

Free Trade Agreement (FTA) on Trade in Services

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**AGREEMENT ON TRADE IN SERVICES UNDER THE
FRAMEWORK AGREEMENT ON COMPREHENSIVE
ECONOMIC COOPERATION AMONG THE
GOVERNMENTS OF THE REPUBLIC OF KOREA
AND THE MEMBER COUNTRIES OF THE
ASSOCIATION OF SOUTHEAST ASIAN NATIONS**

The Governments of the Republic of Korea, and Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand¹ and the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations,

RECALLING the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations (Framework Agreement) signed in Kuala Lumpur, Malaysia on the 13th day of December 2005;

FURTHER RECALLING Articles 1.3 and 2.2 of the Framework Agreement, which reflect their commitment to establish the Korea-ASEAN Free Trade Area covering trade in services;

NOTING the objectives of the Framework Agreement to enhance economic cooperation and deepen economic integration among them through progressive liberalisation of trade in services consistent with Article V of the General Agreement on Trade in Services (GATS);

REAFFIRMING their commitment to liberalise trade in services among the Republic of Korea and the ASEAN Member Countries with substantial sectoral coverage, taking into account the sensitive sectors of the Parties, and with special and differential treatment to ASEAN Member Countries and additional flexibility for the new ASEAN Member Countries of the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam;

STRIVING TO enhance cooperation in services among them in order to improve efficiency and competitiveness, as well as to diversify the supply and distribution of services of the respective service suppliers of the Parties; and

RECOGNISING the right of the Parties to regulate, and to introduce new regulations, on the supply of services within their respective territories in order to meet national policy objectives and, given asymmetries existing with respect to the degree of development of services regulations within the Parties, the particular need of the Parties to exercise this right,

HAVE AGREED as follows:

¹ For the purpose of this Agreement, the Kingdom of Thailand is included in the reference of this term only after the relevant signature on her behalf has been appended.

CHAPTER I DEFINITIONS AND SCOPE

Article 1 Definitions

For the purposes of this Agreement:

- (a) **AEM** means the Economic Ministers of the ASEAN Member Countries;
- (b) **aircraft repair and maintenance services** means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance;
- (c) **ASEAN** means the Association of Southeast Asian Nations comprising Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;
- (d) **Korea-ASEAN FTA** means the Korea-ASEAN Free Trade Area established by the Framework Agreement and other relevant agreements stipulated in paragraph 1 of Article 1.4 of the Framework Agreement;
- (e) **ASEAN Member Countries** means Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam collectively;
- (f) **ASEAN Member Country** means Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand or the Socialist Republic of Viet Nam individually;
- (g) **commercial presence** means any type of business or professional establishment, including through:

- (i) the constitution, acquisition or maintenance of a juridical person; or
- (ii) the creation or maintenance of a branch or a representative office,

within the territory of a Party for the purpose of supplying a service;

- (h) **computer reservation system (CRS) services** means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;
- (i) **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;
- (j) **Framework Agreement** means the Framework Agreement on Comprehensive Economic Cooperation among the Republic of Korea and the Governments of the Member Countries of the Association of Southeast Asian Nations;
- (k) **GATS** means the General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;
- (l) **Implementing Committee** means the Implementing Committee established under Article 5.3 of the Framework Agreement;
- (m) **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;
- (n) **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 territory 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);

- (o) 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;
- (p) **Korea** means the Republic of Korea;
- (q) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (r) **measures by Parties** means measures taken by:
 - (i) central, regional or local governments and authorities; and
 - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;
- (s) **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 territory of another Party;
- (t) **monopoly supplier of a service** means any person, public or private, which in the relevant market of the territory of a Party is authorised or

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

- (u) **natural person of another Party** means a natural person who resides in the territory of that other Party or elsewhere and who under the law of that other Party:
 - (i) is a national of that other Party; or
 - (ii) has the right of permanent residence² in that other Party, in the case of a Party which accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, as notified in its acceptance of or accession to this Agreement provided that no Party is obligated to accord to such permanent residents treatment more favourable than would be accorded by that other Party to such permanent residents. Such notification shall include the assurance to assume, with respect to the permanent residents, in accordance with its laws and regulations, the same responsibilities that other Party bears with respect to its nationals;
- (v) **new ASEAN Member Countries** means the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam;
- (w) **Parties** means Korea and the ASEAN Member Countries collectively;
- (x) **Party** means Korea or an ASEAN Member Country;
- (y) **person** means either a natural person or a juridical person;
- (z) **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;
- (aa) **selling and marketing of air transport services** means opportunities for the air carrier concerned to sell and market freely its air transport

² The Parties may make reservations with respect to permanent residence in their Schedule under this Agreement, provided that those reservations do not prejudice the Parties' rights and obligations in the GATS.

services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;

- (bb) **services** includes any service in any sector except services supplied in the exercise of governmental authority;
- (cc) **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;
- (dd) **service consumer** means any person that receives or uses a service;
- (ee) **service of another Party** means a service which is supplied:
 - (i) from or in the territory 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
 - (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;
- (ff) **service supplier** means any person that supplies a service;³
- (gg) **supply of a service** includes the production, distribution, marketing, sale and delivery of a service;
- (hh) **trade in services** is defined as the supply of a service:
 - (i) from the territory of a Party into the territory of any other Party;
 - (ii) in the territory of a Party to the service consumer of any other Party;
 - (iii) by a service supplier of a Party, through commercial presence in the territory of any other Party;

³ 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 Agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the territory where the service is supplied.

- (iv) by a service supplier of a Party, through presence of natural persons of a Party in the territory of any other Party;
- (ii) **traffic rights** means the right for scheduled and non-scheduled services to operate and/or to carry passengers, cargo and mail for remuneration or hire from, to, within, or over the territory of a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership, and control;
- (jj) **WTO** means the World Trade Organisation; and
- (kk) **WTO Agreement** means the Marrakesh Agreement Establishing the World Trade Organisation, done at Marrakesh on the 15th day of April 1994 and the other agreements negotiated thereunder.

Article 2

Scope

1. This Agreement applies to measures by the Parties affecting trade in services.
2. This Agreement shall not apply to:
 - (a) a service supplied in the exercise of governmental authority within the territory of each respective Party;
 - (b) measures affecting air traffic rights, however granted; or to measures affecting services directly related to the exercise of air 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;
 - (c) cabotage in maritime transport services; and
 - (d) measures affecting natural persons seeking access to the employment market of a Party and measures regarding citizenship, residence or employment on a permanent basis.
3. Article 19, Article 20 and Article 23 of this Agreement shall not apply to laws, regulations or requirements governing the procurement by

governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale.

4. Nothing in this Agreement shall prevent a Party from applying measures to regulate the entry of natural persons of the other Parties into, or their temporary stay in, its territory, 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 benefits⁴ accruing to the other Parties under the terms of a specific commitment.

CHAPTER II OBLIGATIONS AND DISCIPLINES

Article 3 Regional and Local Government

In fulfilling its obligations and commitments under this Agreement, each Party shall ensure their observance by regional and local governments and authorities in its territory as well as their observance by non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities within its territory.

Article 4 Transparency

1. Each Party shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Agreement. International agreements pertaining to or affecting trade in services to which a Party is a signatory shall also be published.

2. Where publication as referred to in paragraph 1 is not practicable, such information shall be made otherwise publicly available.

3. Each Party shall promptly and at least annually inform the Implementing Committee of the introduction of any new, or any changes to

⁴ The sole fact of requiring a visa for natural persons of certain Parties and not for those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.

existing, laws, regulations or administrative guidelines which significantly affect trade in services covered by its specific commitments under this Agreement.

4. Each Party shall respond promptly to all requests by any other Party for specific information on any of its measures of general application or international agreements within the meaning of paragraph 1. Each Party shall also establish one or more enquiry points to provide specific information to other Parties, upon request, on all such matters as well as those subject to the notification requirement in paragraph 3. Such enquiry points shall be established within two years from the date of entry into force of this Agreement. Appropriate flexibility with respect to the time-limit within which such enquiry points are to be established may be agreed upon for individual developing country Parties. Enquiry points need not be depositories of laws and regulations.

5. Any Party may notify to the Implementing Committee any measure, taken by any other Party, which it considers affects the operation of this Agreement.

Article 5 Disclosure of Confidential Information

Nothing in this Agreement shall require any Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 6 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, 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 has been made, the competent authorities of a Party shall, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. At the request of the applicant, the competent authorities of the Party shall provide, without undue delay, information concerning the status of the application.

4. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licencing requirements do not constitute unnecessary barriers to trade in services, the Implementing Committee shall, through appropriate bodies it may establish, develop any necessary disciplines. Such disciplines shall 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;
- (c) in the case of licencing 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 entry into force of disciplines developed in these sectors pursuant to paragraph 4, the Party shall not apply licencing 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 subparagraphs 4(a), (b) or (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 paragraph 5(a), account shall be taken of

international standards of relevant international organisations⁵ 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.

Article 7

Recognition

1. For the purposes of fulfillment of their respective standards or criteria for the authorisation, licencing or certification of services suppliers, 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 or may be accorded autonomously.

2. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for other interested Parties to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for any other Party to demonstrate that education, experience, licences, or certifications obtained or requirements met in that other Party's territory should be recognised.

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

4. Each Party shall endeavour:

- (a) within 12 months from the date on which this Agreement takes effect for it, to inform the Implementing Committee of its existing recognition measures and state whether such measures are based on agreements or arrangements of the type referred to in paragraph 1;
- (b) to promptly inform the Implementing Committee as far in advance as possible of the opening of negotiations on an

⁵ The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of at least all Members of the WTO.

agreement or arrangement of the type referred to in paragraph 1 in order to provide adequate opportunity to any other Party to indicate their interest in participating in the negotiations before they enter a substantive phase;

- (c) to promptly inform the Implementing Committee when it adopts new recognition measures or significantly modifies existing ones and state whether the measures are based on an agreement or arrangement of the type referred to in paragraph 1.

5. Wherever appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Parties shall work in cooperation with relevant intergovernmental and non-governmental organisations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.

Article 8

Monopolies and Exclusive Service Suppliers

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 19 and Article 20.

2. Where a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Party's specific commitments, the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.

3. If any Party has a reason to believe that a monopoly supplier of a service of any other Party is acting in a manner inconsistent with paragraph 1 or 2, 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 territory.

5. If, after the date of entry into force of this Agreement, a Party grants monopoly rights regarding the supply of a service covered by its specific commitments, that Party shall notify the Implementing Committee no later than three months before the intended implementation of the grant of monopoly rights and the provisions of paragraphs 1(b) (other than the three-year restriction), 2, 3, 4, and 5 of Article 25 shall apply.

Article 9 Business Practices

1. Parties recognise that certain business practices of service suppliers, other than those falling under Article 8, 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 cooperate 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 domestic law and to the conclusion of satisfactory agreement concerning the safeguarding of its confidentiality by the Requesting Party.

Article 10 Safeguards

1. The Parties note the multilateral negotiations pursuant to Article X of the GATS on the question of emergency safeguard measures based on the principles of non-discrimination. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement so as to incorporate the results of the multilateral negotiations.

2. In the event that the implementation of this Agreement causes substantial adverse impact to a service sector of a Party before the conclusion of the multilateral negotiations referred to in paragraph 1, the affected Party may request 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 11

Payments and Transfers

1. Except under the circumstances envisaged in Article 12, a Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.

2. Nothing in this Agreement shall affect the rights and obligations of any Party who is a member of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except under Article 12 or at the request of the Fund.

Article 12

Restrictions to Safeguard the Balance of Payments

1. 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 the GATS.

2. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the Implementing Committee.

Article 13

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between Parties where like conditions prevail, or a disguised restriction on trade in services, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Party of measures:

- (a) necessary to protect public morals or to maintain public order⁶;

⁶ The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement including those relating to:
 - (i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on services contracts;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
 - (iii) safety;
- (d) inconsistent with Article 20, provided that the difference in treatment is aimed at ensuring the equitable or effective⁷ imposition or collection of direct taxes in respect of services or service suppliers of other Parties;
- (e) with difference in treatment provided that it is the result of an agreement on the avoidance of double taxation or provisions on the avoidance of double taxation in any other international agreement or arrangement by which the Party is bound.

Article 14 Security Exceptions

⁷ Measures that are aimed at ensuring the equitable or effective imposition or collection of direct taxes include measures taken by a Party under its taxation system which:

- (i) apply to non-resident service suppliers in recognition of the fact that the tax obligation of non-residents is determined with respect to taxable items sourced or located in the Party's territory; or
- (ii) apply to non-residents in order to ensure the imposition or collection of taxes in the Party's territory; or
- (iii) apply to non-residents or residents in order to prevent the avoidance or evasion of taxes, including compliance measures; or
- (iv) apply to consumers of services supplied in or from the territory of another Party in order to ensure the imposition or collection of taxes on such consumers derived from sources in the Party's territory; or
- (v) distinguish service suppliers subject to tax on worldwide taxable items from other service suppliers, in recognition of the difference in the nature of the tax base between them; or
- (vi) determine, allocate or apportion income, profit, gain, loss, deduction or credit of resident persons or branches, or between related persons or branches of the same person, in order to safeguard the Party's tax base.

Tax terms or concepts in paragraph (d) of Article 13 (General Exceptions) and in this footnote are determined according to tax definitions and concepts, or equivalent or similar definitions and concepts, under the domestic law of the Party taking the measure.

1. Nothing in this Agreement shall be construed:
 - (a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests; or
 - (b) to 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 supply of services as carried out directly or indirectly for the purpose of provisioning 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) to 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.

2. The Implementing Committee shall be informed to the fullest extent possible of measures taken under paragraphs 1(b) and (c) and of their termination.

Article 15

Subsidies

1. Except where provided in this Article, this Agreement 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 Agreement, any Party may request for consultations with a view to an amicable resolution of this matter.

2. Pursuant to this Agreement, the Parties shall:

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

Article 16 **WTO Disciplines**

Subject to any future agreements as may be agreed pursuant to reviews of this Agreement by the Parties under Article 26, the Parties hereby agree and reaffirm their commitments to abide by the provisions of the WTO Agreement as are relevant and applicable to trade in services.

Article 17 **Cooperation**

The Parties shall strengthen cooperation efforts in services sectors, including sectors mutually agreed upon by the Parties.

Article 18 **Increasing Participation of new ASEAN Member Countries**

The increasing participation of new ASEAN Member Countries on trade in services 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) flexibility for new ASEAN Member Countries for opening fewer sectors, liberalising fewer types of transactions and progressively extending market access in line with their respective development situation.

CHAPTER III SPECIFIC COMMITMENTS

Article 19 Market Access

1. With respect to market access through the modes of supply identified in Article 1(hh), 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.⁸

2. In sectors where market-access commitments are undertaken, the measures which a Party shall not maintain or adopt either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its Schedule, are defined as:

- (a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
- (b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;⁹
- (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;

⁸ If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in Article 1(hh)(i) 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 Article 1(hh)(iii), it is thereby committed to allow related transfers of capital into its territory.

⁹ Subparagraph 2(c) does not cover measures of a Party which limit inputs for the supply of services.

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

Article 20

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 suppliers.¹⁰

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 21

Additional Commitments

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Article 19 or Article 20, including those regarding qualifications, standards or licencing matters. Such commitments shall be inscribed in a Party's Schedule.

Article 22

Schedules of Specific Commitments

¹⁰ 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.

1. Each Party shall set out in a schedule the specific commitments it undertakes under Article 19, Article 20 and Article 21. With respect to sectors where such commitments are undertaken, each Schedule shall specify:

- (a) terms, limitations and conditions on market access;
- (b) conditions and qualifications on national treatment;
- (c) undertakings relating to additional commitments;
- (d) where appropriate the time-frame for implementation of such commitments; and
- (e) the date of entry into force of such commitments.

2. Measures inconsistent with Article 19 shall be inscribed in the column relating to Article 19, and measures inconsistent with Article 20 shall be inscribed in the column relating to Article 20.

3. The Schedules shall be annexed to this Agreement and shall form an integral part thereof.

Article 23

Application and Extension of Commitments

1. Korea shall make a single schedule of specific commitments under Article 22 and shall apply this Schedule to all ASEAN Member Countries.

2. Each ASEAN Member Country shall make its individual schedule of specific commitments under Article 22 and shall apply this Schedule to Korea and the rest of the ASEAN Member Countries.

Article 24

Progressive Liberalisation

The Parties shall, at the reviews pursuant to Article 26, enter into successive rounds of negotiations to negotiate further packages of specific commitments under this Agreement so as to progressively liberalise trade in services between the Parties.

Article 25

Modification of Schedules

1. A Party may modify or withdraw any commitment in its Schedule, at any time after three years have elapsed from the date on which that commitment has entered into force, provided that:

- (a) it notifies the Parties as well as the Implementing Committee 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) it enters into negotiations with any affected Party to agree to the necessary compensatory adjustment.

2. In achieving a compensatory adjustment, Parties 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 arbitration¹¹. 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 23, such a modification or withdrawal may be implemented solely with respect to the modifying Party.

CHAPTER IV FINAL PROVISIONS

Article 26 Review

The Minister for Trade of Korea and the AEM or their designated representatives shall meet within a year of the date of entry into force of this

¹¹ The Implementing Committee shall establish procedures for arbitration in due course.

Agreement and then biennially or otherwise as appropriate to review this Agreement for the purpose of considering further measures to liberalise trade in services as well as develop disciplines and negotiate agreements on matters referred to in Article 16 or any other relevant matters as may be agreed.

Article 27

Miscellaneous Provisions

1. This Agreement shall include the Annexes and the contents therein which shall form an integral part of this Agreement; and all future legal instruments agreed pursuant to this Agreement.
2. The Annex on Financial Services shall form an integral part of this Agreement.
3. The GATS Annex on Telecommunications shall be incorporated into this Agreement, *mutatis mutandis*.
4. Except as otherwise provided in this Agreement, this Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under the existing agreements to which it is a party.
5. ASEAN Member Countries may enter into individual bilateral arrangements with Korea concerning co-production of broadcasting programs pursuant to this Agreement, and such bilateral arrangements shall apply to the said Parties only.

Article 28

Amendments

This Agreement may be amended by agreement in writing by the Parties, and such amendments shall enter into force on such date or dates as may be agreed by the Parties.

Article 29

Dispute Settlement

Unless otherwise provided in this Agreement, any dispute concerning the interpretation, implementation or application of this Agreement shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under the Framework Agreement.

Article 30

Denial of Benefits

A Party may deny the benefits of this Agreement:

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

Article 31

Entry into Force

1. This Agreement shall enter into force on the first day of the second month following the latter date on which Korea and at least one ASEAN Member Country have notified all the other Parties in writing of the completion of their internal procedures.

2. A Party shall, upon the completion of its internal procedures for the entry into force of this Agreement, notify all the other Parties in writing.

3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by the date as set out in paragraph 1, this Agreement shall come into force for that Party 30 days after the date on which the Party has notified all the other Parties in writing of the completion of its internal procedures. The Party concerned, however, shall be bound by the same terms and conditions of this Agreement, including any further commitments that may have been undertaken by the other Parties under this Agreement by the time of such notification, as if it had notified all the other Parties in writing of the completion of its internal procedures before the date of entry into force of this Agreement.

Article 32

Depositary

For the ASEAN Member Countries, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member Country.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto, have signed the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among Governments of the Republic of Korea and the Member Countries of the Association of the Southeast Asian Nations.¹²

DONE in Singapore, this 21st day of November 2007, in duplicate copies in the English language.

For the Government of the Republic of Korea:

KIM JONG-HOON
Minister for Trade

For the Government of Brunei Darussalam:

LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Royal Government of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of Commerce

¹² The Parties agree that the Kingdom of Thailand may sign this Agreement at a later date upon the completion of her parliamentary procedure.

For the Government of the Republic of Indonesia:

MARI ELKA PANGESTU

Minister of Trade

For the Government of the Lao People's Democratic Republic:

NAM VIYAKETH

Minister of Industry and Commerce

For the Government of Malaysia:

RAFIDAH AZIZ

Minister of International Trade and Industry

For the Government of the Union of Myanmar:

U SOE THA

Minister for National Planning and Economic Development

For the Government of the Republic of the Philippines:

PETER B. FAVILA

Secretary of Trade and Industry

For the Government of the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry

For the Government of the Socialist Republic of Viet Nam:

VU HUY HOANG
Minister of Industry and Trade

ANNEX ON FINANCIAL SERVICES

1. Scope and Definition

- (a) This Annex applies to measures affecting the supply of financial services. Reference to the supply of a financial service in this Annex shall mean the supply of a service as defined in Article 1(hh) of this Agreement.
- (b) For the purposes of Article 1(bb) of this Agreement, "services supplied in the exercise of governmental authority" means the following:
 - (i) activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;
 - (ii) activities forming part of a statutory system of social security or public retirement plans; and
 - (iii) other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the Government.
- (c) For the purposes of Article 1(bb) of this Agreement, if a Party allows any of the activities referred to in subparagraphs (b)(ii) or (b)(iii) of this paragraph to be conducted by its financial service suppliers in competition with a public entity or a financial service supplier, "services" shall include such activities.
- (d) Article 1(cc) of this Agreement shall not apply to services covered by this Annex.

2. Prudential Measures, Exchange Rate and Financial Stability

- (a) Notwithstanding any other provisions of this Agreement, a Party shall not be prevented from taking measures for prudential reasons, including for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier; to ensure the integrity and stability of the financial system; or to ensure the stability of the exchange

rate¹, including to prevent speculative capital flows, subject to the following:

- (i) where such measures do not conform with the provisions of this Agreement, they shall not be used as a means of avoiding the Party's commitments or obligations under this Agreement;
 - (ii) for measures to ensure the stability of the exchange rate including to prevent speculative capital flows, such measures shall be no more than necessary, and phased out within one year or when conditions no longer justify their institution or maintenance; and
 - (iii) for measures to ensure the stability of the exchange rate including to prevent speculative capital flows, such measures shall be applied on a Most-Favoured-Nation basis.
- (b) Nothing in this Agreement shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

3. **Recognition**

- (a) A Party may recognise prudential measures of any other country in determining how the Party's measures relating to financial services shall be applied. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.
- (b) A Party that is a party to such an agreement or arrangement referred to in subparagraph (a), whether future or existing, shall afford adequate opportunity for other interested Parties to negotiate their accession to such agreements or arrangements, or to negotiate comparable ones with it, under circumstances in which there would be equivalent regulation, oversight, implementation of such regulation, and, if appropriate,

¹ The measures to ensure the stability of the exchange rate including to prevent speculative capital flows shall not be adopted or maintained for the purpose of protecting a particular sector.

procedures concerning the sharing of information between the parties to the agreement or arrangement. Where a Party accords recognition autonomously, it shall afford adequate opportunity for any other Party to demonstrate that such circumstances exist.

- (c) Where a Party is contemplating according recognition to prudential measures of any other country, paragraph 4(b) of Article 7 shall not apply.

4. **Dispute Settlement**

Panels for disputes on prudential issues and other financial matters shall have the necessary expertise relevant to the specific financial service under dispute.

5. **Definitions**

For the purposes of this Annex:

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

Insurance and insurance-related services

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

Banking and other financial services (excluding insurance)

- (v) Acceptance of deposits and other repayable funds from the public;

- (vi) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;
- (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 instruments, including products such as swaps, forward rate agreements;
 - (E) transferable securities;
 - (F) other negotiable instruments and financial assets, including bullion.
- (xi) 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;
- (xii) Money broking;
- (xiii) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;
- (xiv) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

- (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;
 - (xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.
- (b) **A financial service supplier** means any natural or juridical person of a Party wishing to supply or supplying financial services but the term "financial service supplier" does not include a public entity.
- (c) **Public entity** means:
- (i) a government, a central bank or a monetary authority, of a Party, or an entity owned or controlled by a Party, that is principally engaged in carrying out governmental functions or activities for governmental purposes, not including an entity principally engaged in supplying financial services on commercial terms; or
 - (ii) a private entity, performing functions normally performed by a central bank or monetary authority, when exercising those functions.

KOREA

Schedule of Specific Commitments

(For the First Package of Commitments)

KOREA - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) 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			
* : An asterisk on the CPC (UN provisional Central Product Classification : Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991) Code number indicates that the corresponding service sub-sector in this schedule only covers a part or parts of the service sub-sector classified under the given CPC code number.			
Unbound* means unbound due to lack of technical feasibility.			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) The acquisition of outstanding stocks of existing domestic companies in such areas as energy and aviation by natural person or juridical persons of another Member may be restricted. The foreign investment in newly privatized companies may be restricted.	3) The acquisition of land is unbound except: <ul style="list-style-type: none"> (i) that the acquisition of land by companies which are not deemed as foreign under the Alien Land Law is permitted, and (ii) that the acquisition of land by companies which are deemed as foreign under the Alien Land Law and branches of foreign company is permitted, subject to approval or notification in accordance with the Alien Land Law, for the following legitimate business purposes: <ul style="list-style-type: none"> • land used for supplying services during the course of normal business activities; • land used for housing senior company personnel under pertinent laws; and • land used for fulfilling land-holding 	3) Residents who have been treated as foreigners in the Securities Exchange Act are accorded national treatment in portfolio investment in Korean stocks.

Modes of Supply: 1) Cross-border supply 2) 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>requirements stipulated by pertinent laws.</p> <p>Eligibility for subsidies, including tax benefits, may be limited to companies which are established in Korea according to the pertinent laws.</p> <p>Unbound for research and development subsidies.</p>	
	<p>4) Unbound except for measures affecting the entry and temporary stay of natural persons as defined below:</p> <p>A. Intra-corporate Transferees(ICT) Natural persons who are employees of firms that supply services <i>through</i> subsidiaries, branches, or designated affiliates established in Korea and who have been in the employ of their firm 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>(i) Executives - 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</p>	<p>4) Unbound except for measures concerning Intra-corporate Transferees (ICT), Business Visitors (BV), Service Salespersons (SS).</p> <p>Unbound for Contractual Service Suppliers (CSS)</p> <p>The acquisition of land is unbound except that the lease hold right of land is permitted</p> <p>Eligibility for subsidies, including tax benefits, may be limited to residents according to the pertinent laws.</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>perform tasks related to the actual supply of a service or services of the organization</p> <p>(ii) Senior Managers - persons within an organization 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. Senior managers 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>		
	<p>(iii) Specialists-persons within an organization who possess knowledge at an advanced level of continued expertise and proprietary knowledge on the services, research equipment, techniques, or management of the organization.</p> <p>Entry and stay of natural persons as defined in A is limited to a period not exceeding three years that may be extended if the above</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
	condition is still met by the applicants.		
<p>The following definition is provided for transparency purposes:</p> <ul style="list-style-type: none"> i) Subsidiary is defined as a firm, corporation or other legal entity of which a parent owns more than 50 per cent of the total equity of the entity. ii) Branch is defined as an operating division or a representative office of the same organization, which has an employee holding an extensive right to represent a parent housed in the territory of any other WTO Member. iii) The designated affiliate is defined as one of two subsidiaries, both of which are owned or controlled by the same parent, or as one of two legal entities, both of which are owned or controlled by the same group of shareholders who are partners of a partnership, a company or other legal entity and who have more than 50 per cent of the total equity of each of the two entities or have a responsibility for more than 50 per cent of the total investment amount of each of the two entities. 			
	<p>B. Business Visitors(BV) Natural persons meeting the criteria of category A(i) or A(ii) and who are responsible for the setting up, in Korea, of a commercial presence of a service supplier of a Member when the service supplier has no representative office, branch or subsidiary in Korea and the persons are not engaged in making direct sales or supplying services.</p> <p>C. Service Salespersons(SS) Natural persons not based in the territory of Korea and receiving no remuneration from a source located within Korea, who are engaged in activities or representing a service supplier for the purpose of negotiating for the sale of the services of that supplier when such sales are not directly made to the general public and the persons are not engaged in</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
	supplying the services.		
	Entry and stay of natural persons as defined in B and C is limited to a period of 90 days.		
	<p>D. Contractual Service Suppliers (CSS) - Employees of juridical person</p> <p>Natural persons who are engaged in the supply of a contracted service as employees of a juridical person that has no commercial presence in Korea, subject to the following conditions and any of the additional conditions mentioned in the sector specific part.¹</p> <p>The juridical person has to obtain a service contract for a period not exceeding one year from a juridical person incorporated in Korea, who is the final consumer of the service which is supplied. The contract shall comply with the laws and regulations of Korea.</p> <p>The natural persons seeking access should be employees of the juridical person, who are supplying the service for a period not less than one year immediately preceding the date of their application for admission.</p>		

¹ The Horizontal or Specific Commitments made under the Category "D" do not apply to measures affecting natural persons seeking access to the employment market of Korea, nor to measures regarding employment on a permanent basis in accordance with the Annex on Movement of Natural Persons.

Modes of Supply: 1) Cross-border supply 2) 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 natural persons must possess the necessary academic and professional qualifications and professionally qualified competency-based experience to exercise an activity in the sector concerned pursuant to the laws, regulations or requirements of Korea and to accreditations by the relevant international organizations such as Washington Accord, EMF International Registered Professional Engineer and APEC Engineers.</p> <p>The natural persons are required to receive no remuneration from a juridical person located in Korea.</p> <p>Commitments may be subject to the application of a numerical ceiling [modalities of application and level to be determined], except where otherwise indicated for a specific sub-sector.</p> <p>The contract is required to be obtained in the following service-supplying activities or sub- sectors, without conferring entitlement to exercise the professional title of Korea.</p> <ul style="list-style-type: none"> - Services related to the installment, management or repair of industrial equipment or machine, excluding construction and power generation equipment, for a juridical person in Korea which purchases the equipment 		

Modes of Supply: 1) Cross-border supply 2) 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>or the machine from a juridical person employing the natural person located in any other WTO Member</p> <ul style="list-style-type: none"> - Consultancy services related to the technical knowledge or skill concerning the natural science applied to information technology, e-business, biotechnology, nanotechnology, digital electronics, and environmental industry 		
	<ul style="list-style-type: none"> - Consultancy services for foreign accounting standards and auditing, training of CPAs, transfer of auditing technology and exchange of information related to accounting, auditing and bookkeeping services, to a Korean accounting firm or office through a membership contract - Architectural services subject to collaboration with architects registered under the Korean law in the form of joint contracts - Management consulting services <p>Professional Engineers in the following services:</p> <ul style="list-style-type: none"> - Consultancy services related to the installation of computer hardware - Software R&D based implementation services - Data management 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
	<ul style="list-style-type: none"> - Data system services - Specialty engineering design services for automobile <p>Entry and stay of the natural persons as defined in D is limited to the duration of the contract, which is not exceeding one year.</p>		
<p>Notes for transparency purposes:</p> <p>1. Natural persons whose entries and temporary stays are permitted shall observe the Immigration Law and the labour laws.</p> <p>2. Korea's commitments regarding temporary movement of natural persons do not apply in the case of labour-management disputes.</p>			
II. SECTOR-SPECIFIC COMMITMENTS			
<p>1. <u>BUSINESS SERVICES</u></p> <p>A. <u>Professional Services</u></p> <p>a. Legal services; (CPC 861*)</p> <p>Advisory Services on law of the jurisdiction where service supplier is qualified as a lawyer and on public international law, excluding the following :</p> <p>(i) representation for juridical or statutory procedures in courts and other government agencies as well as preparation of legal documents for such</p>	<p>1) None</p> <p>2) None</p> <p>3) Only in the form of representative office. Association with or employment of local lawyers with Korean qualification or equivalent is not permitted.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>Commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) Foreign legal consultants are required to stay in Korea not less than 180 days per year.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>(i) Representation in international commercial arbitration is permitted, provided that the applicable procedural and substantive laws in the arbitration are the laws which the foreign legal consultant is qualified to practice in Korea.</p> <p>(ii) Use of firm name is permitted, provided that it is used with</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
(ii) procedures ; legal representation for the entrustment of the preparation of notarial deeds ;			reference to "Foreign legal consultants office" in Korean
(iii) those activities concerning a legal case whose objective is the acquisition or loss or change of rights concerning real property in Korea, intellectual property rights, mining rights or other rights arising upon registration thereof with government agencies in Korea ; and (iv) legal cases concerning family relations or inheritance, in which a Korean national is involved as a party or the property concerned is located in Korea.			(iii) Notwithstanding limitation on Market Access to this sector, no later than 2 years after the date of entry into force of this Agreement, Korea will allow a representative office, subject to certain requirements consistent with this Agreement, to conclude a specific cooperative agreement with a Korean law firm in order to be able to jointly deal with a case in which domestic and foreign legal issues are mixed and to share profits derived from the case.

Modes of Supply: 1) Cross-border supply 2) 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>* Notes</p> <p>The following information is provided for transparency purposes only :</p> <p>i) A foreign lawyer who wishes to practice law as a foreign legal consultant in Korea must be approved by the Minister of Justice, must have practiced law for at least 3 years in the jurisdiction where he/she is qualified as a lawyer, and must be in good standing of the legal profession in the jurisdiction.</p> <p>ii) Permission of the Minister of Justice is required for the establishment of a representative office in Korea. The representative office consists of a FLC or FLCs approved by the Minister of Justice. It must have credibility and expertise, and sufficient capability to compensate for damages caused to the client, if any. The chief of the representative office must have practiced law for at least 7 years, including 3 years in the jurisdiction of his/her qualification.</p> <p>iii) A representative office can conduct profit-making activities provided that such presence in Korea maintains proper business plans and financial bases, and must observe the Foreign Legal Consultant Act and its presidential decree.</p> <p>iv) For the purpose of the commitment to this sector, only the law firm which is organized under each ASEAN member countries' relevant law and headquartered in each ASEAN member countries can establish its representative office in Korea. Any type of subordinate or dependent legal entity, including but not limited to a branch, a local office, a subsidiary or a joint-venture firm of the law firm of a country that is not a member of ASEAN shall not be permitted to establish its representative office in Korea.</p>			
<p>b. Accounting, auditing and book-keeping services (CPC 862)</p>	<p>1) Unbound for auditing. 2) Unbound for auditing services. 3) Only sole proprietorships, auditing task forces, and accounting corporations (limited liability companies) by CPAs licensed under the Certified Public Accountant Law are permitted.</p> <p>Only CPAs in auditing task forces and accounting corporations (limited liability companies) are allowed to supply auditing services.</p>	<p>1) None 2) None 3) None</p>	<p>1)2)3) A Korean accounting firm or office may, by paying an annual membership fee, acquire membership to international accounting organizations which have world-wide business networks. The following 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
			<p>may be supplied to a Korean accounting firm or office through a membership contract:</p> <ul style="list-style-type: none"> - Consultancy for foreign accounting standards and auditing, training of CPAs, transfer of auditing technology and exchange of information.
	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>In order to practice as a CPA, a candidate must have field experience of two years in Korea after passing the CPA examination.</p>	<p>4) Temporary movement of natural persons who are qualified as CPAs under their home country's laws and are employed by international accounting firms for the purpose of supplying the services mentioned above is allowed. Entry and stay of these persons is limited to a one-year period that may be extended if extension is deemed</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
c. Taxation services (CPC 863)	<p>1) Unbound for tax reconciliation services and tax representative services.</p> <p>2) Unbound for tax reconciliation services and tax representative services.</p> <p>3) Only sole proprietorships, tax reconciliation task forces, tax agency corporations (limited liability companies) by CTAs licensed under the Certified Tax Accountant Law are permitted. Only CTAs in tax reconciliation task forces, tax agency corporations (limited liability companies) are allowed to supply tax reconciliation services.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>In order to practice as a CTA, a candidate must have field experience of six months in Korea after passing the CTA examination.</p>	to be necessary.
d. Architectural services (CPC 8671)	<p>1) Commercial presence is required, except for circumstances where services are supplied by foreign architects through joint contracts with architects licensed under Korean law.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1)2)4)Supply of services by foreign architects through joint contracts with architects licensed under Korean law is allowed.</p> <p>Foreign architects licensed under their</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
			home country's law may acquire a Korean architect license by passing a simplified examination which covers only two of the regular test's six subjects: architectural laws and regulations and architectural design
e. Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
f. Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
g. Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
i. Veterinary services (CPC 932)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the	1) Unbound 2) None 3) None 4) Unbound except as indicated in the	

Modes of Supply: 1) Cross-border supply 2) 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 section.	Horizontal Commitments section.	
B. <u>Computer and Related Services</u>			
a. Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Software implementation services (CPC 842)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
c. Data processing services (CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
d. Data base services (CPC 844)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Other (CPC 845, 849)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

Modes of Supply: 1) Cross-border supply 2) 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>Research and Development Services</u>			
a. Research and development services on natural sciences (CPC 851) Excluding marine scientific Research	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Research and development services on social sciences and humanities (CPC 852)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
c. Interdisciplinary research and development services (CPC 853)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	
D. <u>Real Estate Services</u> Brokerage services (CPC 82203*, 82204*, 82205*, 82206*)	1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Appraisal services (CPC 82201*, 82202*) Excluding appraisal services related to services supplied	1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
in the exercise of governmental authority such as assessment of land prices and compensation for expropriation			
<u>E. Rental/Leasing Services without Operators</u>			
a. Relating to ships (CPC 83103)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Relating to aircraft (CPC 83104)	1) Unbound 2) Unbound 3) Joint venture in which foreign equity participation is less than 50% is permitted. 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Representatives of joint venture companies must be Korean nationals. 4) Unbound except as indicated in the Horizontal Commitments section.	
c. Relating to other transport equipment (CPC 83101, 83105*) ²	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

² 83105*: Only passenger vehicles for less than 15 passengers under CPC 83105.

Modes of Supply: 1) Cross-border supply 2) 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. Relating to other machinery and equipment (CPC 83106 - 83109)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Other Leasing or rental services concerning personal or household goods (CPC 832)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
<u>Other Business Services</u>			
a. Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
c. Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
d. Project management	1) None	1) None	

Modes of Supply: 1) Cross-border supply 2) 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 and other management services (CPC 86601, 86609)	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Composition and purity testing and analysis services (CPC 86761*) ³	1) None 2) None 3) Establishment of a commercial presence is subject to the economic needs test. Main Criteria: The number of and impact on existing domestic suppliers, protection of public health, safety, and environment. 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Testing and analysis services of physical properties (CPC 86762)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Technical inspection services (CPC 86764)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Testing and analysis services of integrated mechanical and electrical	1) Unbound 2) Unbound 3) Unbound	1) None 2) None 3) None	

³ 86761: Only inspection, testing and analysis services of air, water, noise level and vibration level under CPC 86761.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
systems (CPC 86763**, 86769**)⁴	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
f. Consulting services related to agriculture and animal husbandry (CPC 8811*, 8812*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
f. Poultry differentiation service (CPC 8811**, 8812**)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
f. Services incidental to forestry excluding aerial fire fighting and disinfection (CPC 8814*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
g. Consulting services related to fishing (CPC 882*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
h. Services incidental to mining (CPC 883)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

⁴ 86763, 86769: Only testing and analysis services of electrical products under CPC 86763, 86769.

Modes of Supply: 1) Cross-border supply 2) 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. Services incidental to manufacturing:</p> <p>Only consulting services related to manufacturing technologies of new products (CPC 884* and 885* excluding 88411, 88450, 88442, and 88493)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>k. Placement services of personnel (CPC 87201, 87202)</p> <p>Excluding placement services for seafarers under the Seamen Act</p>	<p>1) None 2) None 3) Foreign service suppliers may supply services only in the form of a corporation under the Commercial Act 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>Notes for transparency purposes:</p> <p>1. The corporations shall follow the rules for service fees determined and announced by the Ministry of Labour.</p> <p>2. The corporations shall be established with a paid-in capital of 50 million won or more. If suppliers wish to install additional branch offices, the total paid-in capital shall increase by 20 million won for each branch office additionally installed.</p>			
<p>m. Related scientific and technical consulting services</p> <p>Geological, geophysical and other scientific prospecting services (CPC 86751) Subsurface surveying</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</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
services (CPC 86752)			
Surface surveying services (CPC 86753*) Excluding services related to cadastral survey	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Map-making services (CPC 86754*) Excluding services related to cadastral maps	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
n. Maintenance and repair of equipment (CPC 633, 8861, 8862, 8863, 8864, 8865, 8866)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
o. Building-cleaning services (CPC 874**, excluding 87409)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

Modes of Supply: 1) Cross-border supply 2) 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 (CPC 875)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
q. Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
r. Printing (CPC 88442*) ⁵	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
r. Publishing (CPC 88442*) Excluding publishing services of newspapers and periodicals	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	
s. Convention agency services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
s. Stenography services	1) None	1) None	

⁵ 88442: Screen painting, gravure printing and services related to printing under CPC 88442.

Modes of Supply: 1) Cross-border supply 2) 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 87909*)	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
t. Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
t. Specialty design services (CPC 87907)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
2. COMMUNICATION SERVICES B. <u>Courier Services</u> International courier services (CPC 75121**) Excluding the services currently reserved to the Korean Postal Authority by law. ⁶	1) Provision of services is limited to air and sea transport modes. 2) None 3) Limited to land based operations in support of international courier services 4) Unbound except as indicated in the Horizontal Commitments section.	1) Provision of services is limited to air and sea transport modes. 2) None 3) Limited to land based operations in support of international courier services 4) Unbound except as indicated in the Horizontal Commitments section.	

⁶ According to the Postal Service Act, the Korean Postal Authority reserves exclusive rights for collecting, processing and delivering letters. However, the Act allows private couriers to operate commercial document services, which include a) unsealed freight-attached documents or dispatch notes, b) trade-related documents, c) foreign capital or technology related documents, or d) foreign exchange or its related documents.

Modes of Supply: 1) Cross-border supply 2) 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 commitment shall not be construed to include the right to operate transport services under one's own responsibility for hire.</p> <p>The commitment shall not include under any circumstances, the grant of air traffic rights for courier operators with own Air Operator's Certificate (AOC) and aircraft fleet.</p>			
<p>C. <u>Telecommunication Services</u></p> <p>a. Voice telephone services</p> <p>b. Packet-switched data transmission services</p> <p>c. Circuit-switched data transmission services</p> <p>d. Telex services</p> <p>e. Telegraph services</p> <p>f. Facsimile services</p> <p>g. Private leased circuit services</p> <p>o. Other</p> <p>Digital cellular services</p> <p>Paging services</p> <p>PCS (personal</p>	<p>1) The provision of all services is subject to commercial arrangements with licensed Korean service suppliers.</p> <p>2) None</p> <p>3) A license for facilities-based public telecommunications services or a registration for non-facilities based public telecommunications services shall be granted only to a juridical person organized under Korean law.</p> <p>A foreign government or its representative, or a foreign person may not obtain or hold a radio station license.</p> <p>A license for facilities based public</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>As contained in the attachment</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>communications services)</p> <p>TRS (trunked radio system) services</p> <p>Mobile data services</p> <p>IAS(Internet access services)</p> <p>VoIP(Voice over Internet protocol) services connected to the PSTN(public switched telephone network)</p>	<p>telecommunications services shall not be granted to or held by a juridical person organized under Korea law in which a foreign government, foreign person, or a deemed foreign person* holds in the aggregate more than 49 percent of its total voting shares.</p> <p>A foreign government, foreign person, or deemed foreign person* may not in the aggregate hold more than 49 percent of the total voting shares of a facilities-based supplier of public telecommunications services.</p>		
	<p>A foreign government, foreign person, or foreign juridical person, or deemed foreign person* may not be the largest shareholder of KT, except if it holds less than 5 percent of its total voting shares.</p> <p>* deemed foreign person means a juridical person in which a foreign government or foreign person is the largest shareholder and holds 15 percent or more of that juridical person's total voting shares.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</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
Value-added Services ⁷ : h. Electronic mail i. Voice mail j. On-line information and data base retrieval k. Electronic data interchange l. Enhanced/value-added facsimile services including store and forward, store and retrieve m. Code and protocol conversion n. On-line information and/or data processing (including transaction processing) o. Other On-line data base and remote computing services ⁸	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	Value-added service providers are allowed to supply data transmission services ⁹ .

⁷ Value-added services mean telecommunication services, which are provided through telecommunications network facilities leased from facilities-based basic telecommunication service providers, and which store and forward, or process and forward, the customer's information.

⁸ On-line data base and remote computing services do not cover telecommunication services which mediate third party communications.

⁹ Telecommunication services which transmit and/or exchange the customer's data without change in the form or content (voice telephony, telex, facsimile services and simple resale of leased circuits are excluded).

Modes of Supply: 1) Cross-border supply 2) 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. <u>Audiovisual Services</u>			
a. Motion picture and video tape production and distribution services (CPC 96112*, 96113*) Excluding those services for cable TV broadcasting	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Record production and distribution services (Sound recording)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
3. CONSTRUCTION SERVICES (CPC 511-518)	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
4. DISTRIBUTION SERVICES ¹⁰			
A. <u>Commission Agents' Services</u> (CPC 621, excluding 62111, 62112 and commission agents' services of future)	1) Unbound for pharmaceuticals and medical goods. 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

¹⁰ Excluding trade in firearms, explosives and swords; works of art and antiques, and the establishment and operation of, and distribution services at, the public wholesale markets for agricultural, fishery and livestock products, which are officially designated by the local authorities as public wholesale markets.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
contracts)			
<p>B. <u>Wholesale Trade Services</u> (CPC 622, excluding grain in 62211, 62223, ginseng, red ginseng and farinaceous products in 62229 and fertilizers in 62276)</p>	<p>1) Unbound for pharmaceuticals, medical goods, functional foods, and items subject to limitations under Mode 3.</p> <p>2) None</p> <p>3) Following services are subject to the economic needs test:</p> <ul style="list-style-type: none"> - wholesale trade of used cars - wholesale trade of gaseous fuels and related products <p>Main criteria: Formation of reasonable prices, the number of and impact on existing suppliers for balance of demand and supply, healthy development of the industry, and establishment of orderly trade. In addition, population density, traffic, environmental pollution, local conditions, and other local characteristics as well as public interests.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</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>C. <u>Retailing Services</u> (CPC 6111, 61130, 61210, 613*(excluding retail trade and gas station business related to LPG), 631*(excluding tobacco, rice, ginseng and red ginseng), 632</p>	<p>1) Unbound for pharmaceuticals, medical goods, functional foods, and items subject to limitations under Mode 3. 2) None 3) Retailing services for used cars and gaseous fuels are subject to the economic needs test.</p> <p>Main criteria: The number of and impact on existing domestic suppliers, the population density, traffic, environmental pollution, local conditions, and other local characteristics as well as public interests.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>D. <u>Franchising</u> (CPC 8929*)¹¹</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>※ Notes</p> <p>The following explanation pertains to Retailing Services.</p> <p>Supply of pharmaceuticals directly to the general public (Pharmacies) should be only allowed by certified pharmacists in order to protect public health.</p>			

¹¹ Franchising services are limited to those items which are allowed under Wholesale Trade Services and Retailing Services in this schedule.

Modes of Supply: 1) Cross-border supply 2) 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 SERVICES¹²</p> <p>C. <u>Higher Education Services</u> (CPC 923**)</p> <p>Higher education services provided by private higher educational institutions, which obtained recognition from the government or public accreditation bodies, for the purpose of conferring degrees.</p> <p>Excluding education services for medical and health related subjects and for training pre-school, primary and secondary school teachers and professional graduate education in law</p>	<p>1) Unbound 2) None 3) - Only those school juridical persons*, established under the approval by the Minister of Education and Human Resources Development may establish educational institutions under the Minister's authorization (Intra-company Universities do not need to establish a school juridical person). - Only the types of educational institutions listed in Attachment 1 are allowed. - New educational institutions other than Technology Universities and Intra-company Universities are not allowed in the Metropolitan area of Seoul or in its vicinities.</p>	<p>1) Unbound 2) None 3) Unbound</p>	

¹² 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 purpose of admission, registration and qualification for professional practice in Korea.

Modes of Supply: 1) Cross-border supply 2) 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"> - Operation of joint educational programs with junior colleges, universities and industrial universities is limited to foreign universities, which obtained accreditation by foreign public accreditation bodies or which acquired recognition or recommendation by their governments, in fields that the president of the university (junior college) recognizes as necessary. - The Minister of Education and Human Resources Development may restrict the number of students for each educational institution. <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>* School juridical persons are non-profit juridical persons established solely for the purposes of establishing regular educational institutions in accordance with pertinent education related laws.</p>			
<p>Attachment 1</p> <p>1. Only the following types of educational institutions are included: (Excluding Universities via Broadcasting and Communications; Cyber Universities; and etc.)</p> <p>a) Junior Colleges (Excluding Polytechnic Colleges) : higher education institutions which train technical experts for a 2-3 year curriculum and</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>confer an associate degree, in accordance with the Higher Education Law.</p> <p>b) Universities: higher education institutions which conduct research and educate professionals for 4-6 years and confer a bachelor's degree, in accordance with the Higher Education Law.</p> <p>c) Industry Universities: higher education institutions which educate those who want to continue theoretical or technical research and training for 4 years, conferring a bachelor's degree, in accordance with the Higher Education Law.</p> <p>d) Technology Universities: higher education institutions, located within workplaces, which educate workers to provide expert knowledge and skills and confer associate degrees and bachelor's degrees, in accordance with the Higher Education Law.</p> <p>e) Intra-company Universities: higher education institutions which are established and operated by employers, and educate employees, in order to confer equivalent degrees or diplomas to those in Junior Colleges or Universities, in accordance with the Life-long Education Law.</p>			
<p>D. <u>Adult Education Services</u> (CPC 924**)</p> <p>Adult education services provided by private adult educational institutions.</p> <p>Excluding education services which confer or lead to local or foreign degree or diploma, vocational training services financially supported by the government in accordance with the Employment Insurance Act and the Vocational Training Promotion Act and Seafarers Act, and educational services via broadcasting</p>	<p>1) Unbound for health and medical related adult education services.</p> <p>2) None</p> <p>3) - Only the types of educational institutions listed in Attachment 2 are allowed. In the Seoul Metropolitan Area, any new establishment, extension, or transfer of an adult training facility that equals or exceeds 3,000 square meters in total floor area may be restricted.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound for health and medical related adult education services.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</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
Also excluded are vocational training services provided by institutions under authority delegated by the government.			
<p>Attachment 2</p> <p>1. The following types of private tutoring institutions (Hag-won) and life-long education facilities are included :</p> <p>a) Hag-won are private education institutions to provide tutoring services on the following subjects to more than 10 persons for periods longer than 30 days in accordance with the Act on the Establishment and Operation of Private Tutoring institutions. Excluded are schools, libraries, museums, workplace facilities to provide education services to the employees, life-long education facilities in accordance with the Life-long Education Law, and driving schools.</p> <ol style="list-style-type: none"> 1) Infrastructure industrial technology: machinery, automobile, metal, chemical and ceramic, electrics, telecommunications, electronics, shipbuilding, aviation, civil engineering, textile and apparel, mining resources, land development, agriculture and forestry, oceanic, energy, art craft, transportation, safety management 2) Applied industrial technology: design, hair and cosmetic management, food and beverage, packaging, printing, photograph, musical tuning 3) Information processing: telecommunications equipment, software, multimedia, computer communication, internet, computer 4) Nursing assistant: nursing assistant 5) Culture and tourism: publishing, imaging and record, movie, broadcasting, advertising, character products, tourism 6) Foreign languages: foreign languages, translation, interpretation 7) Humanities: public management, business management, accounting, statistics, public service examination 8) Management: finance, insurance, distribution, real estate 9) Office work: bookkeeping, fast writing, reading and calculation, word-processing, secretary, abacus, calligraphy 10) Arts: traditional Korean music, dance and calligraphy, music, painting, dance, speech, modeling, cartoon, baduk, theater, flower arrangement <p>b) Life-long education facilities are those facilities which have been approved, registered or notified in accordance with the Life-long Education Law. Among the Life-long education facilities, only life-long educational facilities annexed to workplaces, NGOs, schools, mass-media, and those</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
related to the development of knowledge and human resources are included.			
<p>6. ENVIRONMENTAL SERVICES</p> <p>A. <u>Sewage Services</u></p> <p>Refuse water disposal services (CPC 9401*)¹³</p> <p>B. <u>Refuse Disposal Services</u></p> <p>Industrial refuse disposal services (CPC 9402*)¹⁴</p> <p>D. <u>Other</u></p> <p>Cleaning services of exhaust gases and noise abatement services (CPC 9404, 9405)</p> <p>Environment testing and assessment services</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	

¹³ 9401: Only collection and treatment services of industrial waste water under CPC 9401

¹⁴ 9402: Only collection, transport and disposal services of industrial refuse under CPC 9402.

Modes of Supply: 1) Cross-border supply 2) 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>(CPC 9406*, 9409*)¹⁵</p> <p>Soil Remediation and Groundwater Purification (CPC 9404*)</p> <p>Environment consulting services (CPC 9409*)</p>	<p>3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p style="text-align: center;">Explanation on Financial Services</p> <p>1. Financial sectors are basically re-classified according to the category of the Annex on Financial Services. Therefore the order of sub-sectors is different from that of the commitment in GATS/SC/48/Suppl.3/Rev.1.</p> <p>2. Specific statements in the sub-sectors apply only to existing domestic financial services.</p> <p>7. FINANCIAL SERVICES</p> <p>All financial services are subject to the following provisions.</p> <p>(1) For prudential reasons within the context of paragraph 2(a) of the Annex on Financial Services, Korea shall not be prevented from taking measures including requirements related to parent companies, the minimum capital requirement, minimum operating funds requirement, business worker's license and approval for business activities.</p> <p>(2) A financial institution must be established for only one business defined in related law and thus cannot engage in other business activities regulated by other relevant laws.</p> <p>(3) Cross-border supply of financial services and supply through consumer movement may not be settled in Korean currency. After the establishment of a commercial presence, financial institutions may handle only transactions, denominated and settled in Korean currency, with residents.</p>			

¹⁵ 9406*, 9409*: Only environmental impact assessment services under CPC 9406 and 9409.

Modes of Supply: 1) Cross-border supply 2) 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>Approval is required for transactions denominated or settled in foreign currency or transactions with non-residents</p> <p>(4) Assets owned by branches must be kept within the territory of Korea. Capital of the head office is not recognized as the basis for determining the extent of funding and lending activities of domestic branches.</p> <p>(5) Demand deposit interest rates are regulated</p> <p>(6) The management and operation of assets of a financial institution are restricted</p> <p>(7) A financial institution may not own non-business real estate.</p> <p>(8) Introduction of new financial products including derivatives is subject to approval.</p>			
<p>A. <u>Insurance and Insurance-related Services</u></p> <p>(i) Direct Insurance</p> <p>a) Life Insurance Services Including accident and health insurance services</p> <p>b) Non-life Insurance services</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Commercial presence is permitted only to foreign life insurance companies. Establishment of joint ventures with Korean life insurance companies is not allowed. Recruitment and employment of insurance professionals, including sales personnel, are restricted. Top executive personnel of each establishment must reside in Korea.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound except for marine export/import cargo and aviation insurance.</p> <p>2) Unbound</p> <p>3) Commercial presence is permitted only to foreign non-life insurance companies. Establishment of joint ventures with Korean non-life insurance companies is not allowed.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</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) Agency (iv) Services auxiliary to insurance: applicable only to sub-sector a) and b) a) Claim settlement and adjustment services ¹⁶ b) Actuarial services	1) Unbound 2) Unbound 3) None, except that top executive personnel of each establishment must reside in Korea. 4) Unbound except as indicated in the Horizontal Commitments section. 1) Unbound 2) Unbound 3) Commercial Presence is permitted only to foreign claim settlement and adjustment companies and actuarial companies. Top executive personnel of each establishment must reside in Korea. 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the Horizontal Commitments section. 1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
B. <u>Banking and Other Financial Services</u> :applicable only to the sub-sectors listed below (i) Deposit ¹⁷ (ii) Lending ¹⁸ (iii) Financial leasing	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign financial institutions (except for financial leasing) which deal with the same services in their country of origin. A person may own up to 10 per cent of the stocks of a bank(up to 4% in case of non-financial service business entity) and 15 per cent of the stocks of	1) Unbound 2) Unbound 3) None	

¹⁶ Activities which assess and adjust the loss and compensation.

¹⁷ Activities in which banks obtain funds from the public by receiving deposits or issuing transferable instruments or other securities.

¹⁸ Activities in which banks provide funds to the public in order to receive interest via loans or bill discounts.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(iv) Payment and Money transmission	<p>a provincial bank without the special authorization of the relevant authorities¹⁹.</p> <p>A person can own up to 100 per cent of a bank and a provincial bank with the special authorization of the relevant authorities.</p> <p>Foreign exchange position is regulated. The oversold position of spot foreign exchange is US\$ 5 million, or 3 per cent of capital (whichever is greatest)</p>		
(v) Guarantees and commitments (vi) Foreign exchange services ²⁰ (vii) Settlement and clearing ²¹	<p>Deposit for specific purpose, such as housing subscription deposit, may be handled only by designated institutions.</p> <p>Securities savings and credit granting are subject to restriction of ceiling and operation.</p> <p>Lending to credit card members through such means as card loans is subject to limitation.</p> <p>For credit card services, maximum limits are applied to various rates such as fees and interest rates.</p> <p>The maturity of CDs shall be more than 30 days-</p> <p>Underlying transaction and documentation requirements apply to foreign exchange transactions.</p> <p>Underlying documentation</p>		

¹⁹ The definitions of "a person" and "non-financial service business entity" are in accordance with the relevant provision of the Presidential Decree of the Bank Act.

²⁰ Activities which issue, remit and collect foreign exchange.

²¹ Activities which settle and clear notes, bills and cheques by banks according to the Article of KFTCI (Korea Financial Telecommunications and Clearings Institute).

Modes of Supply: 1) Cross-border supply 2) 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>(viii) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise</p> <p>:applicable only to the instruments as listed below</p> <p>a) Money market instruments (including cheques, bills, certificates of deposit)</p> <p>b) Foreign exchange</p> <p>c) Financial Derivative products (including futures and options)</p>	<p>requirements are exempt in the case of forward transactions Mandatory lending to small-and-medium sized companies is required. Foreign currency loans are restricted with respect to ceiling and uses. Top executive personnel of financial leasing, credit granting and security savings companies must reside in Korea.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound 2) Unbound 3) Commercial Presence is permitted only to foreign financial institutions which deal with the same instruments in their country of origin. Representative offices may be established by pre-notification Top executive personnel of each establishment must reside in Korea.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound 2) Unbound 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</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
d) Exchange rate and interest Rate instruments (including swaps and forward rate agreements) e) Transferable securities f) Other negotiable instruments and financial assets (including bullion)			
(ix) Participation in issues of all kinds of securities a) Security issue b) Underwriting c) Placement d) Other services related to securities	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign financial institutions which deal with the issuing of all kinds of securities. Representative offices may be established by pre-notification Top executive personnel of each establishment must reside in Korea. 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
(x) Asset management :applicable only to services listed below a) Cash or portfolio management b) All forms of collective investment management	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign asset management companies. Representative offices may be established by Pre-notification To handle a trust business, approval	1) Unbound 2) Unbound 3) None	

Modes of Supply: 1) Cross-border supply 2) 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) Credit rating and analysis</p> <p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and Restaurants</u> (CPC 641, 642, 6431*)</p> <p>Excluding rail and air transport related facilities in CPC 6431²³</p> <p>Beverage serving services with entertainment (CPC 6432)</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound 2) Unbound 3) Credit rating companies should be designated by the relevant authorities to assess the credit rating of companies which may wish to issue non-guaranteed corporate bonds and commercial papers.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound 2) Unbound 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.</p>	

²³ This exclusion does not affect the commitment on catering under CPC 642.

Modes of Supply: 1) Cross-border supply 2) 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>Travel Agencies and Tour Operators Services</u></p> <p>Travel agency services and tour operator services (CPC 7471)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>C. <u>Tourist Guides Services</u> (CPC 7472)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p>			
<p>A. <u>Entertainment Services</u> (CPC 96191, 96192)</p> <p>Entertainment services provided by individual artists or groups such as musical, theatre, live band, opera, etc.</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>11. TRANSPORT SERVICES</p>			
<p>A. <u>Maritime Transport Services</u>²⁴</p>			

²⁴ Refer to ATTACHMENT CONCERNING MARITIME TRANSPORT 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
<p>International transport (CPC 7211*, 7212*)</p> <p>Excluding cabotage</p>	<p>1) a) Liner shipping: None b) Bulk, tramp, and other international shipping: None</p> <p>2) None</p> <p>3) a) Establishment of a registered company for the purpose of operating a fleet under the national flag of Korea: i) International maritime passenger transport: Unbound ii) International maritime cargo transport: Only Chusik Hoesa(stock companies) as stipulated under the Commercial Act are permitted.</p> <p>b) Other forms of commercial presence: None</p> <p>4) a) Ship's crew: Unbound b) Shore personnel: Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) a) None b) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>The following services at the port are made publicly 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 services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing 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
<p>Notes</p> <p>Without prejudice to the scope of activities which may be considered as cabotage under the relevant national legislation, this schedule does not include maritime cabotage services, which are assumed to cover transportation of passengers or goods between a port or point located within the territory of the Republic of Korea, and traffic originating and terminating in the same port or point located within the territory of the Republic of Korea, provided that this traffic remains within the Republic of Korea's territorial waters.</p>			
<p><u>Maritime Auxiliary Services</u> Maritime cargo handling services (CPC 741*)</p> <p>Storage and warehouse services in ports (CPC 742*)</p> <p>Customs Clearance service</p>	<p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</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
Maritime agency services (CPC 748*) ²⁵	1) None 2) None 3) All the companies as stipulated under the Commercial Act are permitted. 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Container station services (CPC 741*) ²⁶	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Maritime freight forwarding services (CPC 748*) ²⁷	1) None 2) None 3) Only Chusik Hoesa(stock companies) as stipulated under the Commercial Act are permitted. 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Shipping brokerage services (CPC 748*, 749*) ²⁸	1) None 2) None 3) Only Chusik Hoesa(stock companies) as stipulated under the Commercial Act are permitted. 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

²⁵ Agency services on behalf of maritime passenger transport businesses or maritime cargo transport businesses (including foreign transport businesses) under CPC 748

²⁶ Container station services provided in port areas under CPC 741

²⁷ Freight forwarding services by vessels in the name of the forwarder (including any foreign forwarders under contract) under CPC 748.

²⁸ 748*, 749*: Brokerage services for maritime cargo transport or for the chartering, leasing, purchasing or selling of vessels under CPC 748 and 749.

Modes of Supply: 1) Cross-border supply 2) 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 ²⁹	1) Unbound* 2) None 3) Only Chusik Hoesa(stock companies) as stipulated under the Commercial Act are permitted. 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Rental of vessels with crew (CPC 7213)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Pushing and towing services (CPC 7214)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Tally, measuring and survey services (CPC 745*)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
C. <u>Air Transport Services</u>			

²⁹ Services, such as repair and management of vessels, management of crew, and marine insurance, provided on behalf of a maritime passenger transport business, maritime cargo transport business or vessel leasing business.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Computer reservation system (CRS) services ³⁰	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Selling and marketing of air transport services ³¹	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Maintenance and repair of aircraft	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

³⁰ As defined in the Annex on Air Transport Services.

³¹ Services defined in subparagraph 34 (general air transport agency services) of Article 2 of the Aviation Act. "General air transport agency services" means services which make contracts for international transport of passengers or cargoes by aircraft (excluding the service of acting for other persons in the application procedure for visa or passport) on behalf of air transport services firms for compensation

Modes of Supply: 1) Cross-border supply 2) 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>Rail Transport Services</u></p> <p>a. Passenger transportation (CPC 7111)</p> <p>b. Freight transportation (CPC 7112)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound for existing operations. Establishment of new operations are subject to the economic needs test. Main criteria: Establishment of order and discipline in the railroad industry.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>F. <u>Road Transport Services</u> Transportation of containerized freight excluding cabotage (CPC 71233*)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Licenses are granted only to international shipping companies.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Cargoes are confined to containerized cargoes to be exported or imported.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>G. <u>Pipeline Transport</u> (CPC 7131*)</p> <p>Only the transportation of oil products, excluding the transportation of LPG</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
<p>H. <u>Services Auxiliary to all Modes of Transport</u></p> <p>b. Storage and warehouse services other than those in ports (CPC 742*)</p> <p>Excluding services for agricultural, fishery and livestock products.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</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. <u>Other Transport Services</u>			
<p>COMBINED TRANSPORT SERVICES</p> <p>Freight forwarding for rail transport³²</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.</p>	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE			
<p>b. Hairdressing and other beauty services (CPC 9702)</p>	<p>1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.</p>	

³² "Freight Forwarding for Rail Transport" means such auxiliary services to be carried out at the ends of railway transport; these services include collecting containerized cargoes, contracting with Korea Railroad Corporation for transport of the freight on trains, loading/unloading and delivery of freight.

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

4. Public availability of licensing criteria

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

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

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

5. 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.

ATTACHMENT CONCERNING MARITIME TRANSPORT SERVICES

1. International Shipping, 3.b):

"Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Members to establish branches and to undertake activities concerned for the supply to their customers of maritime transport services.

2. Maritime Cargo Handling Services:

Activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal companies. The activities covered include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

3. Customs Clearance Services:

Activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service supplier or a usual complement of its main activity.

4. Container Station and Depot Services:

Activities consisting in storing containers in port areas with a view to their stuffing/stripping, repairing and making them available for shipments.

5. Maritime Agency Services:

Activities consisting in representing, within a given geographical area, as an agent, the business interests of one or more shipping lines or shipping companies, for the following purposes:

- Marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- Acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.

6. Maritime Freight Forwarding Services:

Activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of maritime transport and related services, preparation of documentation and provision of business information.

7. Tally, Measuring and Survey Services:

- Tally services: Activities consisting of calculating the number of cargoes or verifying the delivery and the receipt when loading and unloading.
- Measuring services: Activities consisting of calculating or verifying the volume or weight of cargoes when loading and unloading.
- Survey services: Activities consisting of the verification, inspection and survey related with shipped cargoes and vessels (including barges).

BRUNEI DARUSSALAM
Schedule of Specific Commitments
(For the First Package of Commitments)

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS

Mode of Supply: (1) Cross-border supply (2) 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</p> <p>4) Unbound except for measures concerning the entry and temporary presence of intra-corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provides services within Brunei Darussalam</p>	<p>3) Unbound except with respect to existing commercial presence:</p> <ul style="list-style-type: none"> - half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam. - all companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company. <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>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 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>		

Mode of Supply: (1) Cross-border supply (2) 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) 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.</p> <p>Executives would not directly perform tasks related to 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>		

Mode of Supply: (1) Cross-border supply (2) 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. <u>Professional Services</u>			
b) Auditing services (CPC 862)	1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	<p>In order to apply to be an authorised auditor, a person must have as minimum qualifications:</p> <p>A. For accounts kept in English</p> <p>1. Associate membership of one of the following bodies:</p> <p>(a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).</p> <p>(b) The Association of Certified Accountants.</p> <p>(c) The Australian Society of Accountants</p> <p>(d) The New Zealand Society of Accountants</p> <p>B. For accounts kept in language other than English:</p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p> <p>(b) Evidence of competency in the language concerned.</p>	

Mode of Supply: (1) Cross-border supply (2) 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"> - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences. 	
	<p>2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p>	<p>2) In order to apply to be an authorised auditor, a person must have as minimum qualifications.</p> <p>A. For accounts kept in English:</p> <p>1. Associate membership of one of the following bodies:</p> <ul style="list-style-type: none"> (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants <p>B. For accounts kept in languages other than English.</p> <ul style="list-style-type: none"> (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. 	

Mode of Supply: (1) Cross-border supply (2) 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"> - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences. 	
	<ul style="list-style-type: none"> 3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names. <ul style="list-style-type: none"> - Maximum number of partners in an audit firms is twenty. - A partnership may consist of only individuals, local companies and/or branches of foreign companies. - Principal or only place of residence within Brunei Darussalam. 4) Unbound except as indicated under horizontal measures. 	<ul style="list-style-type: none"> 3) Must prove commitment to recruit and develop more local human resources. 4) Unbound except as indicated under horizontal measures. 	
(h) Medical and dental services (9312)	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal measures 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal measures 	

Mode of Supply: (1) Cross-border supply (2) 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>Computer and Related Services</u></p> <p>(a) Consultancy services related to the installation of computer hardware</p> <p>(b) Software implementation</p> <p>(c) Data processing services</p> <p>(d) Database services (CPC 841, 842, 843, 844, 845 + 849)</p>	<p>1) None</p> <p>2) None</p> <p>3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.</p> <p>4) Unbound except as indicated under horizontal measures.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated under horizontal measures.</p>	
<p>E. <u>Rental/Leasing Services without Operators</u></p>			
<p>b) Rental/leasing services relating to aircraft without operators (CPC 83104)</p>	<p>1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.</p> <p>2) None</p> <p>3) Unbound except:</p> <p>(a) Only through a representative office; or</p> <p>(b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; and</p> <p>(c) Permanent address in Brunei Darussalam is Required with respect to (a).</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

Mode of Supply: (1) Cross-border supply (2) 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 with respect to (b), one technical post subject to: Local availability test, Designation of a specified number of Brunei trainees.	4) Unbound except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met; (a) residency (b) registration).	
2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u>			
1. Local service (a) Public switched voice telephone services	1) Subject to commercial arrangements with licensed operator(s). 2) Unbound 3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department. 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.	See annex The period of exclusivity for local public switched voice telephone services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.

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

Mode of Supply: (1) Cross-border supply (2) 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) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Telex Services (CPC 7523**) Telegraphic Services (CPC 7522)	1) Unbound 2) Unbound 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act These services are being 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) Unbound, except as indicated in the horizontal section	The period of exclusivity for these services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry period.
(f) Facsimile services (CPC 7521** + CPC 7529**)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	

Mode of Supply: (1) Cross-border supply (2) 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 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.	
(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.	

Mode of Supply: (1) Cross-border supply (2) 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**)	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 measures.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
(m) Voice Mail Services (CPC 7523*)	1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control 2) Unbound 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act 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	
3. Construction Services Construction and related Engineering services These Sectors and Sub-sectors to include as follows: a. General Construction Work for Buildings (CPC 512)	1) Unbound* 2) None 3) i) Foreign equity participation shall not exceed 50%. ii) Foreign nationals should not comprise more than half of the total number of employees of the company.	1) Unbound 2) None 3) Unbound, except as indicated in the horizontal section	

Mode of Supply: (1) Cross-border supply (2) 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. General Construction Work for Civil Engineering (CPC 513)</p> <p>c. Installation and Assembly work (CPC 514, 516)</p> <p>d. Building Completion and Finishing Work (CPC 517)</p> <p>e. CPC 515</p> <p>These services excluding those related to mining</p>	<p>iii) The company should be registered within the Ministry of Development.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>4) Unbound</p>	
<p>7. FINANCIAL SERVICES</p> <p>A. <u>All insurance and insurance-related services</u></p> <p>(a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam.</p> <p>4) Unbound except as indicated under horizontal measures.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated under horizontal measures.</p>	

Mode of Supply: (1) Cross-border supply (2) 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) 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. 4) Unbound except as indicated under horizontal measures.	1) None 2) None 3) None 4) Unbound except as indicated under horizontal measures.	
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated under horizontal measures	1) None 2) None 3) None 4) Unbound except as indicated under horizontal measures	
(d) Insurance and Intermediation comprising broking and agency services (CPC 8140)	1) Unbound 2) Insurance intermediation is not allowed to act for unregistered insurers. 3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF. (ii) Broker, underwriting and insurance managers require approval. 4) Unbound except as indicated under horizontal measures.	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated under horizontal measures.	

Mode of Supply: (1) Cross-border supply (2) 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, 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 under horizontal measures.	1) None 2) None 3) None 4) Unbound except as indicated under horizontal measures.	
9) TOURISM a) Tourism Accommodation Facilities i) Budget Hotel ii) Resort Hotel/Chalets (CPC 64110)	1) Unbound* 2) None 3) Foreign investors must enter into joint-ventures in which aggregate local equity constitutes no less than 30% of the total. 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section	
11. TRANSPORT SERVICES A. <u>Maritime Transport Services</u> a) International Passenger Transport (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	

* Unbound due to lack of technical feasibility.

Mode of Supply: (1) Cross-border supply (2) 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) International Freight Transport (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. <u>Air Transport Services</u>			
(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 infrastructure capacity. 2) None 3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent; who is a Bruneian Controlled Company; and (c) Permanent address in Brunei Darussalam with respect to (a). 4) Unbound except with respect to (b), one technical post subject to: Local availability test; Designation of a specified number of Brunei trainees.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal Section	

Mode of Supply: (1) Cross-border supply (2) 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) Aircraft Repair and Maintenance Services (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	

ANNEX

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

4. Public availability of licensing criteria

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

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

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

5. 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

Schedule of Specific Commitments

(For the First Package of Commitments)

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.		
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	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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 receiving income from within Cambodian sources; - does not engage in making direct sales to the general public or supplying services. <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>	(4) Unbound, except for measures affecting the categories referred to under market access.	

Modes of Supply: 1) Cross-Border supply 2) 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>Persons responsible for setting up of a commercial establishment:</u> 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 Member, 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> <p><u>Intra-Corporate Transferees</u> Natural persons who have been employed by a juridical person of another member 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>		

Modes of Supply: 1) Cross-Border supply 2) 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) Managers: without requiring compliance with labour market tests, natural 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> <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>		

Modes of Supply: 1) Cross-Border supply 2) 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. 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.	
(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	

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.

Modes of Supply: 1) Cross-Border supply 2) 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 (consulting, planning or design services) (CPC 8671)	(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) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning and landscape architectural services (CPC 8674)	(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.	
(h) Specialized medical services (CPC 93122) Dental services (CPC 93123**) These services are limited only to orthodontic services, oral surgery, and other specialized dental services	(1) Unbound (2) None (3) Provision of services is permitted through a joint venture with Cambodian juridical persons (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
2. Computer and Related Services			
(a) Consultancy services related to the installation of computer hardware (CPC 841) (b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) (d) Data base services (CPC 844) (e) Other (CPC 845+849)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

Modes of Supply: 1) Cross-Border supply 2) 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. 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.	
6. Other Business Services			
(a) Advertising services (CPC 871)	(1), (2), (3) Unbound until 31 December 2008. (4) Unbound, except as indicated in the horizontal section	(1), (2), (3) Unbound until 31 December 2008. (4) Unbound, except as indicated in the horizontal section	Cambodia will undertake commitment no later than 1 January 2009.
(b) Market research services (CPC 86401) (c) Management consulting services (CPC 865) (d) Services related to man. Consulting (CPC 866) (e) Technical testing and analysis services (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, except as indicated in the horizontal section.	
(h) Services incidental to mining (CPC 883**) (j) Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other	(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.	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
users			
(k) Placement and supply services of Personnel (CPC 872)	(1) None	(1) None	
(m) Engineering related scientific and technical consulting services (CPC 8675)	(2) None	(2) None	
(q) Packaging services (CPC 876)	(3) None	(3) None	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
II. COMMUNICATION SERVICES			
2. Courier Services			
Courier services (CPC 7512)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound, except as indicated in the horizontal section.	(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).			
(a) Voice telephone services (CPC 7521)	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None	Cambodia undertakes obligations contained in the Reference Paper attached.
(b) Packet-switched data transmission services (CPC 7523**)			
(c) Circuit-switched data transmission services (CPC 7523**)	(2) None	(2) None	
(d) Telex services (CPC 7523**)	(3) Provided exclusively by Telecom Cambodia. Starting no later than 1 January 2009: None, except subject to requirement for local share holding of up to 49%.	(3) Provided exclusively by Telecom Cambodia. Starting no later than 1 January 2009: None	
(e) Telegraph services (CPC 7522)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
(f) Facsimile services (CPC 7521**+ 7529**)			
(g) Private leased circuit services (CPC			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7522**+7523**)			
(h) E-mail (CPC 7523**) (i) Voice-mail (CPC 7523**) (j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(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) 2. General Construction Work for Civil Engineering (CPC 513) 3. Installation and Assembly Work (CPC 514; CPC 516)	(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	

* Unbound due to lack of technical feasibility.

Modes of Supply: 1) Cross-Border supply 2) 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), (2), (3) Unbound until 31 December 2008, thereafter, 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 will undertake commitments no later than 1 January 2009.
2. Wholesale trade services Wholesale trade services of motor vehicles (CPC61111) Sales of parts of motor vehicles (CPC6113) Sales of motorcycles and related parts (CPC6121) Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC62244)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

Modes of Supply: 1) Cross-Border supply 2) 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. Retailing services - Retail sales of motor vehicles (CPC 61112); - Sales of parts of motor vehicles (CPC 6113); - Sales of motorcycles and related parts (CPC 6121). For supermarkets and large department stores only ² : - Food and non-food retailing services (CPC631+632), excluding sales of pharmaceutical goods, 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)	(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	
5. Franchising services (CPC 8929)	(1), (2), (3) Unbound until 31 December 2008, thereafter, 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 will undertake commitments no later than 1 January 2009.
6. Other - Retail sales of motor fuel	(1) None (2) None	(1) None (2) None	

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

Modes of Supply: 1) Cross-Border supply 2) 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 613)	(3) None (4) Unbound except as indicated in the horizontal section	(3) None (4) Unbound except as indicated in the horizontal section	
V. EDUCATIONAL SERVICES			
3. Higher education services (CPC 923)	(1) None (2) None	(1) None (2) None	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.
4. Adult education (CPC 924)	(3) None	(3) None	
5. Other education services (CPC 929)	(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 (2) None	(1) None (2) None	
2. Refuse disposal services (CPC 9402)	(3) None	(3) None	
3. Sanitation and similar services (CPC 9403)	(4) Unbound except as indicated in the horizontal section	(4) Unbound except as indicated in the horizontal section	
4. Other services			
- Cleaning of exhaust gases (CPC 9404)			
- Noise abatement services (CPC 9405)			
- Nature and landscape protection services (CPC 9406)			
- Other environmental services not included elsewhere (CPC 9409)			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
VII. FINANCIAL SERVICES			
1. All insurance and insurance-related services			
(a) Life insurance services (CPC 81211)	(1) Natural or juridical person can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia (2) None (3) None (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) Non-life insurance services (CPC 8129)	(1) None for marine, aviation, and transport insurance from 1 January 2009, or once a law has been passed, the appropriate regulations in place and a local firm authorized, whichever comes first. 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. 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. (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	

Modes of Supply: 1) Cross-Border supply 2) 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 (CPC 81299)	<p>(1) None, except companies must reinsure 20% of their risk in Cambodia Re until 31 December 2008. Insurance contracts of total sum insured of less than or equal to USD 500,000 must be reinsured locally until 31 December 2008. Thereafter, None</p> <p>(2) None</p> <p>(3) None, except companies must reinsure 20% of their risk in Cambodia Re until 1 January 2008. Thereafter, 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>	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	<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>	

Modes of Supply: 1) Cross-Border supply 2) 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>	
<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</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound for subsectors (f) – (l), until the Government of Cambodia determines what types of entities can</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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

Modes of Supply: 1) Cross-Border supply 2) 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>following</p> <p>(A) money market instruments (including cheques, bills, certificates of deposits);</p> <p>(B) foreign exchange</p> <p>(C) derivative products including, but not limited to, futures and options;</p> <p>(D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</p> <p>(E) transferable securities;</p> <p>(F) other negotiable instruments and financial assets, including bullion</p> <p>(g) Participation in issues of all kinds of securities, including underwriting and 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,</p>	<p>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>(4) Unbound, except as indicated in the horizontal section</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>custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;</p> <p>(k) Provision of financial information, and financial data processing and related 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>			
VIII. HEALTH RELATED AND SOCIAL SERVICES			
<p>1. Hospital services Ownership and management of private hospitals and clinics only</p>	<p>(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.</p>	<p>(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section</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
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	
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.	
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	

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

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.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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 provided in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification services.
3. Air Transport 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
- Aircraft repair and maintenance services (CPC 8868) - Selling and marketing of air transport services - Computer Reservation System Services (CRS)	(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. Road Transport Services			
(a) Passenger transportation (CPC 7121 + 7122) (b) Freight transportation (CPC 7123) (c) Rental of commercial vehicles with operator (CPC 7124)	(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) Maintenance and repair of road transport equipment (CPC 6112+8867) (e) Supporting services for road transport services (CPC 744)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
7. Pipeline Transport Services			
(a) Transport of fuels (CPC 7131) (b) Transport of other goods (CPC 7139)	(1) Services must be provided through a contract of concession granted by the State on case-by- cases basis. (2) None (3) Services must be provided through a contract of concession granted by the State on case-by-cases basis. (4) Unbound, except as indicated in the horizontal section.	(1) None (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.

List of Article II (MFN) Exemptions of Cambodia

Sector or sub-sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure 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, 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 (such as "Fonds d'aide a la production de l'agence intergouvernemental 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 and promoting 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
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.

INDONESIA

Schedule of Specific Commitments

(For the First Package of Commitments)

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

Mode of Supply: (1) Cross-border supply (2) 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) 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 of 20% if they derive the following income from Indonesian source:</p> <p>(a) interest (b) royalties (c) dividend (d) fee from service performed in Indonesia</p> <p>Land Acquisition Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property.</p> <p>Any juridical and natural persons should meet professional qualification requirements.</p>	

Sector or Sub-sector	Limitation on market access	Limitation 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>4) Expatriate Charges</p> <p>Any foreign natural persons supplying services are subject to charges levied by Governments Labour 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 and Transmigration</p>	

Definitions:

"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.

"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 or having the authority to hire or fire or recommend such or other personnel actions.

"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.

"Joint Operation ": 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

"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.

“Contract Management” : Contract management is a contract organize under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.

“Business Visitor(s)” is (are) natural person staying in Indonesia for the purpose of participating in business meeting, business contract 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.

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES			
A. Professional Services			
a. Legal Services (Advisory services in home country law, and international law). (CPC 861)	1) None 2) None 3) Unbound 4) Unbound except for foreign lawyers (advokat). Foreign lawyers (advokat) are allowed to work or take part in Indonesian law firm as employees or as experts in International Law, but shall not appear in courts and/or undertake legal proceedings under any circumstances.	1) None 2) None 3) Unbound 4) Unbound except for foreign lawyers (advokat). Foreign lawyers (advokat) are : - only allowed as employees or experts in Indonesian law firm - obliged to transfer legal knowledge and professional capabilities to Indonesian Lawyers - obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each month free of charge. The share of foreign lawyers (advokat) in Indonesian law firm must not exceed 20 per cent, and shall be limited to five foreign lawyers (advokat) per firm.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Definition : Lawyer (advocate) is person who has the profession of providing legal service in and outside the court. International law means law established by international treaties and conventions as well as customary law</p>			
<p>Architectural Services (CPC 8671)</p> <p>Engineering Services (CPC 8672 except CPC 86721-86725-86726)</p> <p>Integrated Engineering Services (CPC 8673)</p> <p>Urban Planning Services (CPC 86741)</p>	<p>1) None</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>Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law</p> <p>4) As specified in the Horizontal Section</p>	<p>1) None</p> <p>2) None</p> <p>3) a) 1. License fee requirement 2. Registered foreign company shall for 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> <p>4) As specified in the Horizontal Section</p>	
<p>Advisory and Consultative Services Related to Engineering (CPC 86721)</p>	<p>1) None</p> <p>2) None</p> <p>3) Joint operation through representative office in Indonesia</p>	<p>1) None</p> <p>2) None</p> <p>3) The Indonesian participant in joint operation must be a member of Indonesian Consultant Association</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4) Unbound except for director and technical expert	4) As specified in the Horizontal Section	
Engineering Design Services for Industrial Processes and Production (CPC 86725)	1) None 2) None 3) Joint operation through representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be a member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
B. Computer and Related Services Consultancy Services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
Software Implementation Services (CPC 842)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Data Base Services (CPC 84400*)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
C. Research and Development Services Interdisciplinary R&D (CPC853, limited to Industrial Activities)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
F. OTHER SERVICES Technical Testing and Analysis Services (CPC 8676)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Services incidental of manufacturing (CPC 884 & 885 Except for 88442)	1) None except for government funded project 2) None except for government funded project 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None except for government funded project 2) None except for government funded project 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
Maintenance and Repair of Equipment (not including maritime vessel, air craft, or other transport equipment) (CPC 633+8861+8866)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
Project Management Services other than for Construction (CPC 86601)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound except for director and technical expert	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
C. Telecommunication Services			
<p>Local service:</p> <p>Public Switched Telephone Services (CPC 7521)</p> <p>Circuit Switched Public Data Network Services (CPC 7523**)</p> <p>Teleconferencing Services (CPC 75292)</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through joint venture with local private sector</p> <p>Foreign equity participation is limited to 35 per cent.</p> <p>4) Natural persons for management and technical expert for JVC is limited to 20 persons</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As specified in the Horizontal Section</p>	
<p>Long Distance Services:</p> <p>Public Switched Telephone Service (CPC 7521)</p> <p>Circuit Switched Public Data Network Services (CPC 7523**)</p> <p>Teleconferencing Services (CPC 75292)</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through joint venture with local private sector</p> <p>Foreign equity participation is limited to 40 per cent</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4) Natural person for management and technical expert for JVC is limited to 20 persons	4) As specified in the Horizontal Section	
International: Public Switched Telephone Service (CPC 7521) Circuit Switched Public Data Network Services (CPC 7523**)	1) None 2) None 3) Only through joint venture with local private sector Foreign equity participation is limited to 40 per cent 4) Natural persons for management and technical expert for JVC is limited to 20 persons	1) None 2) None 3) None 4) As specified in the Horizontal Section	
Packet-switched public data network services (CPC 7523**) <ul style="list-style-type: none"> - X.25 - Frame relay - Local - Local distance - International 	1) None 2) None 3) Only through Joint venture with local private sector. Foreign equity participation is limited to 40 per cent 4) Natural persons for management and technical expert is limited to 20 persons	1) None 2) None 3) None 4) As specified in the Horizontal Section	
Telex Services	1) None	1) None	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	2) None 3) Only through Joint venture with local private sector. Foreign equity participation is limited to 40 per cent 4) Natural persons for management and technical expert is limited to 20 persons	2) None 3) None 4) As specified in the Horizontal Section	
Telegraph Services	1) None 2) None 3) Only through Joint venture with local private sector. Foreign equity participation is limited to 40 per cent 4) Natural persons for management and technical expert is limited to 20 persons	1) None 2) None 3) None 4) As specified in the Horizontal Section	
Domestic: Mobile Cellular Telephone (CPC 75213) Personal Mobile Cellular Communication Regional and National Paging Service (CPC 75291) Public Payphone Service	1) None 2) None 3) Only through Joint venture with local private sector. Foreign equity participation is limited to 40 per cent 4) Natural persons for management and technical expert is limited to 20 persons	1) None 2) None 3) None 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Internet Access Services	1) None 2) None 3) Only through Joint venture with local private sector. Foreign equity participation is limited to 40 per cent 4) Natural persons for management and technical expert is limited to 20 persons	1) None 2) None 3) None 4) As specified in the Horizontal Section	
Voice mail services (CPC 7523) Electronic mail services (CPC 75232) Computer time sharing services (CPC 84330) Video text services (CPC 75229)	1) None 2) None 3) Access granted for five foreign services provider companies, in addition to the existing companies 4) Unbound, except for director and technical expert	1) None 2) None 3) Higher paid up capital is required of foreign service suppliers than of domestic services suppliers. This measure will be eliminated in the year 2020. 4) As specified in the Horizontal Section	
Electronic mail box (CPC 75232) File transfer services	1) None 2) None	1) None 2) None	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 75299) Home telemetering alarm (CPC 75299) Entertainment services (CPC 75299) Management information services (CPC 75299)	3) Access granted for five foreign services provider companies, in addition to the existing companies 4) Unbound, except for director and technical expert	3) Higher paid up capital is required of foreign service suppliers than of domestic services suppliers. This measure will be eliminated in the year 2020. 4) As specified in the Horizontal Section	
3. CONSTRUCTION SERVICES AND RELATED ENGINEERING SERVICES:			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC513) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC516) Building Completion and	1) Unbound* 2) None 3) a) Joint operation: to form a joint operation by establishing a representative office in Indonesia. b) Joint venture: to establish a limited liability enterprise (Perseroan Terbatas/PT)	1) Unbound* 2) None 3) a) Joint Operation Registration License fee requirement License for representative office shall be valid for 3 years and can be extended. Registered foreign company shall form a joint operation with local partner(s) which is (are) entity(ties) certified according to prevailing laws and regulations	

* Unbound due to lack of technical feasibility.

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Finishing Work (CPC517) Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)	Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT)	b) Joint Venture The establishment of joint venture company would need to have a local partner(s) which is (are) entity(ties) certified according to prevailing laws and regulations Not more than 55% of the capital share as the Limited Liability Enterprise (Perseroan Terbatas/PT)	
	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	

EDUCATION SERVICES

General conditions on education services

Commercial presence of the foreign service provider is permitted only through an education institution which is registered in Indonesia and must meet the following conditions :

1. Mutual recognition arrangement between relevant institutions on credits, programs, and certifications is required.
2. Foreign education institution providing services must establish partnership with local partner. Foreign language instructors must be native and Indonesian speakers.
3. Foreign education institution must be listed in the Ministry of Education's List of Accredited Foreign Education and its local partner must be accredited.
4. Foreign education institution in cooperation with local partner may open education institution in the cities of Jakarta, Surabaya, Bandung, Yogyakarta, and Medan.
5. Temporary entry for natural persons engaged in education activities in Indonesia is subject to approval by the Ministry of National Education. Approval is granted on case-by-case basis.

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Secondary education services:			
Technical and vocational secondary education services (electronic automotive) (CPC 92230)	1) None 2) None 3) As indicated in the Horizontal Section and General Conditions 4) Unbound except as indicated in the Horizontal Section and General Conditions	1) None 2) None 3) Unbound 4) As indicated in the Horizontal Section and General Conditions	
Post secondary technical and vocational education services (Polytechnique Machine and Electrical) (CPC 92310)	1) None 2) None 3) As indicated in the Horizontal Section and General Conditions 4) Unbound except as indicated in the Horizontal Section and General Conditions	1) None 2) None 3) Unbound 4) Unbound	
D. Adult Education (CPC 924) Language courses and training	1) None 2) None 3) As indicated in the Horizontal Section and General Conditions 4) Unbound except as indicated in the Horizontal Section and General Conditions	1) None 2) None 3) Unbound 4) Unbound	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Other Education services (CPC 92900) Football and chess only	1) None 2) None 3) As indicated in the Horizontal Section and General Conditions 4) Unbound except as indicated in the Horizontal Section and General Conditions	1) None 2) None 3) Unbound 4) Unbound	

FINANCIAL SERVICES

General condition on Non Banking Financial Services Sub-sector

1. All Market Access and National Treatment limitation specified in the Non Banking Financial Services Sub-sector will be eliminated by the year 2020 subject to similar commitment by other Member.
2. The share ownership of foreign services supplier is bound at the prevailing laws and regulation. 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,
3. Limitation on national treatment in terms of taxation which is specified in the Horizontal Measures is not applied on the Non Banking Financial Services Sub-sector.
4. In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/adviser(s) for no longer than 3 (three) months per person for any gives year.
5. Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investor.
6. In relation to the presence of natural persons, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 years and can be extended
7. All joint venture companies shall provide training for their employee.

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Non-Life Insurance Services (CPC 81291, 81292, 81294, 81295, 81296, 81297, 81299)</p>	<p>1) Unbound 2) Unbound except if : (a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risk of the object in question. (b) There is no insurance company in Indonesia which want to carry out an insurance coverage of the object in question. (c) The owners of insurance objects in question are not Indonesian citizens or Indonesian legal entities. 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except for director and technical advisor/expert.</p>	<p>1) Unbound 2) Unbound 3) As specified in the General Conditions 4) As specified in the Horizontal Section.</p>	
<p>Reinsurance Services</p>	<p>1) Reinsurance service suppliers from other Members must be rated minimum as BBB by Standard and Poor or equivalent. 2) Reinsurance service suppliers from other Members must be rated minimum as BBB by Standard and Poor or equivalent. 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except for director and technical advisor/expert.</p>	<p>1) None 2) Unbound 3) As specified in the General Conditions. 4) As specified in the Horizontal Section.</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Life Insurance Service (CPC 8121)	1) Unbound 2) Unbound except if : (a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risk of the object in question. (b) There is no insurance company in Indonesia which wants to carry out an insurance coverage of the object in question. (c) The owner of insurance object in question are not Indonesia citizens or Indonesian legal entities. 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except for director and technical advisor/except.	1) Unbound 2) Unbound 3) As specified in the General Conditions. 4) As specified in the Horizontal Section	
Insurance Brokerage Services (CPC 8140)	1) Unbound 2) None 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except for director and technical advisor/except.	1) None 2) None 3) As specified in the General Conditions. 4) As specified in the Horizontal Section	
Reinsurance Brokerage Services (CPC 8140)	1) Unbound 2) None 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except for director and technical advisor/expert.	1) None 2) None 3) As specified in the General Conditions. 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Financial Lease Services (CPC 81120)	1) None 2) None 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except as indicated in the Horizontal Section	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
Factoring Services (CPC 8113)	1) None 2) None 3) As specified in the Horizontal Section and General Conditions. 4) Unbound except as indicated in the Horizontal Section	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
Credit Card Business (Issuer and Agent of Credit Card) (CPC 8113)	1) None 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except as indicated in the Horizontal Section	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Consumers Finance Services (CPC 8113)	1) None 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except as indicated in the Horizontal Section	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
Securities Business Trading for own account or for account of customers, on an exchange or over-the counter market - Listed shares - Bonds	1) Unbound 2) None 3) Through establishment of a securities broker/dealer. 4) Unbound except as indicated in the Horizontal Section.	1) Unbound 2) None 3) As specified in the General Conditions. 4) As specified in the Horizontal Section.	
Participation in issues of securities, including underwriting and placement as agent (whether publicly or privately), and provision of services related to such issues	1) Unbound 2) None 3) Through establishment of a securities underwriter company. 4) Unbound except as indicated in the Horizontal Section.	1) Unbound 2) None 3) As specified in the General Conditions. 4) As specified in the Horizontal Section.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Portfolio management, all forms of collective investment management	1) Unbound 2) None 3) Through establishment of a securities company as an investment manager. 4) Unbound except for directors.	1) Unbound 2) None 3) As specified in the General Conditions. 4) As specified in the Horizontal Section.	
Asset Management limited only to investment fund management	1) Unbound 2) None 3) Through establishment of a securities company as an investment manager. 4) Unbound except for directors.	1) Unbound 2) None 3) As specified in the General Conditions. 4) As specified in the Horizontal Section.	
Investment Advisory Services limited only to investment advisory in capital market	1) Unbound 2) None 3) Through establishment of an Investment advisory company. (Bapepam rule No. V.C.1) 4) Unbound except for directors.	1) Unbound 2) None 3) As specified in the general condition. 4) As specified in the Horizontal Section.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>General conditions on Banking Sub-sector :</p>			
<ol style="list-style-type: none"> 1. With the exception of the existing branches of foreign banks, foreign services provider shall be in the form of joint venture bank locally incorporated in Indonesia with the following requirements : <ol style="list-style-type: none"> a. Unbound for new license. b. Only financial Institutions are permitted to establish joint venture banks. 2. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture bank shall be respected as the basis of ownership of the foreign service provider(s) and their respective Indonesian partner(s). No transfer of ownership shall take place without the consent of all parties in the joint venture bank 3. Acquisition of local existing banks through the purchase of shares in the stock exchange is allowed up to 51% of the shares of locally incorporated bank listed in the stock exchange. 4. Foreign bank and joint venture bank may open their offices in the cities of Jakarta, Surabaya, Semarang, Bandung, Medan, Makassar, Denpasar, Batam, Padang, Manado, Ambon, Balikpapan, Banda Aceh, and Jayapura. 5. With respect to the presence of natural persons, no economic need test will apply. A non Indonesian employed as manager or as technical expert shall have at least two Indonesian understudies during his/her term. 6. In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/adviser(s) of branch office of the foreign bank and joint venture bank for no longer than 3 (three) months per person for any given year. 7. A person shall be a “controlling shareholder” in only one bank. 8. Limitation on national treatment in terms of taxation which is specified in Horizontal Measures is not applied on the Banking Sub-sector 			
<p>Definition :</p>			
<p>A controlling shareholder shall mean a person who beneficially own 10% or more of the equity of interest of a bank or who beneficially own less than 10% of the equity interest of a bank but have the power to control the bank. A person shall be deemed to have control of a bank if such person has the power to name director and/or commissioner of such bank and/or has the power to direct its action.</p>			

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Commercial Banking Business			
(i) Acceptance of deposits and other repayable funds from public	1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	
(ii) Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transaction.	1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(iii) All payment and money transmission services including credit, charge and debit cards, travelers cheques and bankers drafts.	1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	
(iv) Guarantees and Commitments	1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(v) Trading for own account or for account of customers, whether on an exchange, in an over-the counter market or otherwise, the following	1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	
- Money market instruments (including cheques, bills, certificates of deposits)	1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>- Foreign exchange</p>	<p>1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	<p>1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	
<p>- Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements.</p>	<p>1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	<p>1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>- Transferable securities issued in the money market.</p>	<p>1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	<p>1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	
<p>(vi) Cash management, custodial and depository services</p>	<p>1) None 2) None 3) a. Bound only 2 (two) sub branches and 2 (two) auxiliary offices for foreign bank's branch office b. Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	<p>1) None 2) None 3) a. For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national. b. For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing. 4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
<p>General conditions on health related and social services :</p> <p>Commercial presence of the foreign service provider is permitted only through health institution which is registered in Indonesia and must establish partnership with local partner. Establishment limited to the cities of Medan and Surabaya.</p>			
<p>Hospital services (only for specialistic and super specialistic medical care/more specific than specialistic medical care, provided by hospital of more than 300 beds) (CPC 9311)</p>	<p>1) None 2) None 3) As indicated in the Horizontal Section and General Conditions : - The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor - Approval subject to the social function of hospital services offered - The medical services shall be provided by persons with medical licenses issued by Ministry of Health and Health professional organization/council - Foreign health professionals are obliged to transfer medical knowledge and professional capabilities to Indonesian health professional as consultant only - A non Indonesian health professional employed as managers or as technical experts shall have at least two Indonesian under studies during his/her term</p> <p>4) Unbound</p>	<p>1) None 2) None 3) The health professionals shall be Indonesian.</p> <p>4) Unbound</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and Restaurant Services			
Hotels (CPC 64110)	1) None 2) None 3) In Eastern Part of Indonesia, Bengkulu, Jambi, and Sulawesi 100 % of capital share can be owned by foreign investor. 4) Unbound, except for: a) Top management level in hotel business comprised of General Manager, Food and Beverage Manager, Resident Manager Controller, Marketing Director b) Highly skilled professional comprised of Executive Chef, Sous Chef and Specialty Cook	1) None 2) None 3) a) Higher paid-up capital is required of foreign services suppliers than of domestic services suppliers. This measures will be eliminated in the year 2020 b) Only 3,4 or 5 starred hotels are permitted 4) As specified in the Horizontal Section	
B. Travel Agent and Tour Operator (TA & TO) (CPC 74710)	1) None 2) None 3) Maximum service providers 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) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Meal Serving Services with Full Restaurant Services (CPC 64210)	1) None 2) None 3) Unbound, except in certain part of East Indonesia (Sulawesi, Papua, Molucas, Nusa Tenggara) foreign equity participation is permitted up to 49% 4) Unbound, except for : - Top Management Level Highly-Skilled Professional	1) None 2) None 3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XVI (a) of the GATS 4) As specified in the Horizontal Section	
B. Tourist Resorts : Tourist Resort including : - Hotels (3,4, and 5 star) - Marinas - Golf Courses and other Sport facilities (CPC 96413)	1) None 2) None 3) In eastern part of Indonesia, Bengkulu and Jambi , 100% of capital share can be owned by foreign investor. 4) Unbound except for Resort Manager.	1) None 2) None 3) a) Higher paid-up capital is required of Foreign Service suppliers than of domestic service suppliers. These measures will be eliminated in the year 2020. b) Only 3, 4, or 5 starred hotels are permitted 4) As specified in the Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>C. Other Tourism Consultancy Services (CPC 91136)</p>	<p>1) None</p> <p>2) None</p> <p>3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required, to do; Joint venture, joint operation and Contract management</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) As specified in the Horizontal Section</p>	
<p>International Hotel Operator (CPC 91135)</p>	<p>1) None</p> <p>2) None</p> <p>3) Must be registered to Indonesian Ministry of Justice as Indonesian company</p> <p>In the case of cooperation with a national company, it is required to do Contract management</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4) Unbound, except for: a) Top management level in hotel business comprised of: General Manager, Food and Beverage Manager, Resident Manager Controller, Marketing Director b) Highly skilled professional comprised of Executive Chef, Sous Chef and Specialty Cook	4) As specified in the Horizontal Section	
TRANSPORT SERVICES			
A. Maritime Transport Services International Passenger Transport Excluding Cabotage (pillar 1) (CPC 7211)	1) None 2) None 3) Foreign shipping company may establish Owner's Representative 4) As specified in the Horizontal Section	1) Foreign shipping company is obliged to appoint Indonesian Shipping Company or joint venture shipping company as its general agent 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section	The following services at ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning and water

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			supply; 4. Garbage collection and ballast waste disposal; 5. Port captain's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operation, including communication, water and electrical supply; 8. Emergency repair facilities; and 9. Anchorage and berthing services.
International Freight Transport excluded Cabotage (CPC 7212)	1) None 2) None 3) Foreign shipping company may establish Owner's Representative 4) As specified in the Horizontal Section	1) a. Foreign shipping company is obliged to appoint Indonesian Shipping Company or joint venture shipping company as its general agent b. Government' Cargo 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section	The following services at ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning and water supply; 4. Garbage collection and ballast waste disposal; 5. Port captain's services; 6. Navigation aids;

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			7. Shore-based operational services essential to ship operation, including communication, water and electrical supply; 8. Emergency repair facilities; and 9. Anchorage and berthing services.
<u>Maritime Auxiliary Services</u> a. Maritime cargo handling services (CPC 741)	1) Unbound due to lack of technical feasibility 2) None 3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% 4) As indicated in the Horizontal Section	1) Unbound due to lack of technical feasibility 2) None 3) As indicated in the Horizontal Section 4) As indicated in the Horizontal Section	
Rental Vessel without crew (CPC 83103)	1) None 2) None 3) Unbound due to lack of technical feasibility 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	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Air Transport Services			
a. Aircraft repair and maintenance services	1) None 2) None 3) Foreign services suppliers are permitted to establish joint venture aircraft repair and maintenance enterprises in Indonesia, with maximum equity 49% 4) Unbound except as indicated in Horizontal Section	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Section	
b. Computer reservation system (CRS)	1) None 2) None 3) Foreign CRS services are permitted to establish joint venture enterprises in Indonesia, with maximum equity 49% 4) Unbound except as indicated in Horizontal Section	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Section	
c. Selling and marketing	1) None 2) None 3) Foreign General Sales Agent are permitted to establish joint venture enterprises in Indonesia, with maximum equity 49% 4) Unbound except as indicated in Horizontal Section	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Section	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES NEC			
<p>ENERGY SERVICES General Condition on energy services: Indonesia's schedule of specific commitments on energy services sector is based on 2nd Revised Indonesia Proposal of Energy Services Classification</p>			
<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: <ul style="list-style-type: none"> • Isotop Analysis (1.A.2.7.3.) - According to WI20 is under: Business Services on Technical Testing and Analysis Services (CPC8076) 	<ul style="list-style-type: none"> 1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound, except for directors and technical experts 	<ul style="list-style-type: none"> 1) None 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section 	
<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: <ul style="list-style-type: none"> • Seismic Data Acquisition (1A.1.4.1.1.) - According to W 120. Seismic Data Acquisition is under: Business Services on 	<ul style="list-style-type: none"> 1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound, except for directors and technical experts 	<ul style="list-style-type: none"> 1) None 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section 	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Subsurface Surveying Services (CPC 86752)			
Liquefaction and Gasification only for Coal – According to Indonesia Proposal of Energy Services Classification is under: ▪ Coal Liquefaction (2.4.4.4.) ▪ Coal Gasification (2.4.4.5.) – According to W120 is under : Services Incidental to Manufacturing (CPC 884)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound, except for directors and technical experts	1) None 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section	

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

REFERENCE PAPER

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

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

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

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

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

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

2. Interconnection

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

2.2 Interconnection to be ensured

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

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

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

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

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

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Regulatory Authority

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

6. Allocation and use of scarce resources

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

LAO PDR

Schedule of Specific Commitments

(For the First Package of Commitments)

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 Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL SECTION			
ALL SECTORS INCLUDED IN THIS SCHEDULE			
Land ownership		3), 4) Non-Lao natural and juridical persons are not allowed to own land but may own premises and lease land up to 75 years.	
Subsidies and investment incentives		1), 2), 3), 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	<p>3) Foreign individuals or legal entities shall be registered their businesses in accordance with the Law on Promotion of Foreign Investment, Enterprise Law and other related Laws and Regulations</p> <p>3) Unbound for measures related to publicly funded services including with respect to national treatment.</p> <p>3) NGOs are not covered in this schedule</p>	<p>3) Foreign investors shall have an obligation to provide training, upgrade professional skills and transfer of technology, as well as to promote Lao nationals to higher skilled and specialized positions, including managerial.</p> <p>3) Tax measures, generally pertaining to small and medium enterprises may result in a difference of treatment in favour of Lao services and service suppliers.</p>	
Movement of natural persons providing services	4) Unbound, except for measures affecting the temporary entry and stay of natural persons who qualify under one of the following categories, and in all cases, total number of foreign natural persons, including higher	4) Unbound, except for measures concerning the categories of natural persons referred to in the market access column. Unbound for all measures relating to social insurance schemes including <i>inter alia</i> unemployment and pension benefits.	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>management, of any establishment shall not exceed 10% of the total staff:</p> <p>A. Services sales persons</p> <p>A natural person who:</p> <ul style="list-style-type: none"> - enters 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; and - stays in Lao PDR without receiving remuneration from sources within Lao PDR; and - does not engage in making direct sales to the general public or supplying services. <p>The temporary stay of the services sales persons is subject to a maximum duration of stay of thirty days.</p>		
	<p>B. <u>Intra-Corporate Transferees</u></p> <p>Natural persons who have been employed by a juridical person of another Member outside Lao PDR for a period of not less than one 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 nationals, and who fall within one of the following categories:</p>		

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>a) <u>Executives</u>: Natural 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>: Natural persons 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>		

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<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 there are shortages of Lao 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 six months which may be renewed for up to one year as long as conditions indicated for each category are satisfied.</p>		
II. SECTOR SPECIFIC COMMITMENTS			
BUSINESS SERVICES			
A. Professional Services			
(e) Engineering services (CPC 8672)	<p>1) None</p> <p>2) None</p> <p>3) A juridical entity must be established through a joint venture with a Lao service supplier.</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, except as indicated in the horizontal section</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section</p>	
Urban Planning and Landscape Architecture Services (CPC 86741- 86742)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Foreign architectural and engineering services suppliers</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in Horizontal Section</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	shall be registered in the following forms: <ul style="list-style-type: none"> - A joint-venture with domestic partner(s) - A wholly foreign-owned enterprise - A Branch or Representative <ul style="list-style-type: none"> a) Foreign equity not less than 30% (for joint venture) b) not applied for public funded and foreign granted projects (4) Unbound, except as indicated in horizontal Section	(4) Unbound, except as indicated in Horizontal Section	
B. Other Business Services			
Advertising Services (CPC 871)	(1) Unbound (2) None (3) shall be registered in accordance with the Law on Investment Promotion and concerned laws and regulation (4) unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) as indicated in the horizontal section (4) unbound, except as indicated in the horizontal section	
ENVIRONMENTAL SERVICES			
Sewage Services (CPC 9401) Refuse Disposal Services (CPC 9402) Sanitation and Similar Services (CPC 9403) Nature and Landscape Protection Services (CPC 9406)	(1) Unbound due to lack of technical feasibility (2) Unbound (3) Shall be registered in the forms: <ul style="list-style-type: none"> a) Joint venture, with minimum 30% foreign equity share b) 100% foreign-owned enterprise (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) Unbound (3) Unbound, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection work at construction site (CPC 511) Construction work for civil engineering (CPC 513) Assembly and erection of prefabricated constructions (CPC 514) Installation and assembly work (CPC 516)	(1) None (2) None (3) A juridical entity must be established through a joint venture with a Lao service supplier. (4) Unbound, except for intra-corporate transferees as per conditions in the horizontal section	(1) None (2) None (3) Unbound, except as indicated in the Horizontal Section (4) Unbound, except for intra-corporate transferees as per conditions in the horizontal section	
Construction work for buildings (CPC 512) Special trade construction (CPC 515) Building completion and finishing work (CPC 517) Rental services related to equipment for construction or demolition of building works with operator (CPC 518)	1) Unbound due to lack of technical feasibility 2) None 3) A juridical entity must be established through a joint venture with a Lao service supplier who is a member of the Association of Lao Architects and Civil Engineers (ALACE). 4) Unbound, except for intra-corporate transferees as per conditions in the horizontal section	1) Unbound due to lack of technical feasibility 2) None 3) Unbound, except as indicated in the horizontal section 4) Unbound, except for intra-corporate transferees as per conditions in the horizontal section	
PRIVATE EDUCATIONAL SERVICES			
Technical and vocational secondary education services (CPC 9223)	(1) None (2) None (3) a. Joint venture, with minimum 30% foreign equity share b. 100% foreign-owned enterprise	(1) None (2) None (3) Unbound, except as indicated in the Horizontal Section	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the Horizontal Section	(4) Unbound, except as indicated in the Horizontal Section	
Higher education services (CPC 923)	(1) None (2) None (3) a. Joint venture, with minimum 30% foreign equity share b. 100% foreign-owned enterprise c. approved by the Government (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
FINANCIAL SERVICES			
Banking and other financial services (excl. insurance)			
<i>Access by foreign services suppliers and the provision of financial services may be subject to measures adopted for prudential reasons.</i>			
Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)	(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	
Lending of all types, incl. Consumer credit, Mortgage credit, factoring and financing of commercial transaction (CPC 8113)	(1) Unbound (2) Unbound (3) None, except for mortgage factoring until necessary regulatory framework is in place (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	
Guarantees and Commitments (CPC 81199**)	(1) Borrowing funds from abroad, issuing letters of guarantee and commitments shall be approved by the Bank of the Lao PDR. (2) Borrowing funds from abroad, issuing letters of guarantee and	(1) Borrowing funds from abroad, issuing letters of guarantee and commitments shall be approved by the Bank of the Lao PDR. (2) Borrowing funds from abroad, issuing letters of guarantee and	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	commitments shall be approved by the Bank of the Lao PDR. (3) Unbound (4) Unbound, except for executives and managers as per conditions in the horizontal section	commitments shall be approved by the Bank of the Lao PDR. (3) Unbound (4) Unbound, except for executives and managers as per conditions in the horizontal section	
TOURISM AND TRAVEL RELATED SERVICES			
Hotel lodging services (CPC 641-643) Beverage serving services without entertainment (CPC 64310)	(1) None (2) None (3) Unbound, except as indicated in the horizontal section, and standard required for a hotel to be developed is 3-stars or higher (4) Unbound, except as indicated in the Horizontal section.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the Horizontal Section	
Meal serving services with full restaurant services (CPC 64210)	(1) None (2) None (3) Unbound, except as indicated in the horizontal section. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

LIST OF MFN EXEMPTIONS

Sector or sub-sector	Description of the measure indicating its inconsistency with Article II	Country or countries to which the measures applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services Production, distribution and projection of cinematographic works and television programmes	Measures based upon government-to-government framework agreements, and plurilateral agreements, on co-production of audiovisual works, which confer National Treatment of audiovisual works covered by these agreements, in particular in relation to distribution, access to broadcasting transmission, and access to funding.	All countries with whom cultural cooperation may be desirable	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Lao PDR has a long-standing cultural link.
Internal waterways transport services	Preferential access granted to services and services suppliers originating in countries sharing access to Mekong river basin.	Parties to the International Framework Mekong Committee	Indefinite	The commitment of parties to achieve free navigation and develop regional Mekong river basin.
Land transport	Facilitation of freight and passenger transportation and transit transport agreements	Parties to the Greater Mekong Sub-region agreement	Indefinite	To facilitate tourism and trade, including freight and passenger transportation between the countries in the region and promote multimodal transport
Legal services	All measures pertaining to the provision of legal services in Lao PDR	Any countries	Indefinite	To maintain established preference.
Computer Reservation System	On the provision of the bilateral Air Service Agreement	All countries with whom Laos signed agreement on bilateral air services, currently they are: - Indonesia - Malaysia - Cambodia - Singapore - Myanmar - Vietnam - China - Thailand	Expiry date or termination of the bilateral agreements on air services. This will be reviewed for purpose of further	

			development	
Auditing Services	Base on bilateral agreement	Countries in which related services can be supplied by Lao nationals.	Indefinite	
Publishing Newspaper	Permission granting has to be based on bilateral agreement	All countries	Indefinite	
Banking and other financial services	Measures affecting the supply of banking and other financial services to be granted on a bilateral favorable basis with countries Laos has agreement	All countries	Indefinite	

MALAYSIA

Schedule of Specific Commitments

(For the First Package of Commitments)

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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>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>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></p> <p>Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government.</p> <p>Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		suppliers where their services are competitive in terms of price, quality and delivery.	
	<p>4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. <u>Intra-corporate Transferees</u></p> <p>a) senior managers being persons within an organization having proprietary information of the organization and who exercise wide latitude in decision making relating to the establishment, control and operation of the organization being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organization; and</p> <p>b) two specialists or experts per organization being persons within the organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's new service products and technology, research equipment and techniques or management. 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:</p>	4) Unbound except for the categories of natural persons referred to under market access	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Provided that such persons are employees of the foreign service supplier and have been in the employment of that foreign service supplier for a period of not less than one year immediately preceding the date of their 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 organizations's 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 recognized by the professional bodies in Malaysia and registered with those respective professional bodies; and</p> <p>c) business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia, who have been employed for at least one year by a</p>		

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	foreign service 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.		
	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		
SECTOR SPECIFIC COMMITMENTS¹			
BUSINESS SERVICES			
A. Professional Services			
<p style="text-align: center;">Legal Services (CPC 8619)</p> <p>covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a corporation incorporated in the Federal Territory of Labuan.</p> <p>Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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

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

Sector or Subsectors	Limitation on Market Access	Limitation 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	
Accounting, auditing and bookkeeping services (CPC862)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 40 per cent.</p> <p>(4) Unbound except as indicated in the horizontal section. In respect of 1(b), additional 2 specialists/experts for each firm.</p>	<p>(1) None but subject to domestic regulations.</p> <p>(2) None but subject to domestic regulations.</p> <p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
Taxation Services (CPC863 / 8630)	<p>(1) None</p> <p>(2) None</p>	<p>(1) Taxation services must be authenticated by an authorised tax agent in Malaysia.</p> <p>(2) Taxation services must be authenticated by an authorised tax agent in Malaysia.</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<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) 2 specialists/experts for each institution, subject to registration as a tax agent under Section 153 of the Income Tax Act and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.</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>
<p>Architectural services (CPC 8671)</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) For Architectural Services consumed in Malaysia, it must be authenticated by a licensed Professional Architect in Malaysia.</p> <p>(2) For Architectural Services consumed in Malaysia, it must be authenticated by a licensed Professional Architect in Malaysia.</p>

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) a) Architectural services may be supplied only by natural person;</p> <p>b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of ten 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 2b), only an architect who is a consultant to a project in collaboration with a Malaysian Professional Architect for wholly foreign funded projects.</p>	<p>(3) a) None b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	<p>(3)a) For Architectural Services consumed in Malaysia, it must be authenticated by a licensed Professional Architect in Malaysia.</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>
<p>Engineering services (CPC 8672) covering: (CPC 86721-7, CPC 867219)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Engineering services may be supplied only by natural person.</p> <p>b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity</p>	<p>(1) Engineering services must be authenticated by a registered professional Engineer in Malaysia</p> <p>(2) None</p> <p>(3) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>up to a maximum of ten 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 sector and in respect of 2 b), subject to temporary registration for a period of one year per temporary registration</p>	<p>(4) Engineering services must be authenticated by a registered professional engineer in Malaysia.</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>
<p>Integrated engineering services (CPC 8673)</p> <p>covering: (CPC 86731-3, CPC 86739)</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 for the purpose of services contract awarded in Malaysia.</p> <p>The aggregate foreign shareholding in the joint-venture</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>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>corporation shall not exceed 30 per cent</p> <p>Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract</p> <p>Unbound, except as indicated in the horizontal section and in respect of 2 b), for a period of up to one year or the duration necessary to complete the services contract</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>
<p>Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent</p> <p>(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>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>B. Computer and Related Services</p> <p>Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>Software implementation service (CPC 842)</p> <p>Data Processing Services (843)</p> <p>Data base services (CPC 844 / 84400)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</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>	
<p>C. Research and Development Services</p> <p>Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent</p> <p>(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>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>C. Research and Development Services</p> <p>Research and experimental development services on economics (CPC 85202)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 35%</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>	
<p>E. Rental/Leasing Services without Operator</p> <p>Relating to ships exclude cabotage and offshore trades (CPC 83103)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent</p> <p>(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 for the categories of natural persons referred to under market access</p>	
<p>Relating to aircraft (CPC 83104)</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section	
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	
F. OTHER SERVICES Advertising services (CPC8711, 8712, 8719)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent <u>Advertisement through electronic media</u> Advertisement must have at least	(1) Unbound (2) None (3) None	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
<p>Market research and public opinion polling services (CPC 864)</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 corporations at least 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>	
<p>Management Consulting Services</p> <p>a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC8650*)</p> <p>b) covering advisory, guidance and operational assistance on environmental management services including risk assessment</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
services (CPC8650*)	(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	
c) Covering advisory and guidance in the field of pharmacy as follows: <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*)	(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	
d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent	(1) None (2) None (3) None	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
<p>Services Incidental to Manufacturing (CPC884, 885 except 88442)</p>	<p>(1) None (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 (2) None</p> <p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
<p>Translation and interpretation services (CPC87905)</p>	<p>(1) None (2) None (3) Supplied by natural person</p>	<p>(1) None (2) None (3) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) No limitation subject to domestic regulation	(4) No limitation subject to domestic regulation	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC87909)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	
Operational Headquarters (OHQ) Services covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) Only through a locally incorporated wholly foreign-owned company. A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ. OHQ must operate in Malaysia and fulfil the following criteria:	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) None	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Consulting services (CPC87909)</p>	<p>a) carry out at least 3 of the OHQ service activities;</p> <p>b) have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies;</p> <p>c) have a well established foreign-owned company which is sizeable in terms of assets and employees;</p> <p>d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia;</p> <p>f) be able to contribute to the Malaysian economy by:</p> <ul style="list-style-type: none"> i) using services such as legal, accounting etc. provided by Malaysians; ii) creating job opportunities for Malaysians iii) enabling greater inflow of foreign funds <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>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES Telecommunication Services			
Basic Telecommunications 1. Voice service (wired or wireless) (CPC 7521) 2. Packet-switched data transmission services, including frame-relay services (CPC 7523) 3. Circuit switched data transmission services (CPC 7523) 4. Facsimile Service(CPC 7521**, CPC 7529**)	(1) None (2) None (3) a) Only through acquisition of shares of existing appropriately licensed service providers b) Foreign shareholding of up to 49 percent in these service providers is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound	Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)
5. Private leased circuit service (CPC 7522**& CPC 7523**)			
6. Paging services (CPC 75291)	(1) None (2) None	(1) None (2) None	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysia controlled corporations or only through acquisitions of shares of existing appropriately licensed service providers</p> <p>Foreign shareholding of up to 49 percent in these service providers is allowed.</p> <p>(4) Unbound</p>	<p>(3) None</p> <p>(4) Unbound</p>	
<p>Other telecommunication services</p> <p>7. Domestic/ International satellite services and satellite links/capacities (inclusive of mobile satellite)</p> <p>8. Satellite earth station</p> <p>9. International switching and other international gateway</p> <p>10. Mobile services analogue/digital cellular</p> <p>11. Trunked radio services</p> <p>12. Video transport services</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Only through acquisition of shares of existing appropriately licensed service providers</p> <p>b) Foreign shareholding of up to 49 percent in these service providers is allowed</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	<p>Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)</p>
<p>Data and message transmission services</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC7523)	<p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 percent in these service providers is allowed.</p> <p>(4) Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.</p>	<p>(3) None</p> <p>(4) None</p>	
Voice telephone services (CPC7521)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>per cent in these service providers is allowed.</p> <p>(4) Unbound</p>	<p>(4) Unbound</p>	
<p>Mobile telephone service (CPC 75213)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 per cent in these service providers is allowed.</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	
<p>Telegraph services (CPC7522)</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 per cent in these service providers is allowed.</p> <p>(4) Unbound</p>	<p>(3) None</p> <p>(4) Unbound</p>	
Telex services (CPC7523)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 per cent in these service providers is allowed</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Mobile data services (CPC7523)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 per cent in these service providers is allowed.</p> <p>(4) Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.</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>Audiovisual Services</p> <p>Motion picture, video tape and audio recording distribution services (CPC96113)</p>	<p>(1) Commercial presence is required</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent</p> <p>(4) Unbound, except as indicated in 1</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except for the categories</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	a) and b) and 2 a) and c) in the horizontal section	of natural persons referred to under market access	
Broadcasting services covering transmission from foreign broadcast station of foreign broadcast matter from foreign territory through television or radio (CPC7524*)	(1) 20 per cent of total screening time; and dubbing into the national language may be required (2) None (3) Unbound due to lack of technical feasibility (4) Unbound due to lack of technical feasibility	(1) Unbound for government channel (2) None (3) Unbound due to lack of technical feasibility (4) Unbound due to lack of technical feasibility	
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC5 13) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC516) Building Completion and Finishing Work (CPC517)	(1) Unbound due to lack of technical feasibility (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 aggregated foreign shareholding in the joint venture corporation shall not exceed 30 per cent (4) Unbound except as indicated 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	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Wholesale, and Retail Trade Businesses (CPC 6111, 6113, 6121, 6221, 6222, 6223, 6224, 6225, 6226, 6227, 6228, 631, 632) except CPC 613 (petroleum products)	(1) Unbound due to lack of technical feasibility (2) None (3) Entry is limited to: i) <u>Legal entity</u> The foreign company involved in wholesale and retail businesses must be incorporated locally under the Companies Act 1965; ii) <u>Equity Structure</u> The aggregate of foreign equity shall not exceed 30%, while local shareholding in the joint-venture corporation should be 70% out of which 30% must be for Bumiputras. iii) <u>Minimum Capital Requirement</u> Minimum capital investment in terms of company's shareholding funds should be: <ul style="list-style-type: none"> • RM 50 million for hypermarkets. • RM 20 million for departmental stores. • RM 25 million for superstores. • For other types of distributive business, the minimum capital requirement will be RM 1 million. 	(1) Unbound due to lack of technical feasibility (2) None (3) None	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) One (1) key post and a maximum of ten (10) time posts per company subject to the following conditions:</p> <p><u>a) Key Post</u> The person applying for the post must hold or has held a management position in the company's wholesale or retail business outside Malaysia for a period of not less than 3 years preceding the date of application for the work permit.</p> <p><u>b) Time Post</u> These posts are for executives or experts who must possess the necessary qualification and practical experience including holding equivalent or related position in the company's business for not less than 3 years and subject to the condition that Malaysians are trained to eventually take over the post concerned through an acceptable training programme.</p>	<p>(4) Unbound except indicated in the horizontal section</p>	
HEALTHCARE SERVICES			
<p>A. Medical and Dental Services</p> <p>Medical speciality services (CPC93122) covering forensic medicine, nuclear medicine, geriatrics, microvascular</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Medical specialty services may be supplied only by a natural person</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	(4) Unbound, except indicated in 2 a) in the horizontal section	(4) None other than: - practice only in private hospitals of at least 70 beds; - practice to be only at a specified location and a change of location requires approval; and - the setting up of individual or joint group practices is not permitted.	The qualifying examination to determine the competence and ability to supply the service will be conducted in English language.
B. Health and Social Related Private hospital services (CPC 93110*)	(1) None (2) None (3) Economic needs test; Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 40 per cent; and The joint-venture corporation shall operate a hospital with a minimum of 100 beds. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) Establishment of feeder outpatient clinics is not permitted (4) Unbound, except for the categories of natural persons referred to under market access	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
<p>Other Higher Education Services</p> <p>Provided by privately funded higher education institutions excluding private higher education institutions with Government equity or that receive government assistance (CPC 92390)</p> <p>Adult education services provided by privately funded education institutions excluding private education institutions with Government equity or that receive government assistance (CPC 924)</p>	<p>(1) Unbound except for requirements for commercial presence</p> <p>(2) None</p> <p>(3) Only through a joint-venture with foreign equity not exceeding 49 per cent and subject to the requirement of a needs test if necessary.</p>	<p>(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizen/permanent residents.</p> <p>(2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizen/permanent residents.</p> <p>(3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents.</p>	<p>(3) Not more than 51 per cent foreign equity can be considered subject to additional needs test which include among others:</p> <p>(a) courses deemed important to attain Malaysia's educational objectives.</p> <p>(b) potential to generate export revenues.</p>

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Unbound except as indicated in the 1(a) and 2 (c) of the horizontal section and as below: Lecturers and experts (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution who possess the necessary qualifications, knowledge credentials and/or experience. (b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution.</p>	<p>(4) Unbound except as listed in the market access column.</p>	
TOURISM AND TRAVEL RELATED SERVICES			
<p>A. Hotel and Restaurant Services (CPC 64110)</p> <p>Hotels, tourist and restaurant services, covering the management and operation of hotels or resorts including outlets which may not necessarily include ownership of such property.</p>			
<p>Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not</p>	<p>(1) None (2) None</p>	<p>(1) None (2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
necessarily include ownership of such properties (CPC 641, 642, 643)	<p>(3) a. Entry for service activities under CPC 641, 642, 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;</p> <p>b. For CPC 64110 covering 4 & 5 star establishments, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 35 %.</p> <p>(4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section</p>	<p>(3) a. None</p> <p>b. None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
Travel Agencies and Tour Operators Services (CPC 7471)	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) a. 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; and Establishment of another office requires additional licence.</p> <p>b. For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 35 %.</p> <p>(4) Unbound except as indicated in 1 (a) in the horizontal section.</p>	<p>(3) a. None</p> <p>b. For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 35 %.</p> <p>(4) Unbound except for the categories of natural persons referred to under market access.</p>	
<p>D. Other</p> <p>Convention Centre (CPC 87909)</p> <p>(Convention and exhibition</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
management services covering the provision of planning, organisational, management and marketing services for conventions and other similar events)	<p>(3) a. 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>b. For Convention Centres with over 3,000 seating capacity, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 35 %.</p> <p>(4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.</p>	<p>(3) a. None b. None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
<p>Other entertainment services (CPC96191, 96192, 96194)</p> <p>Theme Parks (part of CPC 96194)</p> <p>(A family based recreational area/amusement centre which may consist of rides, mechanical and/or</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) None</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)</p>	<p>(3) a. Entertainment services may be supplied only by a natural person.</p> <p>b. For theme parks (part of CPC 96194), 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 35%.</p> <p>(4) Unbound except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section.</p>	<p>(3) a. None</p> <p>b. None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p> <p>Participation of Malaysian entertainers/ artistes may be required based on the guidelines of the relevant Ministry</p>	
<p>Sports events management services (CPC96411, 96412)</p>	<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 2 a) 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>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
<p>A. Maritime Transport Services</p> <p>International passenger/freight transportation services (Services excludes cabotage and government cargo)</p> <ul style="list-style-type: none"> • Passenger transportation (CPC 7211) • Freight transportation (CPC 7212) 	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent (foreign equity).</p> <p style="text-align: center;"><u>Malaysian registered vessels</u></p> <p>To register a vessel in Malaysia, the following conditions must be met:</p> <ol style="list-style-type: none"> 1) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2) Majority shareholding to be held by Malaysians; 3) Majority of the board of directors to be Malaysians; and 4) Principal place of business to be in Malaysia. 	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> 1) Pilotage 2) Towing and tug assistance 3) Provisioning, fuelling and watering 4) Garbage collection and ballast waste disposal 5) Port Captain's services 6) Navigation aids 7) Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8) Emergency repair facilities 9) Anchorage, berth and berthing services

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

Sector or Subsectors	Limitation on Market Access	Limitation 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.	(4) Unbound, except for the categories of natural persons referred to under market access	
<p>Rental of cargo vessels with crew for international shipping (CPC 7213)</p> <p>Rental of cargo Vessels without crew (Bareboat Charter) for international shipping (CPC 83103)</p> <p>(Relating to ships exclude cabotage and offshore trades)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent (foreign equity).</p> <p>(4) Unbound, except ships crew (for vessel with crew) is permitted to disembark only for duration of berth subject to applicable domestic regulations.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	
<p>F. Supporting services for maritime transport</p> <p>Vessel salvage and refloating services (CPC74540) (except on inland waters)</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent (foreign equity).</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
<p>Maritime agency services (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) (CPC 7454*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent</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 for the categories of natural persons referred to under market access</p>	
<p>Maintenance and repair vessels (CPC 8868**) (these are limited to businesses</p>	<p>(1) Unbound (due to the lack of technical feasibility)</p>	<p>(1) Unbound (due to the lack of technical feasibility)</p>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels)	<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. Foreign equity allowable up to maximum of 49 per cent.</p> <p>(4) Unbound, except, as indicated in the horizontal commitments.</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>H. Services Auxiliary to All Modes of Transport (Under revised list 7480)</p> <p>Maritime freight forwarding services (Consist 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)</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. Foreign equity allowable up to maximum of 49 per cent.</p> <p>(4) Unbound, except as indicated in the horizontal commitments</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>	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
AIR TRANSPORT			
a) Selling and marketing of air transport services (Opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. The activities do not include the pricing of air transport services nor the applicable conditions).	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
b) Computer reservation system services (Services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued.	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
(c) Aircraft Repair and Maintenance Services (such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and does not include so-called line maintenance)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
OTHER SERVICES			
Skills training services covering the provision of training for technical, supervisory and	(1) None (2) None	(1) None (2) None	

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

Sector or Subsectors	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology; 2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology (CPC97090)	(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 30 per cent; and Establishment of local branches requires additional licenses (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except for the categories of natural persons referred to under market access	

ANNEX I
Annex to Additional Commitments (Telecommunication Services)

Principles	Procedural Requirements
1. Competition safeguards	The regulatory body must take measure to: <ul style="list-style-type: none"> - Maintain fair competition among network operators; - Safeguard the interest of consumers;
2. Universal Service Obligation	- Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other underserved areas as stipulated in the licences;
3. Public availability of licensing criteria	- 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	-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;
5. Interconnection arrangements	To ensure that the following principles pertaining to interconnection arrangement are adhered to: <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 market power to limit access to essential facilities only for interconnection; - 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.

Mode of Supply: (1) Cross-border supply (2) 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, INCLUDING INSURANCE</p> <p>Horizontal Commitments Applicable to the Financial Services Sector</p> <p>1. The commitments in the financial services sector are in accordance with the General Agreement on Trade in Services and the Annex on Financial Services.</p> <p>2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated.</p> <p>3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks and merchant banks, the following limitations on market access, and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule.</p>			
ALL FINANCIAL SERVICES	<p>3) Limitations on investments as contained in the all-sector horizontal section.</p> <p>4) Limitations in the all-sector horizontal section will apply when indicated in each activity.</p>	<p>3) Limitations on land and other immovable property as contained in the all-sector horizontal section.</p> <p>Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).</p> <p>4) Limitations in the all-sector horizontal section will apply when indicated in each activity.</p>	
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore	1), 2) Unbound* except as otherwise specified in this schedule.	1), 2) Unbound*, except as otherwise specified in this schedule.	

* Due to lack of technical feasibility

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	<p>3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.</p> <p>4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>3) None.</p> <p>4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	
2. Commercial banks and merchant banks.	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders.</p> <p>Unbound for new licences.</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed below.</p> <p>Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria:</p>	

* Due to lack of technical feasibility

Mode of Supply: (1) Cross-border supply (2) 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>Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and merchant banks and aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 percent. Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 percent.</p> <p>A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank.</p> <p>A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank.</p> <p>Other persons are not permitted to acquire 5 percent or more of shareholding in a commercial bank or merchant bank if the person already holds 5 percent or more of shareholding in another licensed financial institution.</p>	<p>(a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign bank has significant trade and investment interests in Malaysia; and</p> <p>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
All financial services- commercial banks and merchant banks - cont'd)	<p>Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.</p> <p>4) Unbound except the following:</p> <p>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p> <p>(b) Two senior managers and five specialists or experts for each bank A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts for each bank for areas relating to:</p> <p>(i) trade financing; (ii) corporate finance; (iii) treasury management; and (iv) information technology.</p> <p>(c) For a representative office, two foreign nationals. Only one foreign national for the two top</p>	<p>4) Unbound except for the categories of natural persons referred to under market access.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>posts.</p> <p>(d) Entry shall be limited to a maximum period of five years.</p>		
<p>3. Direct insurance companies.</p>	<p>1), 2) Unbound except as otherwise specified in this schedule.</p> <p>3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted.</p> <p>Foreign shareholding not exceeding 51 percent is also permitted for the existing foreign shareholders of locally incorporated insurance companies which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 percent. New entry is limited to equity participation by foreign insurance companies in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 percent. Unbound for new licences.</p>	<p>1), 2) Unbound except as otherwise specified in this schedule.</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a foreign insurance company of an aggregate of more than 5 percent shareholding in a locally incorporated insurance company must meet at least one of the following criteria:</p> <p>(a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign insurance company has significant trade and investment interests in Malaysia;</p> <p>(c) The country of the foreign insurance company does not have a significant representation in the Malaysian insurance industry; or</p> <p>(d) The foreign insurance company</p>	

* Due to lack of technical feasibility

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia.	
	<p>An insurance company is not allowed to acquire more than 5 percent share:</p> <ul style="list-style-type: none"> (a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or (b) In an insurance broking company. <p>Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in:</p> <ul style="list-style-type: none"> (a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or (b) An insurance broking company. 		

Mode of Supply: (1) Cross-border supply (2) 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) Unbound except the following:</p> <p>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p> <p>(b) Two senior managers and five specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.</p> <p>Specialists or experts for each institution for areas relating to:</p> <p>(i) underwriting of specialized classes of general business;</p> <p>(ii) information technology; and</p> <p>(iii) actuarial functions.</p> <p>(c) Entry shall be limited to a maximum period of five years.</p>	<p>4) Unbound except for the categories of natural persons referred to under market access.</p>	

Mode of Supply: (1) Cross-border supply (2) 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. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE</p> <p>Acceptance of deposits, and other repayable funds from the public, wholesale and retail.</p> <p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p>	<p>1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed.</p> <p>2) None.</p> <p>3) Only permitted through a commercial bank, a merchant bank or an offshore bank.</p> <p>Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p> <p>1), 2) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p> <p>1), 2) None.</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Entry as a non-bank for scheduled businesses is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p> <p>Merchant banks are not permitted to provide consumer credit and home mortgages.</p> <p>Only commercial banks are permitted to provide overdraft facilities.</p> <p>Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.</p>	<p>3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions.</p> <p>For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Lending of all types - cont'd)	<p>(4) For banks, unbound except as indicated in all financial services horizontal section.</p> <p>For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment.</p> <p>For representative offices of scheduled businesses, two foreign nationals subject to only one foreign national for the two top posts.</p> <p>Entry shall be limited to a maximum period of five years.</p>	<p>(4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except for the categories of natural persons referred to under market access.</p>	
Financial leasing.	<p>1), 2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.</p>	<p>1), 2) None.</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 49 percent.</p> <p>Entry as a non-bank is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p>	<p>3) None.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>Entry is permitted through the establishment of a branch or subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies.</p> <p>Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only.</p> <p>4) Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment.</p> <p>For representative offices, two foreign nationals subject to one foreign national for the two top posts.</p> <p>Entry shall be limited to a maximum period of five years.</p> <p>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>4) Unbound except for the categories of natural persons referred to under market access.</p> <p>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.</p>	<p>1) Electronic fund transfer system requires approval.</p> <p>2) None.</p> <p>3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.</p> <p>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.</p> <p>Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment.</p> <p>Entry shall be limited to a maximum period of five years.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p> <p>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 percent.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except for the categories of natural persons referred to under market access.</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Charge cards.	1), 2) None 3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required. 4) Unbound except two senior managers for each establishment. Entry shall be limited to a maximum period of five years.	1), 2) None 3) None 4) Unbound except for the categories of natural persons referred to under market access.	
Guarantees and commitments.	1), 2) None except banks established in Malaysia may be given the right of first refusal. 3) None. 4) Unbound except as indicated in the all financial services and all-sector horizontal section.	1), 2) None 3) None 4) Unbound except as indicated in the all financial services and all-sector horizontal section.	
Money and foreign exchange broking services.	1), 2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia. 3) Entry is limited to: (a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or	1), 2) None	

Mode of Supply: (1) Cross-border supply (2) 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 establishment of a branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan.</p> <p>Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.</p> <p>4) Unbound.</p> <p>For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>3) None</p> <p>4) Unbound</p> <p>For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	
<p>Trading for own account or account of customers in the following:</p> <ul style="list-style-type: none"> - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion 	<p>1) Dealing is limited to contracts traded on specified exchanges abroad.</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorized banks in Malaysia.</p> <p>Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.</p> <p>Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.</p>	<p>3) None</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Trading for own account or account of customers - cont'd)	<p>Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Trades for own account and account of customers who are outside Malaysia may be routed to participating organisations of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

Mode of Supply: (1) Cross-border supply (2) 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 related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).</p>	<p>1), 2) Participation in issues and services related to such issues requires authorization.</p> <p>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>Only merchant banks are permitted to make submissions to the Securities Commission for new issues.</p> <p>Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for appointment as principal dealers.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>1), 2) None</p> <p>3) None</p> <p>4) For banks, unbound except as indicated in all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Underwriting.	<p>1) Commercial presence is required. 2) Authorization is required. 3) For non-banks, only licensed dealers are permitted to underwrite. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Commercial banks are permitted to underwrite private debt securities only.</p> <p>Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>4) For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>1) Unbound. 2) None 3) None</p> <p>4) For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>Asset management as follows:</p> <ul style="list-style-type: none"> - cash or portfolio management - all forms of collective investment management - custodial and depository services 	<ol style="list-style-type: none"> 1) Commercial presence is required. 2) None. 3) Custodial and depository services are limited to scrip based securities. <p>Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets.</p> <p>Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to non-resident customers other than offshore companies incorporated in Labuan in which residents have shareholdings.</p> <p>Entry as a non-bank, other than a Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 percent.</p> <p>Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p>	<ol style="list-style-type: none"> 1) None 2) None 3) None 	

Mode of Supply: (1) Cross-border supply (2) 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>Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 percent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission.</p> <p>4) For commercial banks and merchant banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

Mode of Supply: (1) Cross-border supply (2) 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, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy.</p>	<p>1) Provision of investment and portfolio advice requires commercial presence.</p> <p>Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>3) Entry as a non-bank is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only.</p> <p>Representative offices of</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>securities companies are not permitted to publish and circulate research work in Malaysia.</p> <p>Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p> <p>For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years.</p>	<p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

Mode of Supply: (1) Cross-border supply (2) 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>Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).</p>	<p>1), 2) Unbound[*] 3) Only through a locally incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.</p> <p>An OHQ must operate in Malaysia and fulfill the following criteria:</p> <ul style="list-style-type: none"> (a) Carry out at least three of the OHQ service activities; (b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies; (c) Have a well established foreign-owned company which is sizeable in terms of assets and employees; (d) Have a network of companies with a substantial number of qualified executives, professionals, technical and 	<p>1), 2) Unbound[*] 3) None</p>	

^{*} Due to lack of technical feasibility

Mode of Supply: (1) Cross-border supply (2) 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>other supporting personnel;</p> <p>(e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia;</p> <p>(f) Be able to contribute to the Malaysian economy by:</p> <p>(i) Using services such as legal, accounting etc. provided by Malaysians;</p> <p>(ii) Creating job opportunities for Malaysians;</p> <p>(iii) Enabling greater inflow of foreign funds.</p> <p>4) Unbound except as indicated in the all-sector horizontal section.</p>	<p>4) None</p>	
<p>Securities broking services comprising:</p> <ul style="list-style-type: none"> - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research 	<p>1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.</p> <p>Promotion in Malaysia of Malaysian stocks requires approval.</p> <p>Provision of investment advisory services and credit reference services to residents requires commercial presence.</p>	<p>1) None</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.</p> <p>3) Entry is limited to recognized foreign stock broking companies through:</p> <p>(a) Equity participation in an existing stockbroking company; or</p> <p>(b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company.</p> <p>And aggregate foreign shareholding in such company shall not exceed 49 percent.</p> <p>A foreign stockbroking company is permitted to have shareholding in one stockbroking company only.</p> <p>Entry by recognized foreign stockbroking companies is also permitted through a representative office.</p> <p>Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.</p>	<p>2) None</p> <p>3) None</p>	

Mode of Supply: (1) Cross-border supply (2) 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 licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.</p> <p>4) Unbound for a stockbroking company, except as indicated in the all-sector horizontal section.</p> <p>For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years.</p>	<p>4) Unbound except for the categories of natural persons referred to under market access.</p>	
Commodity futures broking services.	<p>1) 2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p> <p>3) Entry is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or</p>	<p>1), 2) None</p> <p>3) None</p>	

Mode of Supply: (1) Cross-border supply (2) 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) A representative office.</p> <p>Representative offices are permitted to undertake research, information and liaison services only.</p> <p>Total participation of the exchange will be based on economic needs.</p> <p>4) Unbound except one foreign national for a management post per establishment, subject to market test.</p>	<p>4) Unbound except for the categories of natural persons referred to under market access.</p>	
<p>B. INSURANCE SERVICES Direct insurance (non-life).</p>	<p>1) Soliciting and advertising in Malaysia are not allowed.</p> <p>Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p>	<p>1) None</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Direct placement abroad of insurance of:</p> <ul style="list-style-type: none"> (a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and (b) liability of residents to third party requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia. <p>3) Only permitted through direct insurance companies.</p> <p>Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	<p>2) None</p> <p>3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Direct insurance (life).	<p>1), 2) Unbound</p> <p>3) Only permitted through direct insurance companies.</p> <p>Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval,</p> <p>Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	<p>1), 2) Unbound</p> <p>3) Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	
Reinsurance and retrocession (non-life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p>	<p>1), 2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p> <p>4) Unbound except for:</p> <p>(a) Two senior managers and three specialists or experts for each institution are permitted.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.</p> <p>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.</p>	<p>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	

Mode of Supply: (1) Cross-border supply (2) 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) Entry shall be limited to a maximum period of five years.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>		
Reinsurance and retrocession (life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) National retention capacity is required to be optimised before any outward reinsurance by:</p> <p>(a) direct life insurance and life reinsurance companies in Malaysia; and</p> <p>(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p>	<p>1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) None</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Reinsurance and retrocession (life) - cont'd)	<p>4) Unbound except for:</p> <p>(a) Two senior managers and three specialists or experts for each institution are permitted. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.</p> <p>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.</p> <p>(b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise.</p> <p>(c) Entry shall be limited to a maximum period of five years.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	<p>4) Unbound except as indicated in the all financial services horizontal section.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	

Mode of Supply: (1) Cross-border supply (2) 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 intermediation - insurance broking (excluding agency).	<p>1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p> <p>3) Unbound for onshore insurance broking.</p> <p>Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	<p>1), 2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	
Insurance intermediation - insurance underwriting and insurance management.	<p>1), 2) Insurance underwriting and insurance management are not permitted.</p> <p>3) Unbound for onshore insurance underwriting and insurance management.</p> <p>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.</p> <p>An offshore insurance manager is permitted to provide insurance management services to persons</p>	<p>1), 2) None</p> <p>3) None</p>	

Mode of Supply: (1) Cross-border supply (2) 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>other than residents.</p> <p>4) Unbound except as indicated in the all financial services horizontal section.</p>	<p>4) Unbound except as indicated in the all financial services horizontal section.</p>	
<p>Services auxiliary to insurance, as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting.</p>	<p>1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan.</p> <p>2) None.</p> <p>3) Limited to the establishment of:</p> <p>(a) Locally incorporated companies;</p> <p>(b) Branches; or</p> <p>(c) Partnerships.</p> <p>Offshore companies are not permitted to provide services to Malaysian residents.</p> <p>4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	

MYANMAR

Schedule of Specific Commitments

(For the First Package of 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	Limitation on Market Access	Limitation on National Treatment	Additional Commitments										
<p>AIR TRANSPORT SERVICES</p> <p>1. Aircraft Repair and Maintenance Services</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988, the Myanmar Companies Act 1914 and existing laws and regulations.</p> <p>(b) 100% Foreign investment or joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted under the Union of Myanmar foreign Investment Law (1988). Minimum foreign capital is USD 300,000 for services. Form of incorporation may be sole proprietorship, partnership or limited company.</p> <p>(c) Incorporation of an enterprise not involving a state enterprise is to be made under the Myanmar Companies Act (1914). Minimum share capital (in cash) requirement for services companies and</p>	<p>1) None</p> <p>2) None</p> <p>3) The Income Tax Law 1974 prescribed that non-resident (foreigners) are subject to a withholding tax is as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Class of Income</th> <th style="text-align: right;">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td>- Interest</td> <td style="text-align: right;">15%</td> </tr> <tr> <td>- Royalties for use of Licenses, trade marks, Patent right etc.</td> <td style="text-align: right;">20%</td> </tr> <tr> <td>- Payments to contractors made by government organizations, municipalities and cooperative societies</td> <td style="text-align: right;">3.5%</td> </tr> <tr> <td>- Payments for work done to foreign contractors.</td> <td style="text-align: right;">3%</td> </tr> </tbody> </table> <p>(b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstances.</p>	Class of Income	Non-resident foreigners	- Interest	15%	- Royalties for use of Licenses, trade marks, Patent right etc.	20%	- Payments to contractors made by government organizations, municipalities and cooperative societies	3.5%	- Payments for work done to foreign contractors.	3%	
Class of Income	Non-resident foreigners												
- Interest	15%												
- Royalties for use of Licenses, trade marks, Patent right etc.	20%												
- Payments to contractors made by government organizations, municipalities and cooperative societies	3.5%												
- Payments for work done to foreign contractors.	3%												

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>branches is equivalent of kyat 300,000 in USD at current official rate.</p> <p>(d) If the investment involves a state enterprise, incorporation shall be made under the Special Companies ACT (1950) and the Myanmar Companies Act (1914).</p> <p>(e) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p>		
	<p>4)(a) Subject to the provision of the Union of Myanmar Foreign Investment Law, Myanmar Labour Law , Immigration Law and existing laws and regulations. management, professional and technical experts are allowed to stay up to one year and may be extendable thereon.</p> <p>(b) Only management level is allowed in Myanmar.</p>	<p>4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority.</p> <p>(b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments										
		<p>affairs of the country.</p> <p>(d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour.</p>											
<p>AIR TRANSPORT SERVICES 2. Selling and Marketing of Air Transport Services</p>	<p>1) None 2) None</p> <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 , the Myanmar Companies Act 1914 and existing laws and regulations.</p> <p>(b) 100% Foreign investment or joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted under the Union of Myanmar foreign Investment Law (1988). Minimum foreign capital is USD 300,000 for services. Form of incorporation may be sole proprietorship, partnership or limited company.</p> <p>(c) Incorporation of an enterprise not involving a state enterprise is to be made under the</p>	<p>1) None 2) None</p> <p>3) The non-resident (foreigners) are Income Tax Law 1974 prescribed that subject to a withholding tax is as follows:</p> <table border="0" data-bbox="1099 754 1585 1157"> <thead> <tr> <th data-bbox="1099 754 1406 786">Class of Income</th> <th data-bbox="1413 754 1585 818">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1099 850 1406 882">- Interest</td> <td data-bbox="1491 850 1585 882">15%</td> </tr> <tr> <td data-bbox="1099 882 1406 970">- Royalties for use of Licenses, trade marks, Patent right etc.</td> <td data-bbox="1491 882 1585 914">20%</td> </tr> <tr> <td data-bbox="1099 970 1406 1098">- Payments to contractors made by government, organizations, municipalities and co-operative societies</td> <td data-bbox="1491 970 1585 1002">3.5%</td> </tr> <tr> <td data-bbox="1099 1098 1406 1157">- Payments for work done to foreign contractors</td> <td data-bbox="1514 1098 1585 1129">3%</td> </tr> </tbody> </table> <p>(b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstances.</p>	Class of Income	Non-resident foreigners	- Interest	15%	- Royalties for use of Licenses, trade marks, Patent right etc.	20%	- Payments to contractors made by government, organizations, municipalities and co-operative societies	3.5%	- Payments for work done to foreign contractors	3%	
Class of Income	Non-resident foreigners												
- Interest	15%												
- Royalties for use of Licenses, trade marks, Patent right etc.	20%												
- Payments to contractors made by government, organizations, municipalities and co-operative societies	3.5%												
- Payments for work done to foreign contractors	3%												

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Myanmar Companies Act (1914). Minimum share capital (in cash) requirement for services companies and branches is equivalent of kyat 300,000 in USD at current official rate.</p> <p>(d) If the investment involves a state enterprise, incorporation shall be made under the Special Companies ACT (1950) and the Myanmar Companies Act (1914).</p> <p>(e) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p>		
	<p>4)(a) Subject to the provision of the Union of Myanmar Foreign Investment Law, Myanmar Labour Law, Immigration Laws and existing laws and regulations, management, professional and technical experts are allowed to stay up to one year and may be extendable thereon.</p> <p>(b) Only management level is allowed in Myanmar.</p>	<p>4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority.</p> <p>(b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar.</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour.</p>	
<p>AIR TRANSPORT SERVICES 3. Computer Reservation System Services</p>	<p>1) None, except that services providers must use public telecommunication networks under national telecommunication authorities in accordance with prescribed rules and regulations.</p> <p>2) Subject to commercial arrangements with licensed operator(s)</p> <p>3) Unbound 4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound 4) Unbound</p>	
<p>BUSINESS SERVICES 1. Advertising Services (CPC 871)</p>	<p>1) None 2) None 3) Unbound 4) Unbound</p>	<p>1) None 2) None 3) Unbound 4) Unbound</p>	
<p>BUSINESS SERVICES 2. Printing and Publishing (CPC 89)</p>	<p>1) None 2) None 3) Unbound</p>	<p>1) None 2) None 3) Unbound</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4) Unbound	4) Unbound	
BUSINESS SERVICES 3. Audio Visual Services - Motion Picture and Video Tape Production Services(CPC 96121) ¹	1) None 2) None 3) Foreign service suppliers are allowed to produce motion pictures only in cooperation with domestic producers. Joint Venture film producing companies, based on equity or contract, with majority domestic ownership will be allowed to establish modern production studios and production parks. - Commercial Presence of Foreign service suppliers and producers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914 and existing laws and regulations. - Foreign organizations and persons are not allowed to own land in Myanmar. However, land	1) None 2) None 3) Unbound	

¹ The classification of service sectors in this schedule is based on the Central Product Classification (CPC) Version 1.1

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>may be acquired from the government on long term lease basis.</p> <p>- Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p>		
	<p>4) Subject to the union of Myanmar Foreign Investment Law, Myanmar Labour Law, Immigration Laws and existing laws and regulations, only managers, executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law).If the foreigner wishes to stay beyond the initial valid period, he may apply, in accordance with rules and regulations, for an extension of a period not exceeding one year.</p>	<p>4) Subject to domestic rules and regulations for the categories of natural persons persons referred to under market access. Standard rate of income taxes are 30% of net profit for Kyat-income and 2% of net profit for foreign currency-income.</p>	
<p>BUSINESS SERVICES 4. Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)</p>	<p>1) None 2) None 3) Unbound 4) Unbound</p>	<p>1) None 2) None 3) Unbound 4) Unbound</p>	
<p>BUSINESS SERVICES 5. Accounting auditing and</p>	<p>1) None 2) None</p>	<p>1) None 2) None</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
bookkeeping services (CPC 862)	<p>3) - Joint venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling requirements prescribed by Foreign Investment Law, provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/ her country.</p> <p>- Subject to the provision of the Union of Myanmar Foreign Investment Law, Myanmar Labour Law, Immigration Law and existing laws and regulations, management, professional and technical experts are allowed to stay up to permission.</p> <p>- Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p>4) Unbound</p>	<p>3) As indicated in the Market Access.</p> <p>4) Unbound</p>	
<p>BUSINESS SERVICES</p> <p>6. Engineering Services (CPC 8672)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) a. Commercial presence of foreign suppliers and/or providers are permitted in accordance with</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the Market Access column</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>the Union of Myanmar Foreign Investment Law 1988 , the Myanmar Companies Act 1914 and existing laws and regulations , under these laws:</p> <p>(i) 100% foreign Investment or (ii) joint venture with a Myanmar citizen or enterprises with a minimum of 35% equity is permitted.</p> <p>b. Foreign organizations and persons are not allowed to own a land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>c. Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p>		
	<p>4) a. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations, management, professional and technical experts unless mentioned otherwise are allowed to stay up to one year</p>	<p>4) a. As indicated in market access column</p> <p>b. The government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>and extendable there on.</p> <p>b. Preference for entry and temporary stay of skilled workers from traditional source of supply.</p> <p>c. Unskilled labour is not allowed in Myanmar</p>		
<p>OTHER BUSINESS SERVICES</p> <p>7. Translation and interpretation services (CPC 87905)</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
<p>MARITIME TRANSPORT SERVICES</p> <p>1. International Passenger Transport (Excluding Cabotage)</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
<p>MARITIME TRANSPORT SERVICES</p> <p>2. International Freight Transport (Excluding Cabotage)</p>	<p>1) None</p> <p>2) None</p> <p>3.(a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 , the Myanmar Companies Act 1914 and</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>existing laws and regulations. Under this law:</p> <p>(1) 100% Foreign investment, or (2) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Minimum foreign capital is US\$ 300,000 for services, form of incorporation can be sole proprietorship, partnership or limited company.</p> <p>(b) Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share capital (in cash) requirement for services companies and branches is equivalent of K 3,00,000 in USD at current official rate. If the investment involves a state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914.</p> <p>(c) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual Circumstances.</p> <p>(d) Subject to the Union of Myanmar Foreign Investment Law,</p>		

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments								
	<p>Myanmar Labour Law, Immigration Laws and existing laws and regulation, management, professional and technical experts, unless mentioned otherwise are allowed to stay up to one year and may extendable thereon.</p> <p>(e) Services activities under section 3 of the SEEs Law are restricted. However , those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p>4) Subject to the existing laws and regulations, only management level is allowed in Myanmar.</p>	<p>4) Unbound</p>									
<p>MARITIME 3.Maritime cargo handling services</p>	<p>1. Unbound due to lack of technical feasibility</p> <p>2. None</p> <p>3.(a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 , the Myanmar Companies Act 1914 and existing laws and regulations. Under these laws: (1)100%Foreign investment, or (2)Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted.</p>	<p>1. Unbound</p> <p>2. None</p> <p>3. The Income Tax Law 1974 prescribed that non-resident (Foreigner) will be subject to a withholding tax is as follows:-</p> <table border="0"> <thead> <tr> <th data-bbox="1099 1123 1308 1150">Class of Income</th> <th data-bbox="1375 1123 1576 1182">Non - resident Foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1099 1214 1211 1241">- Interest</td> <td data-bbox="1509 1214 1576 1241">15%</td> </tr> <tr> <td data-bbox="1099 1246 1464 1305">- Royalties for use of Licenses, trade marks, Patent right etc.</td> <td data-bbox="1509 1246 1576 1273">20%</td> </tr> <tr> <td data-bbox="1099 1310 1487 1394">- Payments to contractors made by Government Organizations, Municipalities and Co-operative</td> <td data-bbox="1509 1310 1576 1337">3.5%</td> </tr> </tbody> </table>	Class of Income	Non - resident Foreigners	- Interest	15%	- Royalties for use of Licenses, trade marks, Patent right etc.	20%	- Payments to contractors made by Government Organizations, Municipalities and Co-operative	3.5%	
Class of Income	Non - resident Foreigners										
- Interest	15%										
- Royalties for use of Licenses, trade marks, Patent right etc.	20%										
- Payments to contractors made by Government Organizations, Municipalities and Co-operative	3.5%										

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Form of incorporation can be sole proprietorship, partnership or limited company.</p> <p>(b) Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share capital (in cash) requirement for companies and branches is equivalent of K 3,00,000 in USD by official conversion rate. If the investment involves a state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914.</p> <p>(c) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>(d) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law, Immigration Laws and existing laws and regulations, management, professional and technical experts, unless mentioned otherwise are allowed to stay up to one year and may extendable thereon.</p>	<p>Societies</p> <p>- Payments for work done to foreign contractors 3%</p> <p>Foreigners are not allowed to own land in Myanmar. However land may be acquired on long term lease depending on the individual circumstances.</p> <p>A judicial person may perform services to clients in Myanmar but are not allowed to practice in Myanmar courts of law.</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(e) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p>		
	<p>4) Subject to existing laws and regulations, management, professional and technical experts are allowed in Myanmar.</p>	<p>4) (a) Any expatriate engage in Joint Venture representative offices or other type of judicial person and or individual services provider shall receive the approval of the respective authority.</p> <p>(b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual service provider who work with approval of respective authority shall register themselves with the Department of Labour.</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments										
<p>MARITIME TRANSPORT SERVICES</p> <p>4. Storage and Warehousing Services</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 , the Myanmar Companies Act 1914 and existing laws and regulations. Under these laws: (1) 100% Foreign investment or, (2) joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation may be sole proprietorship, partnership or limited company.</p> <p>(b) Incorporation of an enterprise not involving a State enterprise is to be made under the Myanmar Companies Act (1914). Minimum share capital (in cash) requirement for services companies and branches is equivalent of kyat 300,000 in USD at current official rate. If the investment involves a state enterprise, incorporation shall be made under the Special</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) (a) The Income Tax Law 1974 prescribes that non-resident (foreigners) will be subject to a withholding tax is as follows:</p> <table border="0" data-bbox="1099 598 1581 1029"> <thead> <tr> <th data-bbox="1099 598 1384 630">Class of Income</th> <th data-bbox="1384 598 1581 662">Non- resident Foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1099 694 1384 726">- Interest</td> <td data-bbox="1384 694 1581 726">15%</td> </tr> <tr> <td data-bbox="1099 726 1384 813">- Royalties for use of licenses , trade marks, patent rights, etc.</td> <td data-bbox="1384 726 1581 758">20%</td> </tr> <tr> <td data-bbox="1099 813 1384 965">- Payments to contractors made by government organizations, municipalities and cooperative societies</td> <td data-bbox="1384 845 1581 877">3.5%</td> </tr> <tr> <td data-bbox="1099 965 1384 1029">- Payments for work done to foreign contractors.</td> <td data-bbox="1384 965 1581 997">3%</td> </tr> </tbody> </table> <p>Foreigners are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstances. A juridical person may services to clients in Myanmar but are not allowed to practice in Myanmar court of law.</p>	Class of Income	Non- resident Foreigners	- Interest	15%	- Royalties for use of licenses , trade marks, patent rights, etc.	20%	- Payments to contractors made by government organizations, municipalities and cooperative societies	3.5%	- Payments for work done to foreign contractors.	3%	
Class of Income	Non- resident Foreigners												
- Interest	15%												
- Royalties for use of licenses , trade marks, patent rights, etc.	20%												
- Payments to contractors made by government organizations, municipalities and cooperative societies	3.5%												
- Payments for work done to foreign contractors.	3%												

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Companies ACT (1950) and the Myanmar Companies Act (1914).</p> <p>(c) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstances.</p> <p>(d) Subject to the provision of the Union of Myanmar Foreign Investment Law, Myanmar Labour Law , Immigration Laws and existing laws and regulations, management, professional and technical experts unless mentioned otherwise are allowed to stay up to one year and may be extendable thereon.</p> <p>(e) Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p>		
	<p>4) Subject to existing laws and regulations, management, Professional and Technical Expert are allowed in Myanmar.</p>	<p>4) (a) Any expatriate engaged in joint ventures, repre-sentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>authority.</p> <p>(b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour.</p>	
<p>FINANCIAL SERVICES</p> <p>1. Average and loss adjustment services (CPC 8143)</p>	<p>1) None 2) None 3) According to the existing laws & regulations such as: Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914, Myanmar Insurance Law 1993, Insurance Business Law 1996, Myanmar labour Law & Immigration Law etc. - Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law. -- Services activities under section 3</p>	<p>1) None 2) None 3) According to the existing laws & regulations such as: Myanmar Foreign Investment Law 1988, the Myanmar Companies Act 1914, Myanmar Insurance Law 1993, Insurance Business Law 1996 , Immigration rules and procedure of Myanmar etc.</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p>4) Subject to existing laws and regulations, only senior managerial personnel specialists and technical assistants are allowed with the approval of the insurance supervisory board.</p>	<p>4) According to the existing laws & regulations such as; Myanmar Foreign Investment Law 1988 ,the Myanmar Companies Act 1914, Myanmar Insurance Law 1993, Insurance Business Law 1996, Immigration rules and procedure of Myanmar .etc.</p>	
<p>FINANCIAL SERVICES</p> <p>2. Actuarial services</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) According to the existing laws & regulations such as: Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914, Myanmar Insurance Law 1993, Insurance Business Law 1996 etc</p> <p>2) According to the existing laws & regulations such as: Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914, Myanmar Insurance Law 1993, Insurance Business Law 1996 etc</p> <p>3) Unbound</p> <p>4) Unbound</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>FINANCIAL SERVICES SECTOR (CPC 811)</p> <p>3. Foreign Bank's Representative Offices services</p>	<p>1) Unbound²</p> <p>2) Unbound</p> <p>3) - Foreign Banks are allowed to open their representative offices in Myanmar³</p> <p>- According to the existing laws & regulations such as: Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914 Myanmar Insurance Law 1993 Insurance Business Law 1996 Myanmar labour Law & Immigration Law etc</p> <p>- Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound</p> <p>4) Unbound</p>	

² Due to lack of technical feasibility.

³ Subject to the approval of the Central Bank of Myanmar according to the Central Bank of Myanmar Law and Financial Institutions of Myanmar Law

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>CONSTRUCTION SERVICES</p> <p>Construction Work for Civil Engineering Services (CPC 513)</p>	<p>1) Unbound⁴</p> <p>2) None</p> <p>3) (a) Commercial presence of foreign service suppliers and / or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1998 , the Myanmar Companies Act 1914 and existing laws and regulations . Under this Law Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted.</p> <p>(b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.</p> <p>4) (a) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law , Immigration Laws and existing laws and regulations , management, professional and</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the Market Access column.</p> <p>4) (a) As indicated in the Market Access column.</p>	

⁴ Due to lack of technical feasibility.

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>technical experts, unless mentioned otherwise are allowed to stay up to one year and may extendable thereon.</p> <p>(b) Preference for entry and temporary stay of skilled workers from traditional source of supply.</p> <p>(c) Unskilled labour is not allowed in Myanmar.</p>	<p>(b) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar.</p> <p>(c) Unskilled labour is not allowed in Myanmar.</p>	
<p>TELECOMMUNICATION SERVICES</p> <p>CPC 7523</p> <ul style="list-style-type: none"> - Electronic mail - Voice mail - Electronic Data Interchange (EDI) - Telex - Telegraph - On-line information and data base retrieval - Code and protocol conversion - On-line information and / or data processing 	<p>1) (a) Subject to comply with the provision of rules and regulation</p> <p>(b) Must use the National Telecommunications Networks</p> <p>2) (a) Subject to comply with the provision of rules and regulation</p>	<p>1) Unbound</p> <p>2) None</p>	<p>Due to existing telecommunication regulations, all kinds of telecommunication services are to be regulated by Myanmar Posts and Telecommunications Department. Myanmar Posts and Telecommunications which is the sole service provider of the government enterprise.</p>

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Must use the National Telecommunications Networks		
	<p>3) -First to negotiate regarding method of investment to install equipment for the provision of services. According to existing regulation reinvestment programme has to be exercised on repayment scheme. No exclusive right will be allowed.</p> <p>- Services activities under section 3 of the SEEs Law are restricted. However, those activities may be permitted by Cabinet notification according to the section 4 of the said law.</p> <p>4) (a) Only member of management and related skilled technician will be allowed to enter to carry out the activities. Foreign companies can established representative offices after registration in proper way, but these offices will not be allowed to do other business activities.</p> <p>(b) All those services are to be provided and operated by Myanma Posts and Telecommunications.</p> <p>(c) Subject to the provision of the Union of Myanmar Foreign</p>	<p>3) Foreign investors should bring in all kinds of equipment relating to services. They shall be subject to laws, rules and regulations concerning investment, taxation, immigration and labour.</p> <p>4) (a) As indicated in the Market Access column.</p> <p>(b) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar.</p>	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Investment Law, Myanmar Labour Law, Immigration Laws; management and existing laws and regulations, professional and technical experts are allowed to stay up to permission.		

THE PHILIPPINES

Schedule of Specific Commitments

(For the First Package of Commitments)

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
I. HORIZONTAL COMMITMENTS			
Unbound* means unbound due to lack of technical feasibility.			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u></p> <p>The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities.</p> <p>All executive and managing officers must be citizens of the Philippines.</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State.</p> <p>Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>Foreign investors may lease only private-owned lands.</p>	<p>3) <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign firms covered are:</p> <p>a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries</p> <p>1),2),3),4) All measures taken by local government units are unbound.</p> <p>1), 2),3),4) All measures governing</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>4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u></p> <p>Non-resident aliens may be admitted to the Philippines for the supply of a service 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 alien is desired</p> <p>1),2),3),4) All measures taken by local government units are unbound.</p> <p>1),2),3),4) All measures governing permanent residents are unbound.</p>	<p>permanent residents are unbound.</p>	
II. SECTOR-SPECIFIC SECTION			
1. BUSINESS SERVICES			
A. PROFESSIONAL SERVICES			
All subsectors		<p>1) Service Outputs: For professions with specific service outputs (e.g., plans, specifications, audit reports), such outputs shall be recognized by the Philippine Government only if the foreign professional is registered with the Professional Regulation Commission (PRC).</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>4) Upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorize issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided,</p> <ul style="list-style-type: none"> • Requirements for registration/ licensing in said foreign state/ country are substantially the same as those required/ contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state; same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state; • That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/ license or special temporary permit to: 	<p>4) Upon recommendation of the concerned PRB, the PRC may approve registration of and authorize issuance of certificate of registration/ license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided,</p> <ul style="list-style-type: none"> • Requirements for registration/ licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state; same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state; • That the Commission may, upon recommendation of the Board concerned, authorize the 	

Modes of supply

1) Cross-border supply

2) 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"> - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time • Agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC. 	<p>issuance of a certification/ license or special temporary permit to:</p> <ul style="list-style-type: none"> - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time <ul style="list-style-type: none"> • That agencies/organizations individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC. 	

Modes of supply

1) Cross-border supply

2) 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			
<p>Services Related to Energy Distribution (CPC 887)</p> <p>Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution systems</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p> <p>4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p>	
<p>Services Related to Power Generation</p> <p>Construction of Power Plants (as provided under the BOT scheme)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 100 percent foreign equity is allowed under the BOT scheme.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) A Contractor's License (Regular or Special) issued by the</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>However, a Special Contractor's License is required to undertake construction activities.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Unbound</p>	<p>Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities.</p> <p>A. 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.</p> <p>B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as BOT.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Unbound</p>	
2. COMMUNICATION 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</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>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>3), 4) Limitations listed in the horizontal section shall also apply</p>		
A./B. POSTAL/COURIER SERVICES			
<p>a. Domestic Mail Services</p> <p>1) Ordinary Mail 2) Registered Mail¹ 3) Express Mail 4) Domestic Parcel 5) Business Reply² 6) Printed Matters</p> <p>b. International Mail Services</p> <p>1) Ordinary Mail 2) Registered Mail³ 3) Express Mail 4) Printed Matters 5) International Parcels</p> <p>c. Money Order Service (Domestic and International)⁴</p>	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Entry is subject to the following requirements:</p> <p style="padding-left: 20px;">A. Foreign equity is permitted up to 40 percent; and</p> <p style="padding-left: 20px;">B. Philippine Government authority to operate private express and/or messengerial delivery services.</p> <p>4) Provision of postal/courier services is reserved only to Filipino citizens.</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; and</p> <p style="padding-left: 20px;">B. All executives and managers must be citizens of the Philippines.</p> <p>4) Provision of postal/courier services is reserved only to Filipino citizens.</p>	

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)

Modes of supply 1) Cross-border supply 2) 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			
Voice mail On-line information and data base retrieval Electronic data exchange Videotex	1) Only through duly enfranchised and certificated domestic public telecommunications carriers 2) None 3) Operation subject to securing of: i) Franchise from the Congress of the Philippines ii) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission 4) None	1)None 2)None 3)None 4) None	
The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV).	1) Unbound ⁵ 2) None 3) Entry is subject to the following requirements and conditions:	1) None 2) None 3) Entry is subject to the following requirements and conditions:	

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

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.

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

Modes of supply

1) Cross-border supply

2) 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. Voice telephone services (7521)</p> <ul style="list-style-type: none"> • Local services • Toll services • Domestic • International <p>b. Packet-switched data transmission services (7523**)</p> <p>c. Circuit-switched data transmission services (7523**)</p> <p>d. Telex Services (7523**)</p> <p>e. Telegraph Services (7522)</p> <p>f. Facsimile services (7521**+7529**)</p> <p>g. Private Leased Circuit Services (7522**+7523)</p> <ul style="list-style-type: none"> • Cellular Mobile Telephone Service (75213) • Satellite services 	<p>A. Franchise from Congress of the Philippines</p> <p>B. Certificate of Public 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 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>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>B. All executives and managers must be citizens of the Philippines.</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>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>	
<p>Data and message transmission services</p> <ul style="list-style-type: none"> • Data network services (75231) • Electronic message and information services (75232) 	<p>1) Unbound⁷</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>a. Franchise from Congress of the Philippines</p> <p>b. Certificate of Public 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</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</p> <p>B. All executives and managers must be citizens of the Philippines.</p>	

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

Modes of supply

1) Cross-border supply

2) 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>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 certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>i. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>4) Service suppliers must be Filipino</p>	<p>4) Service suppliers must be Filipino</p>	

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

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

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	citizens.	citizens.	

PHILIPPINE REFERENCE PAPER ON REGULATORY PRINCIPLES IN TELECOMMUNICATIONS SERVICES

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

1. Competitive safeguard

Appropriated measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.

2. Interconnection

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.

Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in timely fashion, and on terms and conditions that are fair, transparent and reasonable.

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

3. Universal Service

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 line in designated areas.

4. Public availability of licensing criteria

Where a license is required, the following shall 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 license:
- (b) the terms and conditions of individual licenses

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

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic communications services. The decisions of and procedures used by regulators shall be impartial with respect to all market participants.

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.

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.

6. Allocation and use of scarce resources

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.

Modes of supply 1) Cross-border supply 2) 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>Constructions for mining and manufacturing (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 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>	
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% foreign participation</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the 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>For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with Concessionnaires (i.e. Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS and the two concessionnaires), 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 following:</p> <ul style="list-style-type: none"> i) Where local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a Build-Operate-Transfer (BOT) Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs. ii) In the absences of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/ 		

Modes of supply 1) Cross-border supply 2) 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>arrangements that may be entered into will be with local government unit/s concerned.</p> <p>4) Unbound</p>	<p>4) Unbound</p>	
<p>7. FINANCIAL SERVICES The commitments in financial services are in accordance with the General Agreement on Trade in Services and its Annex on Financial Services.</p>			
<p>All sub-sectors</p>	<p>3) The appropriate regulatory authority in the Philippines shall determine whether public interest and economic conditions justify authorization for the establishment of commercial presence or expansion of existing operations in banking and other financial services in the Philippines. For foreign financial institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines.</p>		

Modes of supply 1) Cross-border supply 2) 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>In banking, the Monetary Board shall ensure that at all times seventy per cent (70%) of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos.</p> <p>(3),(4) Limitations listed in the horizontal section shall also apply.</p>		
BANKING AND OTHER FINANCIAL SERVICES (EXCLUDING INSURANCE)			
<p>Commercial banking</p> <ul style="list-style-type: none"> - Acceptance of deposits and other repayable funds from the public - Lending of all types, including consumer credit mortgage credit, and financing of commercial transaction 	<ol style="list-style-type: none"> 1) Commercial presence is required. 2) None 3) I. <u>Forms of commercial presence</u> <p>A foreign bank, widely-owned and publicly listed, may avail itself only of one form of commercial presence at a time. However, this shall not preclude secondary investment in the equity of a locally incorporated bank not exceeding thirty per cent (30%) of voting stock or forty per cent (40%) upon approval by the President of the Philippines.</p>	<ol style="list-style-type: none"> 1) None 2) None 3) None 	

Modes of supply 1) Cross-border supply 2) 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"> - All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts - 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: <ul style="list-style-type: none"> - money market instruments (bank's own promissory notes, repurchase agreements, and certificates of assignment/participation with recourse); - foreign exchange; 	<ul style="list-style-type: none"> (a) Acquisition of up to sixty percent (60%) of the voting stock of an existing domestic bank. (b) Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated banking subsidiary. Existing investments of foreign banks beyond the fifty-one percent (51%) level will be maintained at their existing levels. 	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.</p>	
<ul style="list-style-type: none"> - derivative products including, but not limited to, futures and options; - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; and - other allowable negotiable instruments and financial assets. 	<p>The majority of the members of the Board of Directors of a locally incorporated bank shall be citizens of the Philippines.</p> <p>For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally</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>incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation.</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>- Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services</p>	<p><u>II. Scope of operations</u></p> <p>Prior authorization is required for the following:</p> <ul style="list-style-type: none"> - acceptance of deposit substitutes and other repayable funds from the public; - guarantees and commitments; - performance of trust, investment management and other fiduciary functions; - foreign currency deposit unit operations; - derivatives activities. <p>Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority.</p> <p>4) Unbound, except as provided in the horizontal section.</p>	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.</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>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 or selling group member in tender offers, block sales, or exchange offering of securities - Deal 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-sharing and other employee benefits plans 	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Must be organized as a stock corporation.</p> <p>Subject to foreign equity limitation of fifty-one per cent (51%).</p> <p>The majority of the members of the Board of Directors shall be citizens of the Philippines.</p> <p>An investment house is not allowed to engage in banking operations.</p> <p>Prior authorization is required for the performance of quasi-banking functions.</p> <p>4) Unbound, except as provided in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the horizontal section.</p>	
<p>Financial advisory services as follows:</p> <ul style="list-style-type: none"> -credit reference and analysis -investment and portfolio research and advice 	<p>1) None</p> <p>2) None</p> <p>3) Required to be organized as a commercial bank, or an investment house, or a non-bank financial intermediary.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</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>For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply.</p> <p>For investment houses, all limitations mentioned under mode 3 above for investment houses shall apply.</p> <p>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.</p> <p>4) Unbound, except as provided in the horizontal section.</p>	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.</p>	
Factoring	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Must be performed by a financing company only, organized either as a corporation or general partnership.</p> <p>Subject to foreign equity limitation of forty per cent (40%).</p> <p>Membership of non-Filipino citizens in the Board of Directors is</p>	<p>1) None</p> <p>2) None</p> <p>3) None</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>limited to one-third of the Board's total membership in the case of a corporation; no foreign managing partners in the case of a general partnership.</p> <p>4) Unbound, except as provided in the horizontal section.</p>	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.</p>	
Financial leasing	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Must be performed by a financing company only, organized either as a corporation or general partnership.</p> <p>Subject to foreign equity limitation of forty per cent (40%).</p> <p>Membership of non-Filipino citizens in the Board of Directors is limited to one third of the Board's total membership in the case of a corporation; no foreign managing partners in the case of a general partnership.</p> <p>4) Unbound, except as provided in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) A non-Filipino citizen employed as officer or assigned to do technical</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
		functions shall have two Filipino understudies.	
Money broking and foreign exchange broking	1) Commercial presence is required. 2) None 3) Required to be organized as a commercial bank or a non-bank financial intermediary. For commercial banks, all other limitations mentioned in mode 3 above for commercial banks shall apply. Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary. 4) Unbound, except as provided in the horizontal section.	1) None 2) None 3) None 4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Credit card services	1) Commercial presence is required. 2) None 3) Required to be organized as a commercial bank or a non-bank financial intermediary.	1) None 2) None 3) None	

Modes of supply 1) Cross-border supply 2) 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 commercial banks, all other limitations mentioned under mode 3 above for commercial banks shall apply.</p> <p>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary .</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.</p>	
<p>Promotion and provision of information by a representative office about the services or products offered by a foreign bank</p>	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	
<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: - Equities and its derivative 	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Required to be organized as an investment house or as a securities broker/dealer corporation or partnership.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</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>products such as warrants and options</p> <p>- Transferable securities</p>	<p>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.</p> <p>For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200. Underwriting is allowed only on best-efforts basis.</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	<p>4) Unbound, except as those provided in the horizontal section.</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) Required to be organized as an Investment House or as a securities broker/dealer corporation or partnership.</p> <p>For investment houses, all other limitations mentioned under mode 3 above for investment houses shall apply.</p> <p>For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200. Underwriting is allowed only on best-effort basis.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</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
	4) Unbound, except as those provided in the horizontal section.	4) Unbound, except as those provided in the horizontal section.	
Performance of the functions of stock transfer agent such as but not limited to monitoring the issuance and transfer of stock certificates	1) Commercial presence is required. 2) None 3) Must be organized either as a corporation or partnership with at least one certified public accountant duly licensed in the Philippines. 4) Unbound, except as those provided in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as those provided in the horizontal section.	
Transactions of an issuer primarily engaged in the business of investing, reinvesting or trading in securities	1) Commercial presence is required. 2) None 3) Must be performed by an investment company. Foreign equity participation is bound at forty per cent (40%). All members of the Board of Directors must be citizens of the Philippines. 4) Unbound, except as those	1) None 2) None 3) None 4) Unbound, except as those provided	

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

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	provided in the horizontal section.	in the horizontal section.	
Sale of contracts for the payment of benefits or performance of future services such as life, education, pension and internment plans	1) Commercial presence is required. 2) None 3) Foreign equity participation is bound at forty per cent (40%). 4) Unbound, except as those provided in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as those provided in the horizontal section.	
B. ALL INSURANCE AND INSURANCE-RELATED SERVICES			
All Subsectors	3),4) Limitations listed in the all-sector horizontal section and all financial services section shall apply. 3) Limitations in market access listed in the specific sub-sectors below shall not apply to existing wholly or majority foreign-owned authorized insurance/reinsurance companies as of the entry into force of this WTO Financial Services agreement. 4) Qualified Non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry.		

Modes of supply 1) Cross-border supply 2) 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>Life insurance as follows:</p> <ul style="list-style-type: none"> - ordinary - group - industrial - health and accident annuities 	<p>1) Risks located in the Philippines shall be insured with the companies authorized* to transact business in the Philippines.</p> <p>2) Same as (1) above</p> <p>3) Market access is limited to:</p> <p style="padding-left: 20px;">A. Acquisition of up to fifty one percent (51%) of the voting stock of an existing domestic insurance company.</p> <p style="padding-left: 20px;">B. Investing in up to fifty one percent (51%) of the voting stock of a new locally incorporated insurance company.</p> <p style="padding-left: 20px;">Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one-third of the Board's total membership.</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	

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

Modes of supply 1) Cross-border supply 2) 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>General non-life, as follows:</p> <ul style="list-style-type: none"> - fire and allied risks/ earthquakes/shock/typhoon/floods/ tidal wave - Marine Ocean marine/Inland marine/ Marine hull Aviation - Casualty motor car/ health and accident/ burglary/ engineering miscellaneous - Suretyship fidelity/surety bonds 	<p>1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized* to transact business in the Philippines.</p> <p>2) Same as (1) above</p> <p>3) Market access is limited to:</p> <p style="margin-left: 20px;">A. Acquisition of up to fifty one per cent (51%) of the voting stock of an existing domestic insurance company.</p> <p style="margin-left: 20px;">B. Investing in up to fifty one per cent (51%) of the voting stock of a new locally incorporated insurance company.</p> <p style="margin-left: 20px;">Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one third of the Board's total membership.</p> <p>4) Unbound, except as those provided in the horizontal section</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</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>Insurance auxiliary services, as follows:</p> <ul style="list-style-type: none"> - actuarial consultancies - average adjustors 	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Subject to foreign equity limitation of forty per cent (40%).</p> <p>Participation of non-Filipino citizens in the Board of Directors of domestic companies is limited to one third of the Board's total membership.</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
<p>Reinsurance/ Retrocession</p>	<p>1) Priority cessions to authorized insurance/reinsurance companies.</p> <p>Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission.</p> <p>Ten per cent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.</p> <p>2) Same as (1) above</p>	<p>1) None</p> <p>2) None</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>3) Market access is limited to:</p> <p>A. Acquisition of up to forty per cent (40%) of the voting stock of an existing domestic reinsurance company.</p> <p>B. Investing in up to forty per cent (40%) of the voting stock of a new locally incorporated reinsurance company.</p> <p>Participation of non-Filipino citizens in the Board of Directors of a locally incorporated reinsurance company is limited to one third of the Board's total membership.</p> <p>4) Unbound, except as those provided in the horizontal section.</p>	<p>3) None</p> <p>4)Unbound</p>	
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel, resort, pensions houses, tourist inn apartelles lodging (CPC No. 64110)	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal commitment</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal commitment</p>	

Modes of supply 1) Cross-border supply 2) 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) None, except as indicated in the horizontal commitment	4) None	
Restaurants (CPC 6421-64310)	<p>1) Unbound*</p> <p>2) None</p> <p>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million is complied; provided further that pre-qualification requirements are complied in accordance with appropriate government agencies.</p> <p>Foreign nationals may also establish branches provided that the minimum paid in capital of US\$ 830,000.00 per restaurant are complied.</p> <p>Limitations listed in the horizontal section also apply.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million are maintained.</p> <p>Prior notification for cessation of operation</p> <p>Foreign nationals may also establish additional branches provided that the minimum paid in capital of US\$ 830,000 per restaurant are maintained.</p> <p>Prior notification for opening and closing of branches/stores.</p> <p>Provided further that 30% local inventory requirement, public offering requirement under certain conditions and prohibitions to engage in certain restaurant activities are complied.</p> <p>Every registered foreign restaurant are to submit to the Department of Trade and Industry the following</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>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 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>Qualified foreign restaurant are not allowed to engage in certain retailing activities outside their accredited branches through the use of mobile or rolling stores or carts, the use of sales representatives, door-to-door selling, and sari-sari stores and such other similar retailing activities.</p> <p>Limitations listed in the horizontal section shall apply.</p>	

Modes of supply 1) Cross-border supply 2) 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) None, except as provided in the horizontal commitment	4) None	
Travel Agencies (74710)	1) None 2) None 3) None, except as indicated in the horizontal commitments for Professional Services 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	
11. TRANSPORT SERVICES			
All subsectors	3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60		

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

Sector or Sub sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	per cent of whose capital is owned by such citizens.		
	<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>		
	3), 4) Limitations listed in the horizontal section shall also apply		
A. MARITIME TRANSPORT SERVICES			
International Transport (passenger and freight), except cabotage transport, and government-owned cargoes ⁹	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
Leasing/rental of vessels without crew	<p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

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.

Modes of supply 1) Cross-border supply 2) 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) Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA) 4) None	3) None 4) None	
Maintenance and repair of vessels	1) Unbound* 2) Any repairs, conversion or drydocking 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	
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	

Modes of supply 1) Cross-border supply 2) 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 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 is required 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
RAIL TRANSPORT SERVICES			
Passenger and freight transport	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

Modes of supply 1) Cross-border supply 2) 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 rail transport equipment	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
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) New entrants are subject to economic needs test, as follows: a) the need to provide protection to investments of operators in unserved areas/developmental routes; and b) the route measured capacity test for number of vehicles.	1) Unbound* 2) None 3) None	

Modes of supply 1) Cross-border supply 2) 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) None	4) None	
Maintenance and repair of road vehicles	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
I. OTHER TRANSPORT SERVICES			
Pipeline Transport (CPC 713)	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: As indicated in the horizontal section for Professional Services.	1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) Employment of foreign professionals: As indicated in the horizontal section for Professional 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
	Limitations listed in the horizontal section shall also apply.		
H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT			
Cargo handling services Storage and warehousing services Container yard and depot services	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Freight forwarding services	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

MOST-FAVOURLED-NATION TREATMENT EXEMPTION LIST

Sector or subsector	Description of measure indicating its inconsistency with MFN Provisions	Countries to which the measure applies	Intended Duration	Conditions creating the need for the exemption
ALL SECTORS Entry and temporary stay of natural persons supplying services	A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors. Under this special category, the labor market test is waived and simplified entry procedures are provided.	All Countries	Expiry date or termination of bilateral treaties on entry rights for traders and investors	To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities.
Financial Services				
Commercial banking	Authorization for financial service suppliers of another member to establish commercial presence in commercial banking shall be subject to a reciprocity test.	All Countries	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Investment Houses	In approving foreign equity applications in Investment Houses, the appropriate regulatory authority shall approve such applications only if the same or similar rights are enjoyed by Philippine nationals in the applicant's country.	All Countries	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Financing Companies	Authorization for foreign financial service suppliers to establish commercial presence in commercial banking shall be subject to a reciprocity test.	All Countries	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.

Sector or subsector	Description of measure indicating its inconsistency with MFN Provisions	Countries to which the measure applies	Intended Duration	Conditions creating the need for the exemption
Maritime Transport Services				
Liner cargo trade	<p>Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code</p> <p>Under the above-mentioned arrangement, a Party to the UNCTAD Liner Code effectively implementing the Code is assured of at least 40 percent share of its bilateral export and import Liner cargo trade with the Philippines.</p>	All countries which have acceded to the UNCTAD Liner Code	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade.
Cabotage transport	<p>Access to domestic shipping is reserved for Philippine owned or registered vessels.</p> <p>However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation.</p>	All Countries	Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation	

SINGAPORE

Schedule of Specific Commitments

(For the First Package of Commitments)

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			
Unbound* means unbound due to lack of technical feasibility.			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<ul style="list-style-type: none"> 4) Presence of natural persons unbound, except for intra-corporate transferees (see below) 4) Temporary movement of skilled personnel unbound except for the temporary movement of intra-corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provide services within Singapore through a branch, subsidiary, or affiliate established in Singapore and who have been in the prior employ of their firms outside Singapore 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: 	4) Unbound	

Modes of Supply: (1) Cross-border supply (2) 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) Managers – persons within an organization who primarily direct the organization, or a department or subdivision 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 (such as promotion or leave authorization), 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 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 stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organization.</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>(c) Specialists – persons within an organization who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organization'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 two year period that may be extended for up to three additional years each time for a total term not exceeding eight years.</p>	<p>3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions:</p> <ul style="list-style-type: none"> - 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.) 	

Modes of Supply: (1) Cross-border supply (2) 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"> - At least one director of the company must be locally resident 	
	<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.) 	
II. SECTOR SPECIFIC COMMITMENTS			
<p>1. BUSINESS SERVICES</p> <p>A. Professional Services</p>			
<p>b. Accounting/Auditing Services (CPC 8621)</p>	<ul style="list-style-type: none"> 1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm / director of the corporation must be effectively resident in Singapore. 2) None 3) As in mode 1) 4) Unbound except as indicated in the horizontal Section 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound 	

Modes of Supply: (1) Cross-border supply (2) 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. Taxation Services</p> <p>Taxation services except for other tax-related services (CPC 863**)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound</p>	
<p>d. Architectural Services (CPC 8671)</p>	<p>1) None 2) None 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 and registered architects or allied professionals who are either directors, managers or employees of the corporation. - 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>1) None, except that the implementation in Singapore of architecture works which require approval by the authorities has to be carried out by an architect who is physically present in Singapore</p> <p>2) None 3) None</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><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 		
	<ul style="list-style-type: none"> - The articles of association of the 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 - The business of the corporation, so far as it relates 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 certificate authorizing him to engage in the practice of architecture; and - is a member, or a registered owner of at least one share, of the corporation <p><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 		

Modes of Supply: (1) Cross-border supply (2) 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"> - The supply of architectural services in Singapore will be under the control and Management of a partner who is a Registered architect, ordinarily resident in Singapore and who has a valid practising certificate. 		
	4) Unbound except as indicated in the horizontal section.	4) Unbound	
<p>e. Engineering Services (CPC 8672**) The sectors covered by Engineering services are:</p> <p>(a) Civil engineering services</p> <p>(b) Production engineering services</p> <p>(c) Mechanical engineering services</p> <p>(d) Electrical engineering services</p> <p>(e) Electronic engineering services</p>	<p>1) None</p> <p>2) None</p> <p>3) <u>Limited Corporations</u></p> <ul style="list-style-type: none"> - Not less than 80% of the directors of the corporation shall be registered Professional Engineers or allied professionals (registered Architects or Land Surveyors). 	<p>1) None, other than engineers should be effectively resident in Singapore</p> <p>2) None</p> <p>3) None</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) Aeronautical engineering services (g) Marine engineering services (h) Naval architectural engineering services (i) Industrial engineering services (j) Chemical engineering services	<ul style="list-style-type: none"> - 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 and registered in the names of registered Professional Engineers or allied professionals - 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 <u>Unlimited Corporation</u> - 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 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 		

Modes of Supply: (1) Cross-border supply (2) 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"> - 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 - is a member, or a registered owner of at least one share, of the corporation <p><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>	

Modes of Supply: (1) Cross-border supply (2) 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) Unbound	
Dental Services (CPC 93123)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 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	

Modes of Supply: (1) Cross-border supply (2) 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) 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. Software Implementation Services (CPC 842)	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. Data Processing	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. Database Services (CPC 84400)	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	

Modes of Supply: (1) Cross-border supply (2) 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. Research and Development Services			
a. R&D services on natural sciences, specifically biotechnology services and industrial research	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound	
b. R&D services on social sciences and humanities, specifically 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	

Modes of Supply: (1) Cross-border supply (2) 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. Real Estate Services			
a. Residential and non-residential property management services on a fee or contract basis (CPC 82201, 82202)	1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. 2) None 3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. 4) Unbound except as indicated in the horizontal section	1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. 2) None 3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. 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	
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	

Modes of Supply: (1) Cross-border supply (2) 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. Relating to motor vehicles (CPC 831**)	1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited 2) None 3) None 4) Unbound	
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. Market Research and public opinion polling services			
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	

Modes of Supply: (1) Cross-border supply (2) 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 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	
d. Services related to management consulting (CPC 866)	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	

Modes of Supply: (1) Cross-border supply (2) 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. Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishery And Mining, including Oilfield Services (CPC 881**, 882**, 883**, 5115**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
k. Placement and supply services of personnel (CPC 872)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
i. Investigation and security			
Security consultation services (CPC 87302)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
Alarm monitoring services (CPC 87303)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

Modes of Supply: (1) Cross-border supply (2) 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>Unarmed guard services (87305**)</p>	<p><u>Horizontal limitation on market access and national treatment</u> All commitments in this sector are subject to the Private Investigation and Security Agencies Act (Cap. 249). The Act stipulates that:</p> <ul style="list-style-type: none"> - Foreigners are permitted to set up agencies to provide unarmed guards for hire but must register a company with local participation. At least one of the directors must be a Singapore citizen or Singapore permanent resident. - The foreign directors must produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a local commissioner of oaths. - Foreigners are not allowed to work as guards, but can be involved in the administration of the company. <p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound* 2) None 3) None 4) Unbound</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
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866 **)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
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	
s. Convention 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	

Modes of Supply: (1) Cross-border supply (2) 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/ 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	
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	
D. <u>Telecommunication Services</u>			
<p><u>General Conditions statement</u> Commitments undertaken in this schedule are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. 2. This excludes services regulated under the Broadcasting Act. 			

Modes of Supply: (1) Cross-border supply (2) 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. Basic Telecommunication Services (facilities-based):</p> <p>(a) Public Switched Services¹ (local and international)</p> <p>(b) Leased Circuit Services (local and international)</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 commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal commitments.</p>	As annexed
<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 commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal commitments.</p>	As annexed

¹ This includes voice, data and facsimile services.

² Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia 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
<p>3. 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) 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>	<p>As annexed</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 - electronic data interchange - on-line information and/or data processing - store-and-forward (S&F) 	<p>1) Provision of VAN services is subjected to licence from the Infocomm Development Authority of Singapore (IDA)</p> <p>2) None</p> <p>3) Same as 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</p> <p>4) Unbound</p>	<p>As annexed</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
- store-and-retrieve (S&R)			
D. Audiovisual Services			
(i) the services covered are production, distribution and public display of - motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
(ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being - Free-to-air - broadcasting Cable and pay television - Direct broadcasting by satellite - Teletext			
3. CONSTRUCTION AND RELATED ENGINEERING 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
Construction Services Consisting of: <ul style="list-style-type: none"> - 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	
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>		

Modes of Supply: (1) Cross-border supply (2) 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. 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	
D. Franchising			
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	
5. EDUCATION 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.		

Modes of Supply: (1) Cross-border supply (2) 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 (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	
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	
E. 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	

Modes of Supply: (1) Cross-border supply (2) 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			
<p>A. <u>Insurance and insurance-related services</u></p> <p>All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article VI of the General Agreement on Trade in Services (GATS) and paragraph 2 of the Annex on Financial Services of the GATS.</p>			
(a) Life insurance services including annuity, disability income, accident and health insurance services	<ol style="list-style-type: none"> 1) Unbound 2) None 3) These measures are also limitations on national treatment. Foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder. Unbound for licensing of new insurance companies and establishment of new representative offices and activities relating to the use including via investment, of monies from any social security, public retirement or statutory savings scheme. 4) Unbound except as indicated in the horizontal section. 	<ol style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. 	
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee	<ol style="list-style-type: none"> 1) Unbound 2) None except that compulsory insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore. 3) Foreign parties can only acquire equity stakes of up to 49% in aggregate in 	<ol style="list-style-type: none"> 1) Unbound 2) None 3) None 	

Modes of Supply: (1) Cross-border supply (2) 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 owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder.</p> <p>Unbound for licensing of new insurance companies and establishment of new representative offices.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>4) Unbound except as indicated in the horizontal section.</p>	
(c) Reinsurance and retrocession	<p>1) None</p> <p>2) None</p> <p>3) None except that reinsurance companies must be established as branches or subsidiaries.</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>	
(d) Insurance intermediation comprising broking and agency services	<p>1) Unbound</p> <p>2) These measures are also limitations on national treatment.</p> <p>Agents are not allowed to act for unregistered insurers. The placement of domestic risks outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of shipowners insured by protection and indemnity clubs.</p> <p>3) These measures are also limitations on national treatment.</p> <p>Unbound except for admission of direct³</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p>	

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

Modes of Supply: (1) Cross-border supply (2) 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 and reinsurance brokers as locally incorporated subsidiaries. 4) Unbound except as indicated in the horizontal section.	4) Unbound except as indicated in the horizontal section.	
(e) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy 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.	
<p><u>B. Banking and other financial services</u></p> <p>All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of 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	1) Unbound 2) None 3) These measures are also limitations on national treatment. Only institutions approved as banks, merchant banks and finance companies can accept deposits. Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country depositors in receivership or winding-up proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under	1) Unbound 2) None 3) <u>Commercial banks</u> Foreign banks can operate 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. Location of banks and relocation of banks and sub-branches require prior approval from MAS. Wholesale banks can only accept foreign currency fixed deposits from and operate current accounts for residents and non-residents. For Singapore dollar deposits, they	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Singapore law.	can only accept fixed deposits of S\$250,000 or more per deposit.	
	<p>Establishment and operation of foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B(l) and the following limitations:</p> <p><u>Commercial banks</u> No new full and Wholesale banks. New foreign banks may only establish as offshore bank branches or representative offices. Representative offices cannot conduct business or act as agents.</p> <p>Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents. A single / related group of foreign shareholders can only hold up to 5 per cent of a local bank's shares.</p> <p><u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches.</p>	<p>Offshore banks can accept foreign currency fixed deposits from residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S\$250,000 or more per deposit from non-residents.</p> <p>A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents⁴.</p> <p><u>Merchant banks</u> Merchant banks can operate from only one office (excluding back-office operations). Location and relocation of merchant banks require MAS' prior approval.</p> <p>Merchant banks can, with MAS' authorization, raise foreign currency funds from residents and non-residents, operate foreign currency savings accounts for non-residents and raise Singapore dollar funds from their shareholders and companies controlled by their shareholders, banks, other merchant banks and finance companies.</p>	

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

Modes of Supply: (1) Cross-border supply (2) 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>Finance companies</u> No new finance companies. Unbound for foreign acquisition of shares in finance companies and transfer of stake 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><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>	
(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. 2) None 3) These measures are also limitations on national treatment. (i) Other than in-house credit cards, credit and charge cards may be issued by card issuers approved by MAS subject to MAS' guidelines. (ii) Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before</p>	<p>1) None 2) None 3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S\$200m in aggregate. Offshore banks should not use their related merchant banks to circumvent the S\$200m lending limit. Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.</p>	

Modes of Supply: (1) Cross-border supply (2) 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>remittance abroad. Financial entities shall not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.</p> <p>(iii) Establishment of credit companies which do not conduct activities requiring MAS' approval is allowed.</p>		
	4) Unbound except as indicated in the horizontal section.	4) Unbound except as indicated in the horizontal section.	
(c) Financial leasing	<p>1) None</p> <p>2) None</p> <p>3) None except as indicated for activity B(b) above.</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 for activity B(b) above.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers' drafts	<p>1) Unbound</p> <p>2) None</p> <p>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.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</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>Bankers' drafts can only be issued by banks. Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS. The limitations indicated in B.b)3) above also apply to the activities in B.d). 4) Unbound except as indicated in the horizontal section.</p>	<p>4) Unbound except as indicated in the horizontal section.</p>	
<p>e) Guarantees and commitments</p>	<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. 2) None 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. 4) Unbound except as indicated in the horizontal section.</p>	<p>1) None 2) None 3) None 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: - money market instruments (including cheques, bills, certificates of deposit) - foreign exchange - derivative products,</p>	<p>1) Unbound except for trading in products listed in B.(f) for own account. Trading in money market instruments, foreign exchange, as well as exchange rate and interest rate instruments can be conducted with financial institutions only. Measures taken are also limitations on national treatment. 2) None 3) These measures are also limitations on national treatment. Banks and merchant banks are required</p>	<p>1) None 2) None 3) None except as indicated for activity B(b) above.</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>including financial futures and options</p> <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>to set up separate subsidiaries to trade financial futures for customers.</p> <p>Financial futures brokers can establish as branches or subsidiaries. The offer of derivative products by both local and foreign-owned financial institutions is allowed provided:</p> <ul style="list-style-type: none"> - 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 aware and have no objection to the offer of such products in the Singapore branch / subsidiary; and - 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>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>	

Modes of Supply: (1) Cross-border supply (2) 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. Singapore Exchange Securities Trading Ltd (SGX-ST) will admit new trading members. New members will be able to trade directly in S\$ denominated securities of Singapore incorporated companies with resident investors for a minimum value of S\$200,000. Representative offices cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interests in SGX-ST member companies. Banks' and merchant banks' membership on SGX-ST and Singapore Exchange Derivatives Trading Ltd (SGX-DT) must be held through subsidiaries. Unbound for new Primary and Registered dealers of Singapore Government Securities.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None except as indicated for activity B.b) above.</p> <p>4) Unbound except as indicated in the horizontal section.</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
(h) Money broking	1) Unbound 2) None 3) Unbound for new money brokers. Measures taken are also limitations on national treatment. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	1) Unbound 2) None 3) These measures are also limitations on national treatment. Asset management companies, custodial depositories, and trust services companies can establish as branches, or subsidiaries. Only the Central Depository Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system. Unbound for activities relating to the use, including via investment, of monies from any social security, public retirement, or statutory saving scheme. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Modes of Supply: (1) Cross-border supply (2) 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	1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only. 2) None 3) These measures are also limitations on national treatment. Settlement and clearing services for exchange traded securities and financial futures can only be provided by Central Depository (Pte) Limited and SGX-DT respectively. Only one clearing house established under the Banking Act may provide clearing services for Singapore dollar cheques and interbank fund transfer. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
(k) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	1) Commercial presence is required for provision of investment and portfolio research and advice to the public. 2) None 3) Financial advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Modes of Supply: (1) Cross-border supply (2) 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) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	<p>1) Unbound except for the provision of financial information by providers such as Reuters and Bloomberg. Measures taken are also limitations on national treatment. The Singapore branches of foreign banks can transmit data to their head offices and sister branches for processing provided proper controls exist, the integrity and confidentiality of the data/information are safeguarded, and MAS is allowed on-site access to the data / information at the place where the data / information is processed.</p> <p>2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on national treatment.</p> <p>3) The provision of financial information by providers, such as Reuters and Bloomberg, is allowed. The provision of financial data processing services to banks and merchant banks is subject to domestic laws on protection of confidentiality of information of customers of banks and merchant banks.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) None for the provision of financial information by providers such as Reuters and Bloomberg.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</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
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. Social services delivered through residential institutions to old persons and the handicapped (CPC 93311) Social services delivered through residential institutions to children and other clients) (CPC 93312**)	1) Unbound* 2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct 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 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct 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 4) Unbound	

Modes of Supply: (1) Cross-border supply (2) 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. Guidance and counselling services not elsewhere classified related to children (CPC 93322)	1) Unbound 2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore 3) None, except unbound for facilities / service operations run by non-profit service suppliers that are partially or totally state-funded. 4) Unbound except as indicated in the horizontal section.	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 4) Unbound	
C. Welfare services not delivered through residential institutions (CPC 93323)	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 4) Unbound except as indicated in the horizontal section	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 4) Unbound	

Modes of Supply: (1) Cross-border supply (2) 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			
a. Hotel 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	
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) Unbound 2) None 3) Unbound 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	

Modes of Supply: (1) Cross-border supply (2) 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 (OTHER THAN AUDIOVISUAL SERVICES)			
a. Libraries, archives, museums and other cultural services			
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	

Modes of Supply: (1) Cross-border supply (2) 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 maritime transport (freight and passengers) excluding cabotage transport (7211**, 7212**).	1) None 2) None 3) None, except on the registration of Singapore flag ships as specified in the Merchant Ships Act. 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 the General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions: <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;

Modes of Supply: (1) Cross-border supply (2) 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	
Maritime Auxiliary Services: Classification societies, except for statutory services for Singapore flag ships	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
12. OTHER SERVICES NOT INCLUDED ELSEWHERE			
Washing, cleaning and dyeing services (CPC 9701)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	
Hairdressing and other beauty services (CPC 9702)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	
Funeral, cremation and undertaking services except maintenance services of cemeteries, care of graves and graveyards (CPC 97030**)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	

APPENDIX

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 school⁵ 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).

⁵ 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.

ANNEX

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

4. Public availability of licensing criteria

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

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

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

5. 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.

VIET NAM

Schedule of Specific Commitments

(For the First Package of Commitments)

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
Unbound* means unbound due to lack of technical feasibility.			
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 branches is unbound.</p> <p>The conditions of ownership, operation and juridical form and scope of activities as set out in</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 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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 Viet Nam's accession to the WTO.</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 authorities.</p> <p>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In this case, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>One year after WTO accession, the 30% foreign equity limitation for acquisition of Vietnamese enterprises shall be eliminated, except for capital contribution in the form of buying shares of joint-stock commercial banks, and except for the sectors not committed in this Schedule. For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.</p>		
	<p>(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</p>	<p>(4) Unbound, except as indicated in market access column.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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 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 establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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 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, Parties of licensed professions.</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<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 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</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these 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 territory 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>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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 fide character of the contract. - 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 		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>5 years of professional experience in the sector.</p> <ul style="list-style-type: none"> - The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws and regulations and requirement of Viet Nam. - 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 (CP 841-845, 849) and engineering services (CPC 8672).</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	the horizontal section.	in the horizontal section.	
(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, except: For the period of 1 year from the date of WTO accession, the licensing shall be made on the case by case basis and the number of service providers shall be decided by Ministry of Finance subject to the need and development scope of Viet Nam's market ⁵ . For the period of 1 year from the date of WTO accession, foreign-invested enterprises providing taxation services are only permitted to supply services to foreign-invested enterprises and foreign funded projects 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.	
(d) Architectural services (CPC 8671)	(1) None. (2) None. (3) None, except:	(1) None. (2) None. (3) None.	

⁵ The main criteria include the number and the operation of enterprises in the market and their impact on the stability of the market and the economy.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>For the period of 2 years from the date of WTO accession, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam. Foreign enterprises have to be juridical persons of a Party.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>(e) Engineering services (CPC 8672)</p> <p>(f) Integrated engineering services (CPC 8673)</p>	<p>(1) None. (2) None. (3) None, except:</p> <p>For the period of 2 years from the date of WTO accession, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam. Foreign enterprises have to be juridical persons of a Party.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None, except:</p> <p>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 Nam⁶.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>(g) Urban planning and urban landscape architectural services (CPC 8674)</p>	<p>(1) None.</p>	<p>(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural</p>	

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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(2) None.</p> <p>(3) None, except:</p> <p>After 2 years from the date of WTO accession, 100% foreign-invested enterprises may be established.</p> <p>For the period of 2 years from the date of WTO accession, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam.</p> <p>Foreign enterprises have to be juridical persons of a Party.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>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 be permitted to provide this service⁷.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
(i) Veterinary services (CPC 932) ⁸	<p>(1) None.</p> <p>(2) None.</p> <p>(3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities.</p> <p>(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>	

⁷ 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.

⁸ Excluding keeping micro-organism strain for veterinary.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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, except: For the period of 2 years from the date of WTO accession, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam. After 3 years from the date of WTO accession, 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.	
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 ⁹ : None. (2) None.	(1) Unbound, except for industrial machinery and equipment: None. (2) None.	

⁹ Excluding mining and oil field equipment; commercial radio, television and communication equipment.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>1 January 2009, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
(c) Management consultant services (CPC 865)	<p>(1) None. (2) None. (3) None. After 3 years from the date of WTO accession, branching is allowed. (4) Unbound, except as indicated in the horizontal section.</p>	<p>(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.</p>	
(d) Services related to management consulting - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	<p>(1) None. (2) None. (3) None, except that: After 3 years from the date of WTO accession, branching is allowed. For CPC 866 except CPC 86602: for the period of 1 year from the date of WTO accession: only in the form of joint venture or business cooperation contract. Thereafter: none. For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): for the period of 3 years from the date of WTO accession: unbound. Thereafter: none.</p>	<p>(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</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section.	in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	<p>(1) Unbound. (2) None. (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>(1) None. (2) None. (3) None.</p>	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) ¹⁰	<p>(1) None. (2) None. (3) None, except: Only in the form of joint-venture</p>	<p>(1) None. (2) None. (3) None, except: Access to certain geographical</p>	

¹⁰ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>or business co-operation contract. 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>areas may be restricted.¹¹</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>(h) Services incidental to mining (CPC 883)</p> <p>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.</p> <p>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.</p>			
	<p>(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>Upon WTO accession, joint ventures with foreign capital contribution not exceeding 49% shall be permitted. After 3 years from the date of WTO accession, this limitation shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted.</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>	

¹¹ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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.	
(i) Services incidental to manufacturing (CPC 884 and 885)	<p>(1) None. (2) None. (3) None, except: After 3 years from the date of WTO accession, only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. Five years thereon: 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) Unbound.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
(m) Related scientific and technical consulting services ¹² (CPC 86751, 86752 and 86753 only)	<p>(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None. (3) None, except: Upon WTO accession, joint ventures with foreign capital contribution not exceeding 49% shall be permitted. After 2 years from the date of WTO accession, this limitation shall be 51%. Two years thereon, 100% foreign-</p>	<p>(1) None, except as indicated in the market access column. (2) None. (3) None, except as indicated in the market access column.</p>	

¹² The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None. (2) None. (3) None, except: Upon WTO accession, joint ventures with foreign capital contribution not exceeding 49% shall be permitted. After 3 years from the date of WTO accession, this limitation shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512**) * Express delivery services ¹³ , i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication ¹⁴ , on any kind of physical medium, including:	(1) None. ¹⁶ (2) None. (3) None, except that foreign ownership in joint ventures may be limited to 51% within the first 5 years after WTO accession. After 5 years from the date of WTO accession, 100% foreign-invested enterprises shall be permitted.	(1) None. (2) None. (3) None.	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.

¹³ 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.

¹⁴ 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.

¹⁵ Books, catalogues are included hereunder.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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 first weight level for domestic shipments; - US\$9 for international shipments; <p>provided that the gross weight of these items is less than 2,000 grams.</p> <p>(b) Parcels¹⁵ and other goods. * Handling of non-addressed items.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<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> <ul style="list-style-type: none"> (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services 	<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</p>	<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 Party, foreign service suppliers shall be</p>

¹⁶ The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 7523**)	and licensed to provide international telecommunication services.		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. 4 years after WTO accession foreign service suppliers shall be permitted to provide such
(c) Circuit-switched data transmission services (CPC 7523**)	<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:		capacity to international VPN and IXP service suppliers licensed in Viet Nam.
(d) Telex services (CPC 7523**)			
(e) Telegraph services (CPC 7523**)			
(f) Facsimile services (CPC 7521** + 7529**)			
(g) Private leased circuit services (CPC 7522** + 7523**)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o*) Other services - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting ¹⁷ - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP) ¹⁸	<ul style="list-style-type: none"> - Upon WTO accession: 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; - Three years after WTO accession: multinational companies¹⁹, which are licensed to use satellite-earth stations. <p>(2) None. (3) None, except:</p> <p><i>Non facilities-based services:</i> Upon WTO accession joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital</p>	<p>(2) None. (3) None.</p>	

¹⁷ 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.

¹⁸ Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

¹⁹ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>of the joint ventures. Three years after WTO accession: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Upon WTO accession, 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>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <p>- Virtual Private Network (VPN)²⁰</p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <p>- <i>Upon WTO accession:</i> off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks</p>	<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 Party, 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. 4 years after WTO accession foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>

²⁰ 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 Parties 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 Parties 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. Parties 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).

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	who are licensed to use satellite-earth stations;		
	<p>- Three years after WTO accession: multinational companies¹⁹, which are licensed to use satellite-earth stations.</p> <p>(2) None.</p> <p>(3) None, except: <i>Non facilities-based services:</i> Upon WTO accession, 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><i>Facilities-based services:</i> Upon WTO accession, 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>(2) None.</p> <p>(3) None.</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>(1) None, except: <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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 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>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"> - <i>Upon WTO accession:</i> off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Three years after WTO accession: multinational companies¹⁹, which are licensed to use satellite-earth stations. 		
	<p>(2) None.</p> <p>(3) None, except:</p> <p><i>Non facilities-based services:</i> Upon WTO accession: business cooperation contracts or joint ventures will be allowed. Foreign</p>	<p>(2) None.</p> <p>(3) None.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>capital contribution shall not exceed 51% of legal capital of the joint ventures.</p> <p>Three years after WTO accession: Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Upon WTO accession, 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. 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>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Value added services</u></p> <p>(o) Other</p> <p>- Internet Access Services IAS²¹</p>	<p>(1) <i>Wire-based and mobile terrestrial services:</i> None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto</p>
	<p>- <i>Upon WTO accession:</i> off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</p> <p>- Three years after WTO accession: multinational companies¹⁹, which are licensed to use satellite-earth</p>		

²¹ Services providing internet access to the end users.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	stations.		
	<p>(2) None.</p> <p>(3) <i>Non facilities-based services:</i> Upon WTO accession: joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Three years after WTO accession: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Upon WTO accession, joint venture (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>(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>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Audiovisual Services			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) Unbound. (3) None. (4) Unbound, except as indicated in the horizontal section.	
- 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	(1) Unbound. (2) None. (3) None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital.</p> <p>Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.</p> <p>(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. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.</p>	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
<p>A. General construction work for building (CPC 512)</p> <p>B. General construction work for civil engineering (CPC 513)</p> <p>C. Installation and assembly work (CPC 514, 516)</p>	<p>(1) Unbound. * (2) None. (3) None, except: For the period of 2 years from the date of WTO accession, 100% foreign-invested enterprises could only provide services to foreign-invested enterprises and foreign-funded projects in Viet Nam.</p>	<p>(1) Unbound.* (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Building completion and finishing work (CPC 517)	Foreign enterprises have to be juridical persons of a Party.		
E. Other (CPC 511, 515, 518)	After 3 years from the date of WTO accession, branching is allowed. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
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 ²² , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use. (2) None. (3) None, except: A joint venture with a Vietnamese partner(s) is required, and foreign capital contribution shall not exceed 49%. As of 1 January 2008, the 49% capital limitation shall be abolished. As of 1 January 2009, none.	(1) Unbound, except as indicated in Mode 1, market access column. (2) None. (3) None.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)			
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) ²³			

²² For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

²³ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Upon WTO accession, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products except for: cement and cement clinkers; tyres (excluding tyres of airplanes); papers; tractors; motor vehicles; cars and motorcycles; iron and steel; audiovisual devices; wines and spirits; and fertilizers.</p>		
	<p>As of 1 January 2009, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles.</p> <p>Within 3 years of Viet Nam's accession, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products.</p> <p>The establishment of outlets for</p>		

²⁴ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT) ²⁴ . (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
D. Franchising services (CPC 8929)	(1) (2) None. (3) None, except a joint venture with a Vietnamese partner(s) is required, and foreign capital contribution shall not exceed 49%. As of 1 January 2008, the 49% capital limitation shall be abolished. As of 1 January 2009, none. After 3 years from the date of WTO accession, branching is allowed. (4) Unbound, except as indicated in the horizontal section.	(1) (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.	
5 EDUCATIONAL SERVICES			
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.			
With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary education services (CPC 922)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
C. Higher education services (CPC 923)	(1) Unbound. (2) None. (3) None, except:	(1) Unbound. (2) None. (3) Foreign teachers who wish to work in foreign-invested	
D. Adult education			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(CPC 924)</p> <p>E. Other education services (CPC 929 including foreign language training)</p>	<p>Upon WTO accession, only in the form of joint-ventures. Majority foreign ownership of such joint ventures is allowed. As of 1 January 2009, 100% foreign-invested education entities are permitted.</p> <p>After 3 years from the date of WTO accession: none.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>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 indicated in the horizontal section.</p>	
<p>6. ENVIRONMENTAL SERVICES Access to certain geographic areas may be restricted for national security reasons²⁵.</p>			
<p>A. Sewage Services (CPC 9401)</p>	<p>(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators.</p> <p>Upon WTO accession joint ventures with foreign capital contribution not exceeding 51 % are allowed during 4 years after WTO accession. After that, none.</p>	<p>(1) Unbound, except related consulting services. (2) None. (3) None.</p>	<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).</p>

²⁵ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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.	
B. Refuse disposal services (CPC 9402) ²⁶	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51 % during 4 years after WTO accession. After that, none. 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. (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 companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
D. Other services - Cleaning services of exhaust gases (CPC 94040) and noise	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services	(1) Unbound, except related consulting services. (2) None. (3) None.	

²⁶ Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
abatement services (CPC 94050)	<p>supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51% during 4 years after WTO accession. After that, none.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
- Environmental impact assessment services (CPC 94090*)	<p>(1) None. (2) None. (3) None, except that foreign ownership is limited to 51% during 4 years after WTO accession. After that, none. (4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.</p>	
7. FINANCIAL SERVICES			
A. Insurance and Insurance-Related Services	(1) None for:	(1) None.	
a. Direct insurance	- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;		
(a) Life insurance, excl. health insurance services	- Reinsurance services;		
(b) Non-life insurance services	- Insurance services in international transportation, including insurance of risks relating to:		
b. Reinsurance and retrocession	+ international maritime transport and international commercial aviation, with such insurance to cover any		
c. Insurance intermediation (such as brokerage and			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
agency) d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and		
	+ goods in international transit; - Insurance broking and reinsurance broking services; - Consultancy, actuarial, risk assessment and claim settlement services.		
	(2) None. (3) None, except: 100% foreign-invested insurance enterprises shall not be allowed to engage in statutory insurance business, including motor vehicle third party liability, insurance in construction and installation, insurance for oil and gas projects, and insurance for projects and construction works of high danger to public security and the environment. As of 1 January 2008, this limitation shall be abolished. After 5 years from the date of WTO accession, non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.	(2) None. (3) None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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>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.</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, whether on an exchange, in an over-the-counter market or otherwise, the following:</p>	<p>(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:</p> <p>(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: (i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company and 100% foreign-invested finance company, and, beginning on 1 April 2007, 100% foreign-owned banks are permitted. (ii) With respect to foreign</p>	<p>(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:</p> <p>(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:</p> <p>- The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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>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>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p>	<p>(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p> <p>(b) During 5 years from the date of WTO accession, Viet Nam may limit the right of a foreign bank branch to accept deposits in Vietnamese Dong from Vietnamese natural persons with which the bank does not have a credit relationship to a ratio of the branch's paid-in capital according to the schedule below:</p> <ul style="list-style-type: none"> - 1 January 2007: 65% of legal paid-in capital; - 1 January 2008: 80% of legal paid-in capital; 	<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. <p>(c) The conditions for the</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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>	<ul style="list-style-type: none"> - 1 January 2009: 900% of legal paid-in capital; - 1 January 2010: 1,000% of legal-paid-in capital; - 1 January 2011: Full national treatment. <p>(c) Equity participation:</p> <ul style="list-style-type: none"> (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. (ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority. 	<p>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. 	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(d) 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>(e) Upon WTO accession, foreign credit institutions are allowed to issue credit cards on a national treatment basis.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. Securities</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 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>(1) Unbound, except services C(k) and C(l).</p> <p>(2) None.</p> <p>(3) Upon WTO accession, 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>After 5 years from the date of WTO accession, securities service suppliers with 100% foreign-invested capital shall be permitted.</p> <p>For services from C(i) to C(l), after 5 years from the date of WTO accession, 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>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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>			
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. (2) None. (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>(1) None. (2) None. (3) None.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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.	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	(1) None. (2) None. (3) None, except for a period of 8 years from the WTO accession date the services provided should be in parallel with investment in hotel construction, renovation, restoration or acquisition. None afterwards. (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. Travel agencies and tour operator services (CPC 7471)	(1) None. (2) None. (3) None, except that: foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services. (4) Unbound, except as indicated in the horizontal section.	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound. (2) None. (3) Unbound except after 5 years from the date of WTO accession, joint ventures with foreign capital contribution not exceeding 49% are permitted. (4) Unbound, except as indicated in	(1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	the horizontal section.	in the horizontal section.	
D. Other - Electronic games business (CPC 964**)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
11. TRANSPORT SERVICES			
A. Maritime Transport Services (a) Passenger transportation less cabotage (CPC 7211) (b) Freight transportation less cabotage (CPC 7212)	(1) Unbound, except international freight transportation: None. (2) None. (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: After 2 years from the date of WTO accession, 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-	(1) Unbound, except international freight transportation: None. (2) None. (3) None.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and 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

²⁷ "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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services²⁷: Upon WTO accession, foreign shipping companies can establish joint ventures with 51% foreign ownership. After 5 years from the date of WTO accession, foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Upon WTO accession, foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below:</p> <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; 		<p>operations, including communications, water and electrical supplies;</p> <ol style="list-style-type: none"> 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services.²⁸

²⁸ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3. Provision of required business information;</p> <p>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</p> <p>5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.</p> <p>After 5 years from the date of WTO accession, activities from (6) to (7) shall be allowed.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>The number of joint ventures by foreign shipping companies will be limited to 5 companies upon WTO accession.²⁹ Three additional companies will be allowed every two years thereafter. After 5 years from the date of WTO accession, no limitation on the number of 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>Maritime Auxiliary Services</p> <p>- Container handling services (CPC 7411)³⁰</p>	<p>(1) Unbound*</p> <p>(2) None.</p> <p>(3) None, except that upon WTO accession joint ventures with foreign capital contribution not exceeding 50% can be established.</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>- Customs Clearance Services³¹</p>	<p>(1) Unbound*</p> <p>(2) None.</p> <p>(3) None, except that upon WTO accession joint ventures with foreign capital contribution not exceeding 51% can be established. After 5 years, joint ventures can be established with</p>	<p>(1) Unbound*.</p> <p>(2) None.</p> <p>(3) None.</p>	

²⁹ The number of joint ventures by foreign shipping companies will be limited to those numbers that Vietnam had committed in the WTO

³⁰ Public utility concession or licensing procedures may apply in case of occupation of the public domain.

³¹ "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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Container Station and Depot Services ³²	(1) Unbound.* (2) None. (3) None, except that upon WTO accession joint ventures with foreign capital contribution not exceeding 51% can be established. Seven years upon WTO accession, 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) Upon WTO accession, 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.	
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	(1) None. (2) None. (3) None. (4) Unbound, except as indicated	

³² "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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	the horizontal section.	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 section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None. (3) Upon WTO accession, joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. After 5 years from the date of WTO accession, 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	(1) Unbound. (2) None. (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital.	(1) Unbound. (2) None. (3) Unbound.	
(a) Passenger transportation (CPC 7111)			
(b) Freight transportation (CPC 7112)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	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.	
F. Road Transport Services (a) Passenger transportation (CPC 7121+7122) (b) Freight transportation (CPC 7123)	(1) Unbound. (2) None. (3) None, except: Upon WTO accession, 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%. After 3 years from the date of WTO accession, subject to the needs of the market ³³ , joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. One hundred % of joint-venture's drivers shall be Vietnamese citizen. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
H. Services Auxiliary to all Modes of Transport (a) Container handling services, except services	(1) Unbound * (2) None. (3) Upon WTO accession, foreign service suppliers are only permitted to provide services	(1) Unbound. (2) None. (3) None.	

³³ 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.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
provided at airports (part of CPC 7411)	through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(d) Other (part of CPC 749) ³⁴	(1) Unbound, except freight brokerage services: None after 5 years from the date of WTO accession. (2) None. (3) Upon WTO accession, foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 49%. After 3 years from the date of WTO accession, this limitation shall be 51%. Four years thereon, this capital limitation shall be abolished. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except freight brokerage services: None after 5 years from the date of WTO accession. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	

³⁴ 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.

THAILAND

Schedule of Specific Commitments

(For the First Package of Commitments)

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>1), 2), 3), 4) For a service supplier of another Party who is a natural person of that Party but is not a national of that Party: Unbound</p> <p>3) Unless otherwise specified at the sector- specific level, commercial presence in sectors or subsectors in this schedule is permitted only through a limited liability company which is registered in Thailand and which meets the following conditions:</p> <p>(a) Foreign equity participation must not exceed 49 per cent of the registered capital; and</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned.</p>	<p>1), 2), 3), 4) For a service supplier of another Party who is a natural person of that Party but is not a national of that Party: Unbound</p> <p>3) Unless otherwise specified at the sector- specific level, for commercial entity incorporated pursuant to Thailand's laws and regulations with foreign equity participation not exceeding 49 percent of the registered capital : None</p> <p>Others : Unbound, including subsidies</p>	

Note: The scope and classification of sub-sectors contained in this schedule, unless otherwise specified, corresponds to the explanatory notes for services listed in the 1991 Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering is based on the Services Sectoral Classification List set out in document MTN.GNS/W/120 dated 10 July 1991.

Modes of Supply: 1) Cross-border supply 2) 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) Unless otherwise specified at the sector-specific level, temporary movement of natural persons is <u>unbound except</u> in the following categories.	4) Unbound, except as provided in the MA column Contractual Service Suppliers : Unbound	
	<p>I. Business Visitors (BV)</p> <p>(a) Service sellers: Representatives of a service supplier who enter and stay in Thailand temporarily without receiving remuneration from within Thailand for the sale of goods or services or entering into agreement for such sale for that services supplier.</p> <p>(b) Persons responsible for establishing a commercial presence: Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of:</p> <ul style="list-style-type: none"> - participating in business meetings or contacts, - visiting of business establishments or other similar activities, - entering with a purpose to establish a commercial presence of a service supplier in Thailand when the service supplier has no commercial presence in Thailand. <p><u>Condition:</u> Representatives of such service suppliers or employees of such juridical person will not be engaged in</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>making direct sales to the general public or in supplying services themselves.</p> <p><u>Duration of stay:</u></p> <p>Temporary stay will be permitted and a work permit granted, when apply for, for an initial period of not more than 90 days.</p> <p>Representative of category (b) may be extended for a further period of not more than one year from the arrival date, provided that the criteria stipulated by the Immigration Bureau and the Department of Employment have been satisfied.</p>		
	<p>II. Intra-corporate Transferees (ICT)</p> <p>Employees of a company established in the territory of a Party who are transferred temporarily for the supply of a service through commercial presence in Thailand.</p> <p>The employees refer to Executives, Managers, or Specialists as defined below.</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>Manager is defined as:</p> <p>A person within an organization who primarily directs the organization, or a department or sub-division of the organization; supervises and controls the work of other supervisory, professional or managerial employees; has the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization); and exercises 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>Executive is defined as:</p> <p>A person within an organization who primarily directs the management of the organization, exercises wide latitude in decision-making, and receives only general supervision or direction from higher-level executives (the board of directors, or shareholders of the business). An executive would not directly perform tasks related to the actual provision of a service or services of the organization.</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>Specialist is defined as:</p> <p>A person within an organization who possesses knowledge at an advanced level of continued expertise essential to the establishment provision of the service and/or possesses proprietary knowledge of the organization's services, research equipment, techniques, or management.</p> <p>Condition:</p> <p>Such employees must have been employed by the company concerned outside Thailand for a period of not less than one year immediately preceding the date of his or her application for admission; have satisfied the criteria stipulated by the Immigration Bureau and hold a Non-Immigration visa; and have satisfied the criteria for management needs¹ stipulated by the Department of Employment.</p> <p>Duration of stay:</p> <p>Temporary stay will be permitted and a work permit granted, when apply for, for a one year period, and may be extended for a further three terms of not more than one year each subject to verification of ongoing employment with original employer and compliance with relevant</p>		

¹ In considering managerial needs, the following facts shall be taken into consideration by the relevant authority, namely: (1) size of fully paid-up capital; (2) employment creation; (3) extent of foreign investment; (4) export promotion; (5) transfer of technology; (6) special needs of the management.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Thai laws and regulations.		
	<p>III. Contractual Service Suppliers (CSS)</p> <p><u>Definition:</u> Employees of a foreign based company who enter and stay in Thailand temporarily in order to perform service pursuant to a contract between their employer and a company (service consumer) incorporated in Thailand.</p> <p><u>Condition:</u> Access is subject to the following conditions and those in sector-specific commitments, where applicable:</p> <p>Upon the foreign-based company:</p> <ul style="list-style-type: none"> - The foreign-based company has no commercial presence in Thailand, and - has obtained a service contract for the provision of a service in Thailand for a period not exceeding three months from a company incorporated in Thailand. <p>Upon the service contract:</p> <ul style="list-style-type: none"> - The service contract shall comply with the laws, regulations and requirements of Thailand. - The contract has to be obtained in the sub-sectors below without conferring entitlement to practice as 		

Modes of Supply: 1) Cross-border supply 2) 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 licensed professional in Thailand.</p> <p>Upon the employees:</p> <ul style="list-style-type: none"> - The employees must meet the requirements prescribed for “Specialist” above, - have been offering such services as an employee of the foreign-based company supplying the services for at least the year immediately preceding the date of his or her application for admission, - have processed the necessary academic and professional qualifications as specified for the sector or activity concerned, - have satisfied the criteria stipulated by the Immigration Bureau and hold a Non-Immigration visa, and - have satisfied the criteria for management needs stipulated by the Department of Employment. <p><u>Duration of stay:</u></p> <p>The Temporary stay will be permitted and a work permit granted, when apply for, for a period of not more than one year or the duration of the contract, whichever is less.</p> <p>The sub-sectors applicable: As below:</p> <ul style="list-style-type: none"> - Consultancy services related to the installation of computer hardware 		

Modes of Supply: 1) Cross-border supply 2) 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>(CPC 84100)</p> <ul style="list-style-type: none"> - Software implementation services (CPC 84210+84220+84230+84240+84250) - Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320+84330+ 84390) - Data base services (excluding those provided over public telecommunications network) (CPC 84400) - Other computer services : Software training services for staff of clients (part of CPC 84900) - General Management Consulting Services (CPC 86501) - Hotel Lodging Services (CPC 64110) - Restaurant Services (CPC 64210) - Related scientific and technical consulting services for oil and gas exploration and production (part of CPC 8675) - Environmental services (CPC 9401-9409), except Engineer 		
	<p>3),4) Regarding acquisition and usage of land according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also</p>	<p>3), 4) Acquisition and usage of land: Unbound, except as provided in the MA column</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
	allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.		
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
(a) Legal services (CPC 86111+86119+86120+86130+86190)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 86211 to 86213 +86219+86220)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(d) Architectural services (CPC 86711 to 86714+86719)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(e) Engineering services (CPC 86721 to 86727 +86729)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

Modes of Supply: 1) Cross-border supply 2) 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 civil engineer		
(g) Urban planning and landscape architectural services (CPC 86741 to 86742)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
B. <u>Computer and Related Services</u> (a) Consultancy services related to the installation of computer hardware (CPC 84100)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by Ministry of Information and Communications Technology (hereinafter "ICT Ministry"), otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(b) Software implementation services (excluding programming and systems maintenance services) (CPC 84210+84220 +84230)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Programming and systems maintenance services (CPC 84240+84250)	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound, except as provided in the horizontal section 	
(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320+84330+84390)	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section 	
(d) Data base services (excluding those provided over public telecommunications network)	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to numerical 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section 	

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

Modes of Supply: 1) Cross-border supply 2) 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 84400)	ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section		
(e) Other computer services: software training services for staff of clients (part of CPC 84900)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound, except as provided in the horizontal section	
E. <u>Rental/Leasing Services without Operators</u>			

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

Modes of Supply: 1) Cross-border supply 2) 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) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
F. <u>Other Business Services</u>			
(a) Advertising services (CPC 87110+87120 +87190)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(b) Market research and public opinion polling services (CPC 86401 to 86402)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(c) General management consulting services (CPC 86501)	1) None 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for legal and auditing consultants	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	

Modes of Supply: 1) Cross-border supply 2) 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 86761+86769)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(f) Services incidental to agriculture: Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing - storaging	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Soil analysis laboratory	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Soil survey and land use Planning	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Cover crop seed multiplication	1) Unbound 2) None	1) Unbound 2) None	

Modes of Supply: 1) Cross-border supply 2) 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) None 4) As indicated in the horizontal section	3) None 4) Unbound, except as provided in the horizontal section	
(f) Services incidental to forestry:			
Forestry consultant services	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(g) Services incidental to fishing:			
International trading, exporting products services (broker)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Quality analysis services	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Canning process analysis services	1) Unbound 2) None 3) None 4) As indicated in the horizontal sections	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Technical services - Consulting - Research on marketing - Quality control	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(h) Services incidental to mining at oil and gas fields	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(m) Related scientific and technical consulting services (CPC 8675) - Oil and gas exploration and production (part of CPC 8675)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain	

Modes of Supply: 1) Cross-border supply 2) 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) (a) Entry of contractual service suppliers will be subject to the approval of the Petroleum Committee required in Petroleum Act, otherwise as indicated in the horizontal section (b) Unbound for civil engineer	requirements stipulated under such law 4) Unbound, except as provided in the horizontal section	
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
(q) Packaging services (CPC 87600)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(t) Other Translation and interpretation	1) Unbound 2) None	1) Unbound 2) None	

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Modes of Supply: 1) Cross-border supply 2) 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 87905)	3) None 4) As indicated in the horizontal section	3) None 4) Unbound, except as provided in the horizontal section	
<p>2. COMMUNICATION SERVICES</p> <p>C. Telecommunications Services</p> <p><u>Commitments undertaken in this offer are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - Each service to be supplied in Thailand requires a specific governmental licence. - Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - Due to scarce resources, the number of licences may be limited. - The services in the Schedule of Specific Commitments shall be on facilities basis. - The service provider shall be a Thai registered company with foreign equity participation not exceeding 20 per cent of the registered capital and the number of foreign shareholders must not exceed 20 per cent of the total number of shareholders of the company. - Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, commitments on public telecommunication services will be introduced, and carried out in accordance with the implementing regulations to be issued by virtue of those acts. 			
Public local, domestic long distance and international services: (a) Voice telephone services (b) Telex services (c) Telegraph services (d) Facsimile services	1),2) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends. 3) Conditional upon passage and coming into force of all necessary new communication acts,	1),2) None 3) Conditional upon passage and coming into force of all necessary new communication acts,	Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal

Modes of Supply: 1) Cross-border supply 2) 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>commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>4) Unbound as indicated in the horizontal section</p>	<p>commencing from the year of 2006, Thailand will introduce the national treatment elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>4) Unbound as indicated in the horizontal section</p>	<p>service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.</p>
(j) Data base access services (part of CPC 7523)	<p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 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 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept (c) Must use public telecommunication network under national telecommunication authorities</p>	<p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 40 per cent</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
	4) As indicated in the horizontal section	4) Unbound, except as provided in the horizontal section	
(n) On-line information and/or data processing services (part of CPC 843)	1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability 2) None 3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept (c) Must use public telecommunication network under national telecommunication authorities 4) As indicated in the horizontal section	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent 4) Unbound, except as provided in the horizontal section	

Modes of Supply: 1) Cross-border supply 2) 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) Other Telecommunication s equipment sales services (part of CPC 75420)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Telecommunication s consulting services (CPC 75440)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Videotext (part of CPC 75299)	1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability 2) None 3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	transferred-operated concept by national telecommunication authorities ²		
	(c) Must use public telecommunication network under national telecommunication authorities (d) Selection of service providers shall be based on open tender 4) As indicated in the horizontal section	4) Unbound, except as provided in the horizontal section	
Teleconference (part of CPC 75292)	1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability 2) None 3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities ³	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent	

² This condition will be applied for at least 10 years.

³ This condition will be applied for at least 10 years.

Modes of Supply: 1) Cross-border supply 2) 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) Must use public telecommunication network under national telecommunication authorities</p> <p>(d) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p>	<p>4) Unbound, except as provided in the horizontal section</p>	
<p>Domestic leased circuits (part of CPC 75299)</p>	<p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 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 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company</p> <p>(b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities⁴</p> <p>(c) Must use public telecommunication network</p>	<p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

⁴ This condition will be applied for at least 10 years.

Modes of Supply: 1) Cross-border supply 2) 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>under national telecommunication authorities</p> <p>(d) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p>	<p>4) Unbound, except as provided in the horizontal section</p>	
<p><u>D. Audiovisual Services</u></p> <p>(a) 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) None</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the horizontal section</p>	
<p>(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the horizontal section</p>	
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. Construction Work for Buildings (CPC 51210+51220+51230+51240+512</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) (a) As indicated in the horizontal</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the</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
50+ 51260 +51270+51280+ 51290)	section (b) Unbound for civil engineer	horizontal section	
B. Construction Work for Civil Engineering (CPC 51310+51320 +51330+51340+513 50+51360+51371+5 1372 +51390)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
C. Installation Work (CPC 51610+51620+5163 0+51641+51642+51 643+51644+51649+ 51650+51660+5169 1+ 51699)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Assembly Work (CPC 51400)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound, except as provided in the horizontal section	
D. Building Completion and Finishing Work (CPC 51710+51720+51730+51740+51750+51760+51770+51780+51790)	1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound, except as provided in the horizontal section	
E. Other Pre-erection Work at Construction Site	1) Unbound 2) None 3) None	1) Unbound 2) None 3) Conditional upon the result of the	

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

Modes of Supply: 1) Cross-border supply 2) 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>(CPC 51110+51120+51130+51140+51150+51160)</p> <p>Special Trade Construction (CPC 51510+51520+51530+51540+51550+51560+51590)</p> <p>Renting services related to equipment for construction or demolition of buildings or civil engineering works with operator (CPC 51800)</p>	<p>4) (a) As indicated in the horizontal section (b) Unbound for civil engineer</p>	<p>proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law**</p> <p>4) Unbound, except as provided in the horizontal section</p>	
<p>4. DISTRIBUTION SERVICES</p> <p>A. Commission Agents' Services (CPC 62111 to 62118)</p>	<p>1) Unbound 2) None 3) None 4) Unbound</p>	<p>1) Unbound 2) None 3) None 4) Unbound</p>	

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

Modes of Supply: 1) Cross-border supply 2) 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>A + B. International and National School Education Services (excluding adult and other education services) (CPC 9219+9221 +9222)</p>	<p>1) Unbound 2) None 3) None 4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p>(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable.</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>	<p>1) Unbound 2) None 3) None 4) Unbound</p>	
<p>B. Technical and Vocational Education Services (CPC 9223+9224)</p>	<p>1) None 2) None 3) None 4) Foreign natural persons may enter Thailand to supply education services provided that:</p>	<p>1) None 2) None 3) None 4) Unbound</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>(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand;</p> <p>(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
<p>C. Higher education services (CPC 92300)</p>	<p>1) Unbound 2) None 3) Unbound 4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p>(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand;</p> <p>(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that</p>	<p>1) Unbound 2) None 3) Unbound 4) Unbound</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>may be set by Ministry of Education where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
<p>D. Professional and/or Short Courses Education Services (CPC 92400)</p>	<p>1) Unbound 2) None 3) None 4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p>(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the</p>	<p>1) Unbound 2) None 3) None 4) Unbound</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
	horizontal section		
<p>E. Other education services (CPC 92900)</p> <p>Foreign language tuition services (part of CPC 92900)</p>	<p>1) Unbound 2) None 3) None</p> <p>4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p>(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p>	<p>1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound</p>	

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Others : As indicated in the horizontal section		
6. ENVIRONMENTAL SERVICES A. Environmental Consultancy on Sewage System, Refuse Disposal, Hazardous Waste Management, Air Pollution and Noise Management, Sanitation and Other Environmental Management Services (CPC 9401)	1) None 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Environmental Protection and Environmental Abatement Services (CPC 9401)	1) None 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Sewage Services (including industrial waste water treatment system) (CPC 9401)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section		
B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
C. Sanitation and Similar Services (CPC 9403)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
D. Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Noise abatement services (CPC 9405)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Nature and landscape protection services (CPC 9406)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Other environmental protection services (CPC 9409)	1) Unbound 2) None 3) None 4) Entry of contractual service suppliers may subject to qualification requirements set by Ministry of Natural Resources and Environment, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
7. FINANCIAL SERVICES - With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or sub-sector of banking and other financial services only to the extent that their respective governing			

Modes of Supply: 1) Cross-border supply 2) 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>legislation permit them to do so.</p> <p>- All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments.</p>			
<p>A. <u>Insurance including Reinsurance and retrocession</u></p> <p>(a) Life insurance services (CPC 81211)</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet.</p> <p>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p>	<p>1) None</p> <p>2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies.</p> <p>3) None other than that indicated in the MA column</p> <p>4) Unbound, except as provided in the horizontal section</p>	
<p>(b) Non-life insurance services (CPC 8129)</p>	<p>1) Unbound except for international marine, aviation and transit and all classes of reinsurance.</p> <p>2) None</p> <p>3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to license approved by the Minister with the consent of the Cabinet.</p> <p>4) Only senior managerial personnel,</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the MA column</p> <p>4) Unbound, except as provided in the</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
	specialists and technical assistants with the approval of the Insurance Commissioner.	horizontal section	
(d) Services auxiliary to insurance (excluding pension funding services) Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts)	1) Unbound 2) Unbound 3) Foreign equity participation not to exceed 25 per cent. 4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner. (b) Unbound for individual broker and agent.	1) Unbound 2) Unbound 3) None other than that indicated in the MA column 4) Unbound, except as provided in the horizontal section	
Insurance consultancy services excluding pension consulting services (CPC 81402)	1) None 2) None 3) None 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Average and loss adjustment services (CPC 81403)	1) None 2) None 3) None 4) Only senior managerial personnel,	1) None 2) None 3) None 4) Unbound, except as provided in the	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	specialists and technical assistants with the approval of the Insurance Commissioner.	horizontal section	
Actuarial Services (CPC 81404)	1) None 2) None 3) None 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Services auxiliary to financial intermediation other than to insurance and pension funding services Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	1) None 2) None 3) (a) As indicated in B(3)(j) below. (b) Financial institutions must obtain prior approval from the Bank of Thailand. 4) As indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Financial consultancy services (CPC 81332)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
B. <u>Banking and Other</u>			

Modes of Supply: 1) Cross-border supply 2) 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>Financial Services</u></p> <p>Acceptance of deposits and other repayable funds from the public</p> <p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions</p> <p>Financial leasing</p> <p>Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts</p> <p>Guarantees and commitments</p>	<p>1) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>2) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>3) (a) Representative office of banks: None.</p> <p>(b) Foreign bank branches:</p> <p>I. None for existing foreign bank branches under present shareholding structure.</p> <p>New establishment is subject to licence approved by the Minister of Finance with the consent of the Cabinet.</p> <p>II. ATM operations permitted under the following conditions only:</p> <p>(i) joining ATM pools operated by Thai banks; or</p> <p>(ii) operation within own premises or sharing the facilities with other commercial banks in Thailand.</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Representative office of banks: None</p> <p>(b) Foreign bank branches: None, except as indicated in the market access column.</p>	
Trading for own	III. Existing foreign banks which		

Modes of Supply: 1) Cross-border supply 2) 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>account, or for account of customers in the following:</p> <ul style="list-style-type: none"> (a) money market instruments (b) foreign exchange (c) exchange rate and interest rate instruments (d) transferable securities <p>Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues</p>	<p>already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches.</p> <p>IV. None for participation in cheque clearing and settlement system.</p> <p>(c) Locally incorporated banks</p> <p>I. Market access limited to the acquisition of shares of existing banks.</p> <p>II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.</p>	<p>(c) Locally incorporated banks</p> <p>None, except as indicated in the market access column</p>	
<p>Asset management as follows:</p> <ul style="list-style-type: none"> - cash or portfolio management - collective investment management - custodian and depository 	<p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to</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>services</p> <p>Advisory, intermediation and other auxiliary financial services</p> <p>Provision and transfer of financial information, and financial data processing and related software</p>	<p>the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> - the relaxation is deemed necessary to improve the condition or business of the commercial bank; - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. 		
	<p>III. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to the same terms and conditions as stated in II (ii) above.</p> <p>(d) International Banking Facility⁵ New establishment is subject to licence approved by the Minister of Finance</p>	<p>(d) International Banking Facility None, except as indicated in the market access column</p>	

⁵ IBF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

Modes of Supply: 1) Cross-border supply 2) 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) Finance companies and credit foncier companies</p> <p>I. None for representative offices.</p> <p>II. Market access limited to the acquisition of shares of existing companies.</p> <p>III. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent.</p>	<p>(e) Finance companies and credit foncier companies None, except as indicated in the market access column</p>	
	<p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <p>- the relaxation is deemed</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>necessary to improve the condition or business of the finance company and credit foncier company.</p>		
	<p>- such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding.</p> <p>IV. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to the same terms and conditions as stated in III(ii) above.</p> <p>(f) Securities companies, Securities brokerage, securities dealing, investment advisory service and securities underwriting:</p>	<p>(f) Securities companies None, except as indicated in the market access column</p>	
	<p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.</p>		

Modes of Supply: 1) Cross-border supply 2) 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>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital.</p> <p>IV. At least one-half of the directors of a locally incorporated securities firm must be Thai national.</p>		
	<p>(g) Asset management companies:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies.</p> <p>III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per cent of paid-up registered capital and at least three-fourths of the directors must be Thai national.</p>	<p>(g) Asset management companies None, except as indicated in the market access column</p>	
	<p>IV. After five years, maximum foreign equity participation is limited to 49 per cent of paid-up registered capital and at least one-half of the directors must be Thai national.</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>(h) Financial leasing services Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> <p>(i) Factoring services Can only be provided by factoring companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p>	<p>(h) Financial leasing services None</p> <p>(i) Factoring services None</p>	
	<p>(j) Credit, charge and debit cards Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 percent of paid-up registered capital or locally incorporated banks and foreign bank branches.</p>	<p>(j) Credit, charge and debit cards None</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 conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced.</p>		
	<p>4) Limitations on the number of foreign personnel per foreign bank office:</p> <ul style="list-style-type: none"> (a) two persons for banks operating as representative office; (b) six persons for each full-licensed branch; (c) four persons for each BIBF branch; (d) two persons for each PIBF branch; (e) eight persons for banks operating as full-licensed and BIBF branch; <p>For finance companies:</p> <ul style="list-style-type: none"> (a) two persons for a representative office; (b) Maximum of four directors permitted for finance companies; <p>For securities companies and asset and management companies: two persons for a representative office.</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
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotel Lodging Services</u> (CPC 64110)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Camping and caravan site services (CPC 64195)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound, except as provided in the horizontal section	
Restaurant Services (CPC 64210)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Catering Services (CPC 64230)	1) Unbound 2) None	1) Unbound 2) None	

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Modes of Supply: 1) Cross-border supply 2) 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) None 4) As indicated in the horizontal section	3) None 4) Unbound, except as provided in the horizontal section	
B. <u>Travel Agency and Tour Operator Services</u> (CPC 74710)	1) Unbound 2) None 3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
D. <u>Other</u> Hotel management services	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the Horizontal section	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)	1) Unbound 2) None 3) None 4) As indicated in the horizontal sections	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Recreation Park and	1) Unbound	1) Unbound	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Beach Services (CPC 96491)	2) None 3) None 4) As indicated in the horizontal section	2) None 3) None 4) Unbound, except as provided in the horizontal section	
11. TRANSPORT SERVICES A. <u>Maritime Transport Services</u> (a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	1) None 2) None 3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand	1) None 2) None 3) (a) Unbound	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: <ol style="list-style-type: none"> 1. Pilotage⁶ 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal

⁶ 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.

Modes of Supply: 1) Cross-border supply 2) 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) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section.</p> <p>4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section</p>	<p>(b) None</p> <p>4) (a) Unbound (b) Unbound, except as provided in the horizontal section</p>	<p>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 9. Anchorage, berth and berthing services</p>
<p>(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)</p>	<p>1) None 2) None</p> <p>3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section</p>	<p>1) None 2) None</p> <p>3) (a) Unbound</p> <p>(b) None other than: (i) Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies</p>	<p>1) See Note to the schedule</p> <p>(b) See Note to the schedule</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>4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section</p>	<p>(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) Unbound (b) Unbound, except as provided in the horizontal section</p>	
(e) International towing (CPC 7214)	<p>1) None 2) None 3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section</p>	<p>1) None 2) None 3) (a) Unbound (b) None</p>	
	<p>4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section</p>	<p>4) (a) Unbound (b) Unbound, except as provided in the horizontal section</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) Supporting Services for maritime transport (CPC 745) Shore reception facilities (collection of waste/oily water from ships)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Port captain's services attached to specific foreign vessels	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels	1) None other than those under regulations stipulated by the Harbour Department 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as provide in the MA column	
Freight forwarding services	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
Maritime cargo handling services (as defined below – 3.5)	1) Unbound 2) None 3) Supplying services in the port area under the supervision of government	1) Unbound 2) None 3) Conditional upon the result of the proposal to amend the definition of	

Modes of Supply: 1) Cross-border supply 2) 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 is subject to certain conditions set up by relevant laws and regulations of such authorities.</p> <p>4) As indicated in the horizontal section</p>	<p>'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law**</p> <p>4) Unbound, except as provided in the horizontal section</p>	
Maritime agency services (as defined below – 3.6)	<p>1) Unbound</p> <p>2) None</p> <p>3) None⁷</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law**</p> <p>4) Unbound, except as provided in the horizontal section</p>	
<p>C. <u>Air Transport Services</u></p> <p>(d) Aircraft repair and maintenance</p>	<p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

⁷ For transparency purposes, domestic regulations may require registration of service suppliers, minimum paid-up capital, experienced personnel, etc., on a non-discriminatory basis

Modes of Supply: 1) Cross-border supply 2) 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 8868)	3) Services providers must perform their services outside the prescribed apron 4) As indicated in the horizontal section	3) Conditional upon the result of the proposal to amend the definition of 'foreigner' in the Foreign Business Act B.E. 2542, commercial presence specified in the MA column which is owned or controlled by the foreigner may be subject to certain requirements stipulated under such law** 4) Unbound, except as provided in the horizontal section	
(e) Supporting services for air transport (CPC 746) Selling and marketing of air transport services	1) None 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound	
Computer reservation system services	1) None other than: (1) Service providers must use public telecommunication network under national telecommunication authorities. (2) Radio application service is subject to frequency availability 2) None 3) (1) Distribution through CRS is allowed for airlines offices and one General Sales Agent office	1) None 2) None 3) Unbound	

** National treatment limitation in this mode of supply is subject to further negotiation in view of the outcome of the legislative deliberation in Thailand.

Modes of Supply: 1) Cross-border supply 2) 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) Service providers must use Thai public telecommunication network under national telecommunication authorities and have to comply with terms and conditions set out in Thailand's GATS offer on Telecommunication</p> <p>4) As indicated in the horizontal section</p>	<p>4) Unbound</p>	
<p>E. <u>Rail Transport Services</u></p> <p>(d) Maintenance and repair of rail transport equipment (CPC 8868)</p>	<p>1) None 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer</p>	<p>1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section</p>	
<p>(e) Supporting Services for rail transport services (CPC 743)</p> <p>Passenger and freight car cleaning services</p>	<p>1) None 2) None 3) None 4) As indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound, except as provided in the horizontal section</p>	
<p>Security services at railway station</p>	<p>1) None 2) None 3) None 4) As indicated in the horizontal</p>	<p>1) None 2) None 3) None 4) Unbound, except as provided in the</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
	section	horizontal section	
<p>F. <u>Road Transport Services Other non-scheduled passenger transportation</u></p> <p>(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)</p>	<p>1) Unbound 2) None 3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section</p>	<p>1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section</p>	
<p>(c) Rental services of passenger cars with operator (CPC 71222)</p>	<p>1) Unbound 2) None 3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section</p>	<p>1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section</p>	
<p>(c) Rental services of buses and coaches with operator (CPC 71223)</p>	<p>1) Unbound 2) None 3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal</p>	<p>1) Unbound 2) None 3) None 4) Unbound, except as provided in the</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
	section	horizontal section	
H. <u>Services Auxiliary to All Modes of Transport</u> (b) Storage and warehousing services (CPC 742)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as provided 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 members to undertake locally the following:

- (a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
- (b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated service;
- (c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;
- (d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.

3.3 "Multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

3.4 "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information.

3.5 “Maritime cargo handling services” means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge

3.6 “Maritime agency services” means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing of bill of lading of the shipping lines; procurement and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the shipping lines organizing the call of a ship or taking over cargoes when required.