul style="list-style-type: none"> - The partnership consists of only registered Professional Engineers with valid practising certificates and allied professionals; and - Professional engineering work in each discipline of engineering in Singapore will be under the control and management of a partner who is a registered Professional Engineer in the relevant discipline, ordinarily resident in Singapore and who has a valid practising certificate <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| g. Landscaping services (CPC 86742 **) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| 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 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) None | |
| Dental Services (CPC 93123) | 1) Unbound* 2) None 3) None | 1) None 2) None 3) None | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | 4) Unbound except as indicated in the horizontal Section | 4) Unbound | |
| i. Veterinary Services (CPC 932) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| B. Computer and Related Services | | | |
| Computer Services The services covered are: - Software development - Systems Integration Services - Data processing - Data base services Commitments in Telecommunication services are recorded in | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| 2.C of the Schedule of Specific Commitments. | | | |
| C. Research and Development Services | | | |
| Biotechnology Services (CPC 851**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| Industrial Research (CPC 851**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| b. Economic and behavioural research (CPC 852**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| c. Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| E. Rental/Leasing Services without Operators | | | |
| a. Relating to ships (CPC 83103) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| F. Other Business Services | | | |
| a. Advertising services (CPC 8711, 8712, 8719) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| b. Commercial Market Research (CPC 86401) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| c. Public Relations Consultancy Services (CPC 865**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| c. Management Consultancy Services, including Office Management and Administrative Services (CPC 865**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| c. Advertising Consultancy Services (CPC 865**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| c. Information Technology Consultancy Services (CPC 865**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| c. Buildings and Facilities Management Services (CPC 865**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| e. Technical testing and analysis services Technical testing and analysis services of motor vehicles (CPC 8676**) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) Unbound* 2) None 3) None 4) Unbound | |
| Technical testing and analysis services, excluding testing and analysis services of motor vehicles and classification societies (CPC 8676**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| o. Building cleaning services (CPC 874) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| p. Photographic services (CPC 875) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| q. Packaging services (CPC 876) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| s. Convention Services and Exhibition Management Services (CPC 87909**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| t. Other Translation/Interpretation Services (CPC 87905) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| Interior Design Services, Excluding Architecture (CPC 87907**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|---|
| 2. COMMUNICATION SERVICES | | | |
| B. Courier Services | | | |
| Courier Services in respect of documents and parcels, excluding letters and postcards | 1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| C. Telecommunication Services | | | |
| General Conditions statement | | | |
| Commitments undertaken in this schedule are subject to the following conditions: | | | |
| The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. This excludes services regulated under the Broadcasting Act. | | | |
| 1. Basic Telecommunication Services (facilities-based): (a) Public Switched Services ¹ (local and international) (b) Leased Circuit Services (local and international) | 1) Subject to commercial arrangements with licensed operator(s). 2) None 3) A cumulative total of 73.99% foreign | 1) None 2) None 3) None, except as indicated in the horizontal Section | As indicated in REFERENCE PAPER appended. |

¹ This includes voice, data and facsimile services.

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|--|
| | <p>shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound except as indicated in the horizontal Section</p> | |
| <p>2. Mobile Services²:</p> <p>(a) Public Mobile Data Service (PMDS)</p> <p>(b) Public Trunked Radio Service (PTRS)</p> <p>(c) Public Radio Paging Service (PRPS)</p> <p>(d) Public Cellular Mobile Telephone Service (PCMTS)</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal Section</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>As indicated in REFERENCE PAPER appended.</p> |

² Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia Services

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>Resale basis:</p> <p>(a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched network)</p> <p>(b) Leased Circuit Services (local and international) (without connection to the public switched network)</p> <p>(c) Public Cellular Mobile Telephone Services</p> <p>(d) Public Radio Paging Services</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) As in mode 1</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal Section</p> <p>4) Unbound except as indicated in the horizontal Section</p> | |
| <p>4. Value-added Network (VAN) services</p> <p>The services covered are:</p> <ul style="list-style-type: none"> - electronic-mail - voice-mail - on-line information and data base retrieval | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) As in mode 1</p> <p>4) Unbound except as indicated in the horizontal</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal Section</p> <p>4) Unbound</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <ul style="list-style-type: none"> - electronic data interchange - on-line information and/or data processing | Section | | |
| D. Audiovisual Services | | | |
| <p>(i) the services covered are production, distribution and public display of</p> <ul style="list-style-type: none"> - motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612) <p>(ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being</p> <ul style="list-style-type: none"> - Free-to-air broadcasting - Cable and pay television - Direct broadcasting by | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| satellite - Teletext | | | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| Construction Services - 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 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| 4. DISTRIBUTION SERVICES | | | |
| <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 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| 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 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| 5. EDUCATIONAL SERVICES | | | |
| 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 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| E. Short term training including language courses (CPC 92900 **) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| 6. ENVIRONMENTAL SERVICES | | | |
| C. Sanitation and similar services (CPC 9403) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) Unbound* 2) None 3) None 4) Unbound | |
| D. Cleaning services of exhaust gases (CPC 9404) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) Unbound* 2) None 3) None 4) Unbound | |
| D. Noise abatement services (CPC 9405) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) Unbound* 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| 7. FINANCIAL SERVICES | | | |
| A. Insurance and insurance-related Services | | | |
| <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 VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.</p> | | | |
| <p>(a) Life insurance services including annuity, disability income, accident and health insurance services</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) These measures are also limitations on national treatment.</p> <p>None except 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 issuance of new insurance licences and establishment of new representative offices.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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 | <p>1) Unbound</p> <p>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.</p> <p>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 issuance of new insurance licences and establishment of new representative offices.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal Section</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| (c) Reinsurance and retrocession | 1) None 2) None 3) None except that reinsurance companies must be established as branches or subsidiaries. 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | |
| (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. With the exception of reinsurance risks and risks insured by protection and indemnity clubs, brokers can only place domestic risks outside Singapore with the approval of MAS. 3) These measures are also limitations on national | 1) Unbound 2) None 3) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| | <p>treatment Unbound except for admission of reinsurance brokers as locally incorporated subsidiaries.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound except as indicated in the horizontal section.</p> | |
| (e) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal Section</p> | |
| <p>B. Banking and other financial services</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 VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.</p> | | | |
| (a) Acceptance of deposits and other repayable funds from the public | <p>1) Unbound</p> <p>2) None</p> <p>3) These measures are also limitations on national</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) <u>Commercial banks:</u> Foreign banks can operate</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>treatment. Only institutions approved as banks, merchant banks and finance companies can accept deposits.</p> <p>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.</p> <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(1) and the following limitations:</p> | <p>from only one office (excluding back-office operations). They cannot establish off-premise ATMs and ATM networking and new sub-branches. Unbound for provision of all electronic banking services.</p> <p>Location of banks and relocation of banks and sub-branches require prior approval from MAS.</p> <p>Restricted 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.</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-</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p><u>Commercial banks</u> No new full and restricted 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.</p> <p>A single/related group of foreign shareholders can only hold up to 5 per cent of a local bank's shares. The limit on aggregate foreign ownership of each domestic bank's shares has been increased from 20 per cent to 40 per cent.</p> <p><u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant</p> | <p>residents.</p> <p>A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.³</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</p> | |

³ MAS may permit a bank incorporated in Singapore which is a wholly owned subsidiary of a bank of another Party incorporated outside Singapore, to have less than a majority of directors who are either Singapore citizens or Singapore permanent residents.

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>bank branches.</p> <p><u>Finance companies</u> No new finance companies. Unbound for foreign acquisition of shares in finance companies and transfer or sale of foreign shareholdings in existing finance companies to foreign parties. 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>4) Unbound except as indicated in the horizontal Section</p> | <p>finance companies.</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> <p>4) Unbound except as indicated in the horizontal Section</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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 style="padding-left: 20px;">(i) Credit and charge cards may be issued by card issuers approved by MAS subject to MAS' guidelines.</p> <p style="padding-left: 20px;">(ii) Singapore dollar loans by local and foreign-owned financial institutions, to non-residents, non-resident controlled companies and to residents for use outside Singapore require MAS' prior approval.</p> <p style="padding-left: 20px;">(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.</p> <p style="padding-left: 20px;">Offshore banks should not use their related merchant banks to circumvent the S\$200m lending limit.</p> <p style="padding-left: 20px;">Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | 4) Unbound except as indicated in the horizontal Section | 4) Unbound except as indicated in the horizontal Section | |
| (c) Financial leasing | 1) None 2) None 3) None except as indicated for activity B(b) above 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None except as indicated for activity B(b) above. 4) Unbound except as indicated in the horizontal section. | |
| (d) Payment and money transmission services, including credit, charge and debit cards, travelers cheques and bankers' draft | 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. | 1) Unbound 2) None 3) None | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--------------------------------|---|---|------------------------|
| | <p>Bankers' drafts can only be issued by banks.</p> <p>Only the following can issue stored value cards:</p> <ul style="list-style-type: none"> - a bank in Singapore licensed by MAS; and - a juridical person for the payment only of goods or services or both goods and services provided by that person. <p>The limitations indicated in B(b)(3) above also apply to the activities listed in B(d).</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound except as indicated in the horizontal Section</p> | |
| (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>1) None</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | <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>4) Unbound except as indicated in the horizontal Section</p> | <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal Section</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"> - money market instruments (including cheques, bills, certificates of deposit) - foreign exchange - derivative products, including financial futures and options | <p>1) Measures taken are also limitations on national treatment. 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.</p> <p>2) None</p> | <p>1) None</p> <p>2) None</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <ul style="list-style-type: none"> - exchange rate and interest rate instruments, including swaps and forward rate agreements - transferable securities - other negotiable instruments and financial assets, including bullion | <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>Financial futures brokers can establish as branches or subsidiaries.</p> <p>The offer of derivative products by both local and foreign-owned financial institutions is allowed provided:</p> <ul style="list-style-type: none"> - 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; - the financial institution's parent supervisor and its head office must be | <p>3) None except as indicated for activity B(b) above.</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>aware and have no objection to the offer of such products in the Singapore</p> <p>- 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.</p> <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> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound except as indicated in the horizontal Section</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| (g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues | <p>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.</p> <p>2) None</p> <p>3) Measures taken are also limitations on national treatment.</p> <p>Foreign stockbroking companies can establish only as non-members of the Stock Exchange of Singapore (SES). Non-members of SES can apply to become Approved Foreign Brokers (AFBs) of SES to trade directly in non-Singapore dollar denominated securities quoted on SES through terminals provided by SES to such AFBs.</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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>Representative offices cannot conduct business or act as agents. Unbound for new membership on SES and for foreign acquisition of new and existing equity interests in SES member companies.</p> <p>Unbound for new international memberships. International members can deal in foreign securities and SES-quoted securities with non-residents and resident companies which are substantially or beneficially owned by non-residents. They can also deal with residents in foreign currency denominated securities quoted on SES. For Singapore dollar denominated securities quoted on SES, they can deal with residents only for transactions above S\$5m each.</p> <p>Banks' and merchant banks' membership on SES must be held through</p> | | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p>subsidiaries.</p> <p>Unbound for new primary and registered dealers of Singapore Government Securities.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>4) Unbound except as indicated in the horizontal Section</p> | |
| (h) Money broking | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound for new money brokers. Measures taken are also limitations on national treatment.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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. None, except 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. 4) Unbound except as indicated in the horizontal Section | 1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| 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 | <p>1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only.</p> <p>2) None</p> <p>3) These measures are also limitations on national treatment. Settlement and clearing services for exchange traded securities and financial futures, and Singapore dollar cheques and interbank funds transfer can only be provided by SES, SIMEX and Banking Computer Services Pte Ltd, respectively.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (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 | <p>1) Commercial presence is required for provision of investment and portfolio research and advice to the public.</p> <p>2) None</p> <p>3) Investment advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |
| (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.</p> <p>The Singapore branches of foreign banks can transmit data to their head offices and sister branches for processing provided proper</p> | <p>1) None for the provision of financial information by providers such as Reuters and Bloomberg.</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>controls exist, the integrity and confidentiality of the data/information are safeguarded, and MAS is allowed onsite access to the data/information at the place where the data/information is processed. Measures taken are also limitations on national treatment.</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. Measures taken are also limitations on national treatment.</p> | <p>2) None</p> <p>3) None</p> | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | 4) Unbound except as indicated in the horizontal Section | 4) Unbound except as indicated in the horizontal Section | |
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | |
| Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments | | | |
| 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 4) Unbound except as indicated in the horizontal Section | 1) Unbound* 2) None 3) None 4) Unbound | |
| C. Guidance and counselling services not elsewhere classified related to children (CPC 93322) | 1) None 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 | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | 4) Unbound except as indicated in the horizontal Section | 4) Unbound | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and Restaurants (including catering) | | | |
| Hotel Lodging Services (CPC 64110) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| Restaurant and Catering Services (CPC 64210, 64230) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| b. Travel Agent and Tour Operators Services (CPC 7471) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| c. Tourist Guide Services (CPC 7472) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES) | | | |
| C. Library Services (CPC 96311) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|---|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| International freight transportation excluding cabotage transport (CPC 7212 **) | 1) None 2) None 3) None, except on the registration of Singapore flag ships as specified in the Merchant Ships Act. 4) Unbound except as indicated in the horizontal section; unbound for intra-corporate transfers of ships of ships crews | 1) None 2) None 3) None 4) Unbound | When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of 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: <ul style="list-style-type: none"> - pilotage; - towing and tug assistance; - provisioning fuelling and watering; - garbage collecting and ballast; waste disposal - port captain's services; - navigation aids emergency; - repair facilities; |

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|--|
| | | | <ul style="list-style-type: none"> - anchorage; and - other shore-based operational services essential to ship operations, including communications, water and electrical suppliers. |
| Maritime Auxiliary Services: Shipping agency services | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |
| Maritime Auxiliary Services: Shipping brokerage Services | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound | |

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 school⁴ 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).

⁴ 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.

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 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 licences.

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.

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF THAILAND

1. The classification of service sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) and CPC Version 1.1 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. The scheduling of specific commitments follows the guidelines stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164/Add.1 dated 30 November 1993.
2. 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.

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|---|--|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>3) Only a limited liability company, or a type of legal entity as specified in this schedule, incorporated and registered in Thailand pursuant to Thai laws and regulations is permitted. Commercial presence must meet one of the following categories as indicated in the sector-specific commitments:</p> <p>3.1 Foreign equity participation must not exceed 49 per cent or unless otherwise specified in the sector-specific commitments, of the registered capital; and the number of foreign shareholders must be less than half of the total number of shareholders.</p> <p>3.2 Foreign equity participation must not exceed 70 per cent of the registered capital or unless otherwise</p> | <p>3) For a limited liability company, or a type of legal entity which is owned or controlled by foreigner(s) must meet the requirements as stipulated by laws and regulations regarding foreign investment.</p> <p>For 3.1, legal entity incorporated pursuant to Thai laws and regulations with foreign equity participation not exceeding 49 per cent of the registered capital: None</p> <p>For 3.2, a limited liability company or legal entity of another Party must apply for a certificate of business operation as stipulated by the Section XI of the Foreign Business Act B.E. 2542 and the Ministerial Regulation Prescribing Rules and Procedures Pertaining to the Application for a Foreign Business certificate B.E.</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>specified in the sector-specific commitments, owned, or controlled by foreigner(s) must meet the following conditions:</p> <p>a. Shall operate through joint-venture with juridical person of Thai national;</p> <p>b. prior to obtaining a license or certificate, legal entity which is owned or controlled by foreigner(s) must meet the criteria required by relevant authorities;</p> <p>c. a minimum capital requirement rate referred to applicable laws and regulations of Thailand shall be applied to limited liability company or the legal entity of another party;</p> <p>d. a board of directors including</p> | <p>2546.</p> <p>Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of land, taxation measures, and nationality requirement.</p> <p>Other than additionally indicated in the specific commitments, the criteria and requirements stipulated by the Article XIV and XIV bis of the GATS, and Section V of the Foreign Business Act B.E. 2542 and as stipulated by any other law or regulation regarding foreign investment shall be applied.</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p>administrative and executive position or alike in a limited liability company or the legal entity must be of Thai national and have a domicile in Thailand; and</p> <p>e. a person or representative of the limited liability company or the legal entity who apply for a license must be of Thai national; and</p> <p>Commercial presence in sectors or subsectors in this schedule must also meet additional conditions (if any) indicated in the sector-specific commitments.</p> <p>4) Other than additionally indicated or otherwise specified in the specific commitments, temporary movement of natural persons is unbound except in the following categories:</p> | <p>4) Unbound, except as provided in the MA column</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>a. Short-term Business Visitor:</p> <p>A natural person seeking to enter or stay in Thailand temporarily, whose remuneration and financial support for the duration of the visit is derived from outside Thailand</p> <p>(i) as a representative of a goods seller/service supplier, for the purpose of negotiating the sale of goods or supply of services or entering into agreements to sell goods or supply services for that goods seller/service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public;</p> <p>(ii) as an employee of a juridical person as defined in subparagraph (d) (juridical person) of Article 1 (Definitions) of Chapter 8 (Trade in</p> | | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>Services) only for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the Area of another Party;</p> <p>(iii) for the purpose of participating in business negotiations or meetings; or</p> <p>(iv) for the purpose of establishing an investment or setting up a commercial presence in Thailand.</p> <p><u>Duration of stay:</u> Entry and temporary stay for a period not exceeding ninety (90) days shall be granted, when applied for, to a short-term business visitor</p> <p>b. Intra-corporate Transferee:</p> <p>A natural person who is an employee of a juridical person established in the</p> | | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>Area of a Party, who is transferred temporarily for the supply of a service through commercial presence (either through a representative office, branch, subsidiary or affiliate) in the Area of another Party, and who has been an employee of the juridical person for a period as may be specified in the Schedule of Commitments, and who is:</p> <p>i) an Executive: a natural person within the organisation who primarily directs the management of the organisation and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business; an executive would not directly perform tasks related to the actual provision of</p> | | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>the service or services of the organisation;</p> <p>(ii) a Manager: a natural person within the organisation who primarily directs the organisation/department/subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service; or</p> <p>(iii) a Specialist: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary</p> | | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>knowledge of the organisation's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession.</p> <p><u>Duration of stay:</u></p> <ol style="list-style-type: none"> 1. Entry and temporary stay for an initial period not exceeding one (1) year from the arrival date shall be granted, when applied for, to an intra-corporate transferee who has been employed by a juridical person concerned outside Thailand for a period of not less than one (1) year immediately preceding the date of his application for admission. 2. Such temporary stay may be extended for a further three (3) terms of not more than one (1) | | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | <p style="text-align: center;">(1) year each.</p> <p>4) Temporary movement of natural persons shall not include any type or category of foreign natural persons prohibited or not allowed by The Working of Aliens Act B.E. 2551 or by any other relevant law or regulation.</p> <p>A natural person shall meet criteria¹ stipulated by Ministry of Labour and relevant authorities in obtaining a license or permission in any sector or subsector where it is required by specific laws or regulations.</p> <p>3), 4) A natural person or juridical person of another Party that acquires or gains ownership of land, shall be deemed ineligible to exercise rights and privileges under this agreement.</p> | <p>3), 4) A natural person or juridical person of another Party are not allowed to purchase or own land in Thailand.</p> <p>The Land Code of Thailand B.E. 2497 shall be applied to acquisition and usage of</p> | |

¹ The criteria may be included but not limited to: size of fully paid-up capital, employment creation, extent of foreign investment, export promotion, transfer of technology, and special of management.

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | A natural person or a juridical person who receives other special privileges or incentives from Thai authorities to supply services may not claim benefits under this agreement. | land of a natural person limited liability company, or a type of legal entity as specified in this schedule. | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| (a) Legal services (CPC 86111+86119+ 86120+86130+86190) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in horizontal section 4) Unbound | |
| Legal advisory for drafting of documents concerning only international commercial law, excluding local laws and regulations (part of CPC 1.1 : 82119) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| Arbitration services (part of CPC 2.1: 82191) | 1) Unbound 2) Unbound 3) Unbound 4) Unbound, except arbitrator; (a) Unbound for other | 1) Unbound 2) Unbound 3) Unbound 4) Unbound, except as indicated in MA column | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | <p style="text-align: center;">categories of Mode 4</p> <p style="text-align: center;">(b) must comply with laws and regulations stipulated by Ministry of Labour and relevant authorities</p> | | |
| (b) Accounting, auditing and bookkeeping services (CPC 86211 to 86213 +86219+86220) | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) Unbound</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) Unbound</p> | |
| (d) Architectural services (CPC 86711 to 86714+86719) | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) Unbound</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) Unbound</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (e) Engineering services (CPC 86721 to 86727 +86729) | 1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (g) Urban planning and landscape architectural services (CPC 86741 to 86742) | 1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| (k) Other professional services: Weather forecasting and meteorological services (CPC Version 1.1:83550) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| B. Computer and Related Services | | | |
| (a) Consultancy services related to the installation of computer hardware (CPC 84100) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Hardware consultancy services (CPC Version 1.1:83141**) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |
| (b) Software implementation services (CPC 84210+84220+84230+84240+84250) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Software consultancy services (CPC Version 1.1:83142**) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |
| (c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Data processing services (excluding those provided over public telecommunications network) (CPC Version 1.1: 85960) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (d) Data base services (excluding those provided over public telecommunications network) (CPC 84400) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (e) Other computer services: Software training services for staff of clients (part of CPC 849) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| C. Research and Development Services | | | |
| (b) Research and experimental development services in linguistics and languages (CPC Version 1.1:81240) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| E. Rental/Leasing Services without Operators | | | |
| (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) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| F. Other Business Services | | | |
| (a) Advertising services (CPC 87110 + 87120 + 87190) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| Sales of internet advertising space (except on commission) (CPC 1.1:83633) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (b) Market research and public opinion polling services (CPC 86401 to 86402) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (c) General management consulting services (CPC 86501) | 1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | (b) Unbound for legal and auditing consultants | | |
| (e) Technical testing and analysis services (CPC 86761+86769) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (f) Services incidental to agriculture: Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----------------------------------|--|---|------------------------|
| - storing | | | |
| Soil analysis laboratory | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Soil survey and land use Planning | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Cover crop seed multiplication | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | horizontal section | horizontal section | |
| (f) Services incidental to forestry (CPC 881): Forestry consultant services | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (g) Services incidental to fishing (CPC 882): International trading, exporting products services (broker) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Quality analysis services | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Canning process analysis services | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Technical services - Consulting - Research on marketing - Quality control | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (h) Services incidental to mining at oil and gas fields | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| (p) Photographic services: Specialty photography services except aerial photography | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| (q) Packaging services (CPC 87600) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| (r) Publishing and printing services excluding publishing newspaper (CPC 88442) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| <p>(s) Convention services</p> <p>Convention centre over 2,000 participants (the development of a building that consists of Exhibition halls, Meeting Rooms a conference hall with more than 2,000 seating capacity, a banquet and a business centre equipped with state of the art telecommunication and teleconferencing facilities to cater for the needs of the convention industry. The centre will also provide adequate car parks, shops and restaurants/cafes to the exhibitors, participants and visitors)</p> | <p>1) Unbound*</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) Unbound</p> | <p>1) Unbound*</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) Unbound</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| (t) Other: Translation and interpretation services (CPC Version 1.1: 83910) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

2. COMMUNICATION SERVICES

Commitments undertaken in this schedule are subject to the following general conditions:

- Any person or juridical person who intends to operate a telecommunication business in Thailand shall obtain a license from designated national authority(s).
- Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai Area.
- The service provider shall operate for public use through existing facilities licensed by the designated national authority(s).
- The designated national authority(s) may prohibit the license application or terminate the license of any telecommunication businesses which deemed to have any act of “business control” by a juridical person who is not of Thai national.
- Basic necessary new telecommunication acts are now in force. Commitments on public telecommunication services will be introduced and carried out in accordance with the implementing rules and regulations to be issued by virtue of those acts.

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|--|
| C. Telecommunication Services | | | |
| Public local, domestic long distance and international services: (a) Fixed-line voice telephone services | 1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. | 1) None | Thailand will introduce into its Schedule of Specific Commitments (SOC) on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources |
| | 2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends | 2) None | |
| | 3) As indicated in 3.1 of the horizontal section | 3) As indicated in the horizontal section | |
| | 4) As indicated in the horizontal section | 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|--|
| (d) Telex services (CPC 7523**) (e) Telegraph services (f) Facsimile services (CPC 7521**+7529**) | 1) None, other than <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. | 1) None | Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources. |
| | 2) None, other than <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends | 2) None | |
| | 3) As indicated in 3.2 of the horizontal section | 3) As indicated in the horizontal section | |
| | 4) Unbound | 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-------------------------------------|--|---|--|
| (h) Electronic mail (CPC 7523**) | 1) None, other than | 1) None | Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources. |
| (i) Voice mail (CPC 7523**) | <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. | 2) None | |
| | 2) None, other than | 2) None | |
| | <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends | 3) As indicated in the horizontal section | |
| | 3) As indicated in 3.2 of the horizontal section | 3) As indicated in the horizontal section | |
| | 4) Unbound | 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|--|
| (j) On-line information and data base retrieval (CPC 7523**) | 1) None, other than <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. | 1) None | Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources. |
| | 2) None, other than <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends | 2) None | |
| | 3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital | 3) As indicated in the horizontal section | |
| (n) On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing) | 1) None, other than <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. | 1) None | Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources. |
| 2) None, other than <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends | 2) None | | |
| 3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital | 3) As indicated in the horizontal section | | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders</p> <p>(c) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p> | <p>4) As indicated in the horizontal section</p> | |
| Data base access services (part of CPC 7523) | <p>1) Service providers must use networks operated by suppliers duly licensed</p> <p>2) None</p> <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders</p> <p>(c) Must use networks operated by suppliers</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| | duly licensed 4) As indicated in the horizontal section | 4) As indicated in the horizontal section | |
| o) Other: Telecommunications terminal equipment leasing services (CPC 75410) | 1) None, subject to commercial arrangement with licensed operators 2) None 3) (a) As indicated in 3.1 of the horizontal section (b) Must use networks operated by suppliers duly licensed 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Telecommunications equipment sales services (part of CPC 75420) | 1) None, subject to commercial arrangement with licensed operators 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for Civil engineer | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Telecommunication Consulting Services (CPC 75440) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for Civil engineer | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|---|
| <p>Dedicated network services (CPC 75222)</p> | <p>1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> | <p>Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.</p> |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders</p> <p>(c) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p> | <p>4) As indicated in the horizontal section</p> | |
| <p>Videotext</p> <p>Teleconference</p> | <p>1) a) Service providers must use networks operated by suppliers duly licensed</p> <p>b) Radio application service is subject to frequency availability</p> <p>2) None</p> <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40% of the registered capital and the number of foreign shareholders must not exceed 40% of the total</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | <p>number of shareholders of the company</p> <p>(b) Must use public telecommunication network under national telecommunication authorities</p> <p>(c) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p> | <p>4) As indicated in the horizontal section</p> | |
| D. Audiovisual Services | | | |
| <p>(a) Motion picture and video tape production and distribution services:</p> <p>Film/video production and distribution services, excluding promotion or advertising services (CPC 96112**+96113**)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) As indicated in the horizontal section</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| Video tape production services for scientific education (CPC Version 1.1: 96121**) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| (c) Radio and television services (CPC 9613): Radio/television services only for production of radio/TV programmes (CPC 96131**+96132**) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| (e) Sound recording services: Production of sound recording only (exclude all broadcasting and AV services) | 1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. <u>Construction work for buildings</u> (CPC 512) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| General construction services of mines and industrial plant (CPC 1.1: 54260) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| B. <u>Construction work for civil engineering</u> (CPC 513) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| General construction work of harbours, waterways, dams, irrigation and other water works (CPC Version 1.1: 54230) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| C. <u>Installation Work</u> (CPC 516) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| 4. DISTRIBUTION SERVICES | | | |
| A. <u>Commission agents' services</u> (CPC 62111 to 62118) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |
| B. <u>Wholesale trade services:</u> Wholesale trade services of sports goods (including bicycles) (CPC 62266) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) As indicated in the horizontal section 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| <p>D. <u>Franchising services:</u></p> <p>Other non-financial intangible assets (CPC 8929)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) Unbound</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) Unbound</p> | |
| <p>E. <u>Other:</u></p> <p>Mail order retail trade services of Books, newspapers, magazines and stationery (CPC Version 1.1: part of 623)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) Unbound</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) Unbound</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>5. EDUCATIONAL SERVICES</p> <p><u>Commitments undertaken in this schedule are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of degrees for the purpose of admission, registration and qualification for a higher education, employment or professional practice in Thailand - Services suppliers may be subject to notification or registration with the authority concerned | | | |
| <p>A. <u>Primary education services</u> (CPC 921**) International and national school education services (CPC 9219)</p> | <p>1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound</p> | <p>1) Unbound 2) None 3) (a) the person of the representative of the juridical person who apply for a license must be of Thai national. (b) the school director and deputy director must be Thai nationals. (c) the school manager/executive manager must be Thai nationals. 4) Unbound</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>B. <u>Secondary education services</u> (CPC 922**)</p> <p>General secondary education services (CPC 9221)</p> <p>Higher secondary education services (CPC 9222)</p> <p>Technical and vocational education services (CPC 9223)</p> <p>Technical and vocational education services for handicapped students (CPC 9224)</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) Unbound</p> | <p>1) None</p> <p>2) None</p> <p>3 (a) the person of the representative of the juridical person who apply for a license must be of Thai national.</p> <p>(b) the school of director and deputy director must be Thai nationals</p> <p>(c) the school manager/executive manager must be Thai nationals</p> <p>4) Unbound</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| C. <u>Higher education services</u> (CPC923) | 1) Unbound 2) None 3) Unbound 4) Unbound | 1) Unbound 2) None 3) Unbound 4) Unbound | |
| C. Higher education Services | | | |
| Science and technology faculty (part of CPC 92390) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) At least half of the Members of the University Council must have Thai nationality and that services suppliers in this sector must comply with Private Higher Education Institution Act B.E. 2546 (2003) 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| D. Adult education services | | | |
| Professional and/or Short Courses Education Services (CPC 92400) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) Unbound 2) None 3) (a) the person of the representative of the juridical person who apply for a license must be of Thai national. (b) the school director and deputy director must be Thai nationals. (c) the school manager/executive manager must be Thai nationals. 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| <p>E. <u>Other education services:</u> (CPC 92900)</p> <p>Foreign language tuition services (CPC 92900**)</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) (a) As indicated in 3.1 of the horizontal section</p> <p style="padding-left: 20px;">(b) At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality</p> <p>4) Unbound</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) (a) the person of the representative of the juridical person who apply for a license must be of Thai national.</p> <p style="padding-left: 20px;">(b) the school director and deputy director must be Thai nationals.</p> <p style="padding-left: 20px;">(c) the school manager/executive manager must be Thai nationals.</p> <p>4) Unbound</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| 6. ENVIRONMENTAL SERVICES | | | |
| A. Sewage services | | | |
| 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) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Environmental protection and environmental abatement services (CPC 9401**) | 1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| Sewage Services (including industrial waste water treatment system) (CPC 9401**) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| B. <u>Refuse disposal services</u> (including hazardous waste management and incinerator) (CPC 9402) | 1) Unbound* 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| B. <u>Refuse disposal services</u> Hazardous waste treatment and disposal services (CPC Version 1.1:94222) | 1) Unbound* 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) Unbound* 2) None 3) As indicated in the horizontal section 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| C. <u>Sanitation and similar services</u> (CPC 9403) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| Beach Cleaning services and drain unblocking services (CPC 1.1: 94390**) | 1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |
| D. Other | | | |
| Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) Noise abatement services (CPC 9405) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Nature and landscape protection services (CPC 9406) Other environmental protection services (CPC 9409) | | | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and restaurants (including catering) | | | |
| Hotel lodging services (CPC 64110) Camping and caravan site Services (CPC 64195) Meal serving with full restaurant services (CPC 64210) Catering Services (CPC 64230) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| B. Travel agency and tour operators services | | | |
| Travel agency and tour operator services (CPC 74710) | 1) Unbound 2) None 3) (a) As indicated in 3.1 of the horizontal section (b) Not less than half of the board of directors of the company must be Thai nationality 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| D. Other | | | |
| Hotel management Services (CPC Version 1.1 part of 63110) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| A. Entertainment services | | | |
| Amusement parks (CPC 1.1:96910**) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| B. New agency services | | | |
| Picture supply services (CPC96212) | 1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound | 1) None 2) None 3) As indicated in the horizontal section 4) Unbound | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| C. Libraries, archives, museums and other cultural services | | | |
| Private library services (CPC 96311**) | 1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| D. <u>Sporting services</u> (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| <u>Other recreational services</u> (CPC 9649**) Recreation Park and Beach Services (CPC 96491) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|---|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| (a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1) | 1) None 2) None 3) (a) Unbound for establishment of enterprise 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 3.1 of the horizontal section. 4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section | 1) None 2) None 3) (a) Unbound (b) As indicated in the horizontal section 4) (a) Unbound (b) As indicated in the horizontal section | 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: 1. Pilotage ² 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port captain's service 6. Navigation aids 7. Shore-based operational services essential to ship operations, water and electrical supplies 8. Emergency repair facilities |

² 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|---|
| | | | <p>9. Anchorage, berth and berthing services</p> <p>10. Inland transports services (internal waterways transport services, rail transport services and road transport services)</p> |
| <p>(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Unbound for establishment of enterprise 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 3.1 of the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None other than:</p> <p>(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</p> | <p>1) See Note to the Schedule below</p> <p>3) (b) See Note to the Schedule below</p> |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|--|------------------------|
| | | <p style="text-align: center;">companies</p> <p style="text-align: center;">(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</p> | |
| | <p>4) (a) Ships' crew: Unbound</p> <p>(b) Other personnel: As indicated in the horizontal section</p> | <p>4) (a) Unbound</p> <p>(b) As indicated in the horizontal section</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-------------------------------------|--|---|------------------------|
| (e) International towing (CPC 7214) | <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 style="padding-left: 20px;">(b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in 3.1 of the horizontal section</p> <p>4) (a) Ships' crews: Unbound</p> <p style="padding-left: 20px;">(b) Other personnel: As indicated in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p style="padding-left: 20px;">(b) As indicated in the horizontal section</p> <p>4) (a) Unbound</p> <p style="padding-left: 20px;">(b) As indicated in the horizontal section</p> | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| (f) Supporting services for maritime transport (CPC 745**) Shore reception facilities (collection of waste/oily water from ships) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| E. Rail Transport Services | | | |
| (d) Maintenance and repair of rail transport equipment (CPC 8868) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer | 1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (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) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| F. Road Transport Services | | | |
| F. <u>Road Transport Services</u> (Other non-scheduled passenger transportation) (b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section and not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (c) Rental services of passenger cars with operator (CPC 71222) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section and not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |
| (c) Rental services of buses and coaches with operator (CPC 71223) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section and not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| H. Services Auxiliary to All Modes of Transport | | | |
| (b) Storage and warehousing services (CPC 742) | 1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section | 1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section | |

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 Parties 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.

ASEAN – HONG KONG, CHINA

FREE TRADE AGREEMENT

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF VIET NAM

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|--|--|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>3) None, except:</p> <p>Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract¹, joint venture enterprise, 100% foreign-invested enterprise.</p> <p>Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities².</p> <p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of</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-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.</p> | |

¹ Business co-operation contract (BCC) 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.

² 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>branches is unbound.</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 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</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>authorities.</p> <p>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In case of capital contribution in the form of buying shares of joint-stock commercial banks and for the sectors not committed in this Schedule, 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>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</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>transitional periods, where applicable.</p> <p>4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) <u>Intra-corporate transferees</u></p> <p>Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who have been previously employed by the foreign enterprise for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of</p> | <p>4) Unbound, except as indicated in market access column.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>operation of those entities in Viet Nam. At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p> <p>Managers and executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.</p> <p>Specialists are natural persons working within an organization who possess knowledge at an advanced level of expertise and with knowledge of the organization's services, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>presence, but also of whether the person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.</p> <p>(b) <u>Other personnel</u></p> <p>Managers, executives and specialists, as defined in (a) above, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.</p> <p>(c) <u>Service sales persons</u></p> <p>Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>salespersons is limited to a 90-day period.</p> <p>(d) <u>Persons responsible for setting up a commercial presence</u></p> <p>Managers and executives (as defined in (a) above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Party when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the Area of a Party other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period.</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>(e) <u>Contractual service suppliers (CSS)</u></p> <p>Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever is less provided that the following conditions and requirements shall be applied:</p> <ul style="list-style-type: none"> - The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>vide character of the contract.</p> <ul style="list-style-type: none"> - These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector. - The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|------------------------|
| | <p>it may be decided by the laws and regulations and requirement of Viet Nam.</p> <ul style="list-style-type: none"> - These persons should have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and have met the requirements prescribed for "specialist" above. <p>The entry of these persons is allowed for computer and related services (CPC 841-845, 849) and engineering services (CPC 8672).</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|-----------------------------------|------------------------|
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| (a) Legal services (CPC 861, excluding: <ul style="list-style-type: none"> - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam) | 1) None. 2) None. 3) Foreign lawyers organizations ³ are permitted to establish commercial presence in Viet Nam in the following forms: <ul style="list-style-type: none"> - Branches of foreign lawyers organizations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms⁴; - Partnerships between foreign lawyers organizations and Viet Nam's law partnerships. | 1) None. 2) None. 3) None. | |

³ 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.

⁴ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <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>Foreign lawyers organizations must commit and ensure to have at least 2 foreign lawyers, including Chief of branch, Director of foreign law firm, presenting and practicing in Viet Nam for at least 183 days within any 12 consecutive months.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| (b) Accounting and auditing and bookkeeping services (CPC 862) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (c) Taxation services (CPC 863) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (d) Architectural services (CPC 8671) | 1) None. 2) None. 3) None, except: Foreign enterprises have to be juridical persons of another Party. | 1) None. 2) None. 3) None. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| (e) Engineering services (CPC 8672) | 1) None. | 1) None. | |
| (f) Integrated engineering services (CPC 8673) | 2) None. | 2) None. | |
| | 3) None, except: Foreign enterprises have to be juridical persons of another Party. | 3) None, except: 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 ⁵ . | |
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |

⁵ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| (g) Urban planning and urban landscape architectural services (CPC 8674) | <p>1) None.</p> <p>2) None.</p> <p>3) None, except: Foreign enterprises have to be juridical persons of another Party.</p> | <p>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.</p> <p>2) None.</p> <p>3) None, except the responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognized by the Government of Viet Nam.</p> <p>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</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. be permitted to provide this service ⁶ . | |
| (i) Veterinary services (CPC 932) ⁷ | 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. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

⁶ 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.

⁷ Excluding keeping micro-organism strain for veterinary.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| B. Computer and Related Services (CPC 841-845, CPC 849) | | | |
| | 1) None. 2) None. 3) None Branching is allowed. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None, except that the chief of the branch has to be a resident in Viet Nam. 4) Unbound, except as indicated in the horizontal section. | |
| C. Research and Development Services | | | |
| (a) R&D services on natural sciences (CPC 851) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| E. Rental/Leasing Services without Operators | | | |
| (b) Relating to aircraft (CPC 83104) | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (d) Relating to other machinery and equipment (CPC 83109) | 1) Unbound, except for industrial machinery and equipment ⁸ : None. 2) None. 3) Unbound. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound, except for industrial machinery and equipment: None. 2) None. 3) Unbound. 4) Unbound, except as indicated in the horizontal section. | |

⁸ Excluding mining and oil field equipment; commercial radio, television and communication equipment.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|---|
| F. Other Business Services | | | |
| (a) Advertising services (CPC 871, excluding advertising for cigarettes) | 1) None. 2) None. 3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis. |
| (b) Market research services (CPC 864, excluding 86402) | 1) None. 2) None. 3) None, except: Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. 100% foreign-invested enterprises | 1) None. 2) None. 3) None. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | shall be permitted. 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| (c) Management consultant services (CPC 865) | 1) None. 2) None. 3) None. Branching is allowed. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None, except that the chief of the branch has to be a resident in Viet Nam. 4) Unbound, except as indicated in the horizontal section. | |
| (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 Branching is allowed. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None, except that the chief of the branch has to be a resident in Viet Nam. 4) Unbound, except as indicated in the horizontal section. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| (e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles) | <p>1) Unbound.</p> <p>2) None.</p> <p>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. Five years after those private sector services suppliers have been granted such access: none.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| (f) Services incidental to agriculture, hunting and forestry (CPC 881) ⁹ | 1) None. 2) None. 3) None, except: 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. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None, except: Access to certain geographical areas may be restricted. ¹⁰ 4) Unbound, except as indicated in the horizontal section. | |

⁹ 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.

¹⁰ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| <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: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted.</p> <p>4) Unbound, except as indicated in the horizontal</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> <p>4) Unbound, except as indicated in the horizontal</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | section. | section. | |
| (i) Services incidental to manufacturing (CPC 884 and 885) | 1) None. 2) None. 3) None, except: Only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. 100% foreign-invested enterprises shall be permitted. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) Unbound. 4) Unbound, except as indicated in the horizontal section. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| (m) Related scientific and technical consulting services ¹¹ (CPC 86751, 86752 and 86753 only) | 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. 2) None. 3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted. 4) Unbound, except as indicated in the horizontal section. | 1) None, except as indicated in the market access column. 2) None. 3) None, except as indicated in the market access column. 4) Unbound, except as indicated in the horizontal section. | |

¹¹ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| (n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633) | <p>1) None.</p> <p>2) None.</p> <p>3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None, except as indicated in the market access column.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|--|
| 2. COMMUNICATION SERVICES | | | |
| <p>B. Courier Services (CPC 7512**)</p> <p>* Express delivery services¹², i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication¹³, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> - Hybrid mail service; - Direct mail. <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> - 10 times the tariff for the handling of a standard domestic letter in the | <p>1) None.¹⁴</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</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> |

¹² 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.

¹³ 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.

¹⁴ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|------------------------------|-----------------------------------|------------------------|
| <p>first weight level for domestic shipments;</p> <p>- US\$9 for international shipments;</p> <p>provided that the gross weight of these items is less than 2,000 grams.</p> <p>(b) Parcels¹⁵ and other goods.</p> <p>* Handling of non-addressed items.</p> | | | |

¹⁵ Books, catalogues are included hereunder.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|-----------------------------------|--|
| <p>C. Telecommunication Services</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></p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <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</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> <ul style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, | <p>1) None.</p> | <p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</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 and international VPN and IXP service suppliers licensed in Viet Nam.</p> |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|-----------------------------------|------------------------|
| services (CPC 7522** + 7523**) | facilities-based service suppliers, radio and television broadcasters, official international organization ¹ representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; | | |
| (o*) Other services | | | |
| - Videoconference services (CPC 75292) | | | |
| - Video Transmission services, excluding broadcasting ¹⁶ | | | |
| - Radio based services includes: | - Multinational companies ¹⁷ , which are licensed to use satellite-earth stations. | | |
| + Mobile telephone (terrestrial and satellite) | 2) None | 2) None. | |
| + Mobile data (terrestrial and satellite) | 3) None, except: | 3) None. | |
| + Paging | <i>Non facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. | | |
| + PCS | Foreign capital contribution | | |

¹⁶ 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.

¹⁷ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other WTO member; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a WTO member; and e) is licensed to use satellite services in at least one WTO member.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>+ Trunking</p> <p>- Internet Exchange Service (IXP)¹⁸</p> | <p>shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> 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 conditions no less favourable than those they currently enjoy.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |

¹⁸ Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|-----------------------------------|--|
| <p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <ul style="list-style-type: none"> - Virtual Private Network (VPN)¹⁹ | <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> <ul style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, | <p>1) None.</p> | <p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</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 and international VPN and IXP service suppliers licensed in Viet Nam.</p> |

¹⁹ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>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>- Multinational companies¹⁷, which are licensed to use satellite-earth stations.</p> <p>2) None.</p> <p>3) None, except:</p> <p><i>Non facilities-based services:</i> Joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</p> | <p>2) None.</p> <p>3) None.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|--|
| | <p><i>Facilities-based services:</i> 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>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</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) (CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, incl store</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 Viet Nam,</p> | <p>1) None.</p> | <p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|-----------------------------------|------------------------|
| <p>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>except satellite-based services offered to:</p> <ul style="list-style-type: none"> - 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; - Multinational companies¹⁷, which are licensed to use satellite-earth stations. <p>2) None.</p> <p>3) None, except:</p> <p><i>Non facilities-based services:</i> Business cooperation contracts or joint ventures</p> | <p>2) None.</p> <p>3) None.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|---|
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| <u>Value added services</u> (o) Other - Internet Access Services IAS ²⁰ | 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. <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: - Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, | 1) None. | Viet Nam undertakes the obligations in the Reference Paper attached hereto. |

²⁰ Services providing internet access to the end users.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <p>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>- Multinational companies¹⁷, which are licensed to use satellite-earth stations.</p> <p>2) None.</p> <p>3) <i>Non facilities-based services:</i> 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> Joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of</p> | <p>2) None.</p> <p>3) None.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | <p>legal capital of the joint ventures.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| <p>D. Audiovisual Services</p> <p>With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.</p> | | | |
| <p>(a) Motion picture production (CPC 96112, excl. video tape)</p> | <p>1) Unbound.</p> <p>2) Unbound.</p> <p>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.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| - 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 Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (b) Motion picture projection service (CPC 96121) | 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. | 1) Unbound. 2) None. 3) None. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <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>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| (e) Sound recording | <p>1) Unbound.</p> <p>2) None.</p> <p>3) Unbound.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) Unbound.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General construction work for building (CPC 512) | 1) Unbound.* 2) None. | 1) Unbound.* 2) None. | |
| B. General construction work for civil engineering (CPC 513) | 3) None, except: Foreign enterprises have to be juridical persons of another Party. | 3) None, except that the chief of the branch has to be a resident in Viet Nam. | |
| C. Installation and assembly work (CPC 514, 516) | Branching is allowed. | | |
| D. Building completion and finishing work (CPC 517) | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| E. Other (CPC 511, 515, 518) | | | |

* Due to lack of technical feasibility.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| 4. DISTRIBUTION SERVICES | | | |
| <u>Measures applicable to all sub-sectors in Distribution Services:</u> | | | |
| Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs ²¹ , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the 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)²²</p> | <p>1) Unbound, except none for:</p> <ul style="list-style-type: none"> - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use. <p>2) None.</p> <p>3) None, except:</p> <p>Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally</p> | <p>1) Unbound, except as indicated in Mode 1, market access column.</p> <p>2) None.</p> <p>3) None.</p> | |

²¹ For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

²² 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|------------------------------------|--|---|------------------------|
| | <p>imported and domestically produced products.</p> <p>The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)²³.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| D. Franchising services (CPC 8929) | <p>1) None.</p> <p>2) None.</p> <p>3) None. Branching is allowed.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None, except that the chief of the branch has to be a resident in Viet Nam.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

²³ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| <p>5. EDUCATIONAL SERVICES</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 points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.</p> | | | |
| <p>B. Secondary education services (CPC 922)</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) Unbound.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) Unbound.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| <p>C. Higher education services (CPC 923)</p> <p>D. Adult education (CPC 924)</p> <p>E. Other education services (CPC 929 including foreign language training)</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) None</p> <p>4) Unbound, except as</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority.</p> <p>4) Unbound, except as</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|---|
| | indicated in the horizontal section. | indicated in the horizontal section. | |
| 6. ENVIRONMENTAL SERVICES | | | |
| Access to certain geographic areas may be restricted for national security reasons ²⁴ . | | | |
| 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 authority as defined in Article 1(a) of Chapter 8 may be subject to public monopolies or exclusive rights granted to private operators. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound, except related consulting services. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO). |

²⁴ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|---|
| B. Refuse disposal services (CPC 9402) ²⁵ | <p>1) Unbound, except related consulting services.</p> <p>2) None.</p> <p>3) None, except:</p> <p style="padding-left: 20px;">Confirming that services supplied in the exercise of governmental authority as defined in 1(a) of Chapter 8 may be subject to public monopolies or exclusive rights granted to private operators.</p> <p style="padding-left: 20px;">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>4) Unbound, except as indicated in the horizontal</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal</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). |

²⁵ Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | section. | section. | |
| <p>D. Other services</p> <ul style="list-style-type: none"> - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050) | <ul style="list-style-type: none"> 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 1(a) of Chapter 8 may be subject to public monopolies or exclusive rights granted to private operators. 4) Unbound, except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) Unbound, except related consulting services. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| <ul style="list-style-type: none"> - Environmental impact assessment services (CPC 94090*) | <ul style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|-----------------------------------|------------------------|
| 7. FINANCIAL SERVICES | | | |
| A. Insurance and Insurance-Related Services | | | |
| a. Direct insurance (a) Life insurance, excl. health insurance services (b) Non-life insurance services b. Reinsurance and retrocession c. Insurance intermediation (such as brokerage and agency) d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement) | 1) None for: - Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam; - Reinsurance services; - Insurance services in international transportation, including insurance of risks relating to: + 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 | 1) None. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <ul style="list-style-type: none"> + goods in international transit; - Insurance broking and reinsurance broking services; - Consultancy, actuarial, risk assessment and claim settlement services. | | |
| | 2) None. | 2) None. | |
| | 3) None | 3) None. | |
| | Non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations. | | |
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| <p>B. Banking and Other Financial Services</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 Annex on Financial Services of the GATS.</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> | | | |
| <p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <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,</p> | <p>1) Unbound, except B(k) and B(l).</p> <p>2) None.</p> <p>3) None, except:</p> <p style="padding-left: 20px;">(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:</p> <p style="padding-left: 40px;">(i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital</p> | <p>1) Unbound, except B(k) and B(l).</p> <p>2) None</p> <p>3) None, except:</p> <p style="padding-left: 20px;">(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:</p> <p style="padding-left: 40px;">- The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|-----------------------------------|------------------------|
| <p>whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> - Money market instrument (including cheques, bills, certificates of deposits); - Foreign exchange; - Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements; - Bullion. <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,</p> | <p>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.</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>(iii) With respect to foreign financial</p> | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| <p>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 analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p> | <p>leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p> <p>(b) Equity participation:</p> <p>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized 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%</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"> - The parent bank has total assets of more than US\$10 billion at the end of the year prior to application. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>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>(c) A branch of foreign commercial bank:</p> <ul style="list-style-type: none"> - is not allowed to open other transaction points outside its branch office. <p>(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.</p> | <p>(c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company:</p> <ul style="list-style-type: none"> - The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| <p>C. <u>Securities</u></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"> - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion. <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</p> | <p>1) Unbound, except services C(k) and C(l).</p> <p>2) None.</p> <p>3) 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>Securities service suppliers with 100% foreign-invested capital shall be permitted.</p> <p>For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|------------------------------|-----------------------------------|------------------------|
| <p>as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p> <p>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</p> <p>(k) Provision and transfer of financial information, and related software by suppliers of securities services</p> <p>(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)</p> | | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | |
| <p>A. Hospital services (CPC 9311)</p> <p>B. Medical and dental services (CPC 9312)</p> | <p>1) None.</p> <p>2) None.</p> <p>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.</p> <p>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.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| <p>A. Hotel and restaurant including</p> <ul style="list-style-type: none"> - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643) | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| <p>B. Travel agencies and tour operator services (CPC 7471)</p> | <p>1) None.</p> <p>2) None.</p> <p>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.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) None.</p> <p>2) None.</p> <p>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.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| <p>A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) Unbound except joint ventures with foreign capital contribution not exceeding 49% are permitted.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| <p>D. Other</p> <p style="padding-left: 20px;">- Electronic games business (CPC 964**)</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>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 joint ventures.</p> <p>4) Unbound, except as indicated in the horizontal</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|---|
| | section. | section. | |
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| <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:</p> <p style="padding-left: 20px;">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</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"> 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|-----------------------------------|--|
| | <p>employees of the ships. The Master or first chief executive must be Vietnamese citizen.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services²⁶:</p> <p>Foreign shipping companies can establish joint ventures with 51% foreign ownership. Foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:</p> | | <p>8. Emergency repair facilities;</p> <p>9. Anchorage, berth and berthing services;</p> <p>10. Access to maritime agency services.²⁷</p> |

²⁶ "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.

²⁷ 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.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|-----------------------------------|------------------------|
| | <ol style="list-style-type: none"> 1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. Acting on behalf of the cargo owners; 3. Provision of required business information; 4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and 5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the | | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>supply of integrated transport services.</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>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Maritime Auxiliary Services - Container handling services (CPC 7411) ²⁸ | 1) Unbound. 2) None. 3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| - Customs Clearance Services ²⁹ | 1) Unbound.* 2) None. 3) None, except that joint ventures can be established with no foreign ownership limitation. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound.* 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

²⁸ Public utility concession or licensing procedures may apply in case of occupation of the public domain.

²⁹ "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.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| - Container Station and Depot Services ³⁰ | 1) Unbound.* 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound.* 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| B. Internal Waterways Transport | | | |
| (a) Passenger transport (CPC 7221) (b) Freight transport (CPC 7222) | 1) Unbound. 2) None. 3) 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. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

³⁰ "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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| C. Air Transport Services | | | |
| (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. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (b) Computer reservation services | 1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority. 2) None, except as indicated in Mode 1. 3) None, except as indicated in Mode 1. 4) Unbound, except as indicated in the horizontal | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | section. | section. | |
| (c) Maintenance and repair of aircraft (CPC 8868**) | 1) None. 2) None. 3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. 100% foreign-invested enterprises shall be allowed. 4) Unbound, except as indicated in the horizontal section. | 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| E. Rail Transport Services | | | |
| (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 | 1) Unbound. 2) None. 3) Unbound. | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| | total legal capital. 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| F. Road Transport Services | | | |
| (a) Passenger transportation (CPC 7121+7122) | 1) Unbound. | 1) Unbound. | |
| (b) Freight transportation (CPC 7123) | 2) None. 3) None, except: 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%. Subject to the needs of the market ³¹ , joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. | 2) None. 3) None. | |

³¹ 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 COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| | <p>One hundred % of joint-venture's drivers shall be Vietnamese citizen.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| H. Services Auxiliary to all Modes of Transport | | | |
| (a) Container handling services, except services provided at airports (part of CPC 7411) | <p>1) Unbound.</p> <p>2) None.</p> <p>3) 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%.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>1) Unbound.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (b) Storage and warehouse services (CPC 742) | 1) Unbound.* 2) None. | 1) Unbound. 2) None. | |
| (c) Freight transport agency services (CPC 748) ³² | 3) None. 4) Unbound, except as indicated in the horizontal section. | 3) None. 4) Unbound, except as indicated in the horizontal section. | |
| (d) Other (part of CPC 749) ³³ | 1) Unbound, except freight brokerage services: None 2) None. 3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners. 4) Unbound, except as indicated in the horizontal section. | 1) Unbound, except freight brokerage services: None 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. | |

³² 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.

³³ 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.

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.

LIST OF EXEMPTIONS UNDER AHKFTA³⁴

| Sectors or sub-sectors | Description of measures (to be applied to sector) indicating its inconsistency with Article II | Countries to which the measures applied | Intended duration | Conditions creating the need for the MFN exemption |
|---|---|--|--------------------------|---|
| All sectors Commercial presence. | Measures extending preferential treatment pursuant to bilateral investment treaties. | All countries that have signed bilateral investment treaties with Viet Nam. | Indefinite | Foster investment in Viet Nam. |
| Audiovisual services - Production, distribution and projection of television programmes and cinematographic works. | Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements. | WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future. | Indefinite | The aim of these agreements is to promote cultural links between the countries concerned. |
| Audiovisual services - Production and distribution of television programmes and cinematographic works. | Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria. | WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation. | Indefinite | These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links. |

³⁴ Measures indicated in the list shall be exempted from all obligations and treatment of specific commitments under the Chapter on Trade in Services of the Free Trade Agreement between the Association of Southeast Asian Nations and Hong Kong, China

| Sectors or sub-sectors | Description of measures (to be applied to sector) indicating its inconsistency with Article II | Countries to which the measures applied | Intended duration | Conditions creating the need for the MFN exemption |
|--|---|--|-------------------|--|
| Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public. | Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission. | WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation. | Indefinite | These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region. |
| Maritime transport. | Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies. | All WTO Members with whom maritime transport cooperation may be desirable. | 5 years | Bilateral Agreements. |
| Sea-transport services: - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard. | The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore. | Republic of Singapore. | 10 years | Bilateral Agreement. |