PROTOCOL TO IMPLEMENT THE SECOND PACKAGE OF SPECIFIC COMMITMENTS UNDER THE AGREEMENT ON TRADE IN SERVICES OF THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member States" or singularly as "ASEAN Member State"), and the People's Republic of China (hereinafter referred to singularly as "the Party" and collectively as "the Parties"),

RECALLING the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation Between the Association of Southeast Asian Nations and the People's Republic of China, (hereinafter referred to as the "Agreement"), signed on 14 January 2007 in Cebu, the Philippines;

RECALLING the aim of substantially improving on the first package of specific commitments of each Party;

REAFFIRMING the commitment to the progressive liberalisation of trade in services between the Parties; and

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RECOGNISING the agreement to conclude the second package of specific commitments within a year from the date of entry into force of the Agreement,

HAVE AGREED as follows:

Article 1
General Provisions

1. Pursuant to paragraph 2 of Article 23 of the Agreement, the second package of specific commitments of each Party is hereby annexed to this Protocol. This Protocol and its Annexes shall form an integral part of the Agreement.

2. This Protocol shall apply to the Parties that have signed this Protocol and submitted their respective specific commitments to the Secretary-General of ASEAN.[1]

Article 2
Entry into Force

1. This Protocol shall enter into force on 1 January 2012.

2. The Parties undertake to complete their internal procedures for the entry into force of this Protocol by 1 January 2012.

3. Where a Party is unable to complete its internal procedures for the entry into force of this Protocol by 1 January 2012, the rights and obligations of that Party under this Protocol shall commence on the date of completion of such internal procedures.

[1] Cambodia is exempted from the requirement of the submission of the Second Package of Specific Commitments (8th AEM-MOFCOM Consultations).

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

Article 3
Depositary

For the ASEAN Member States, this Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified true copy thereof, to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned being duly authorised by their respective Governments, have signed the Protocol to implement the Second Package of Specific Commitments under the Agreement on Trade in Services of the Framework Agreement on the Comprehensive Economic Co-operation between the Association of the Southeast Asian Nations and the People's Republic of China.

Done at Bali, Indonesia, this 16th Day of November in the Year Two Thousand and Eleven, in duplicate copies in the English language.

For Brunei Darussalam:

LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the People's Republic of China:

CHEN DEMING
Minister of Commerce

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

For the Kingdom of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:

GITA WIRJAWAN
Minister of Trade

For the Lao People's Democratic Republic:

NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:

MUSTAPA MOHAMED
Minister of International Trade and Industry

CERTIFIED COPY
DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

For the Republic of the Union of Myanmar:

U TIN NAING THEIN
Union Minister, Ministry of National Planning and Economic Development

For the Republic of the Philippines:

GREGORY L. DOMINGO
Secretary of Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:

KITTIRATT NA-RANONG
Deputy Prime Minister and Minister of Commerce

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

For the Socialist Republic of Viet Nam:

VU HUY HOANG
Minister of Industry and Trade

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT
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BRUNEI DARUSSALAM

Schedule of Specific Commitments

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	(3) Unbound except with respect to existing commercial presence: half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam. All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	
	(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 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	(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	application for admission and who are one of the following: (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. (b) Executives - persons within the organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the actual provision of the service or services of the organisation. (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). 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.		

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services b) Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications: A. For accounts kept in English 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in language other than English: (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences. -	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance	(2) In order to apply to be an authorised auditor, a person must have as minimum qualifications. A. For accounts kept in English: 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in languages other than English. (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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. - 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.	(3) Must prove commitment to recruit and develop more local human resources. (4) Unbound except as indicated under horizontal measures	
(d) Architectural Services (CPC 8671)	(1) None, other than plans should be submitted through licensed practising architects and a registered partnership (2) None (3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Name Act respectively. ii) Foreign equity participation shall not exceed 45%. iii) Companies or firm must be registered with the Ministry of	(1) None (2) None (3) Unbound	

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

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

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators b) Rental/leasing services relating to aircraft without operators (CPC 83104)	(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity (2) None (3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; And (c) Permanent address in Brunei Darussalam is required with respect to (a). (4) Unbound except with respect to (b), one technical post subject to: - Local availability test, - Designation of a specified number of Brunei trainees.	(1) None (2) None (3) Unbound (4) Unbound except as indicated under horizontal "measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met; (a) residency (b) registration).	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunication Services 1. Local service (a) Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section (4) 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. The period of exclusivity for the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period. Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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.	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Mobile services (a) Public cellular mobile telephone service	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Public cellular mobile telephone service using AMPS and GSM technologies are exclusively provided by DSTCom. (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.	
(c) Circuit-switched data transmission services (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation 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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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.	
(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 section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services (a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	(1) Unbound (2) None (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee. (CPC 8129)	(1) Unbound (2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(d) Insurance and intermediation comprising broking and agency services (CPC 8140)	(1) Unbound (2) Insurance intermediation is not allowed to act for unregistered insurers. (3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF (ii) Broker, underwriting and insurance managers require approval. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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 in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES A. Hotel and restaurants (including catering) Hotel lodging services (CPC 64110)	(1) Unbound (2) Unbound (3) Foreign investors must enter into joint ventures in which aggregate local equity constitutes not less than 39% of the total. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES A. Maritime Transport Services a) Passenger Transportation (CPC 7211)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	
b) Freight Transportation (CPC 7212)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Air Transport Services			
(c) Rental of aircraft with crew (CPC 734)	(1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity. (2) None (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.	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

BRUNEI DARUSSALAM

Schedule of Specific Commitments

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	(3) Unbound except with respect to existing commercial presence: half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam. All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	
	(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 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	(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	application for admission and who are one of the following: (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. (b) Executives - persons within the organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the actual provision of the service or services of the organisation. (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). 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.		

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services b) Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications: A. For accounts kept in English 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in language other than English: (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences. -	

BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance	(2) In order to apply to be an authorised auditor, a person must have as minimum qualifications. A. For accounts kept in English: 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in languages other than English. (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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. - 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.	(3) Must prove commitment to recruit and develop more local human resources. (4) Unbound except as indicated under horizontal measures	
(d) Architectural Services (CPC 8671)	(1) None, other than plans should be submitted through licensed practising architects and a registered partnership (2) None (3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Name Act respectively. ii) Foreign equity participation shall not exceed 45%. iii) Companies or firm must be registered with the Ministry of	(1) None (2) None (3) Unbound	

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

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

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

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

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators b) Rental/leasing services relating to aircraft without operators (CPC 83104)	(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity (2) None (3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; And (c) Permanent address in Brunei Darussalam is required with respect to (a). (4) Unbound except with respect to (b), one technical post subject to: - Local availability test, - Designation of a specified number of Brunei trainees.	(1) None (2) None (3) Unbound (4) Unbound except as indicated under horizontal "measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met; (a) residency (b) registration).	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunication Services 1. Local service (a) Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section (4) 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. The period of exclusivity for the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period. Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Mobile services (a) Public cellular mobile telephone service	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Public cellular mobile telephone service using AMPS and GSM technologies are exclusively provided by DSTCom. (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.	
(c) Circuit-switched data transmission services (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation 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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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.	
(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 section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services (a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	(1) Unbound (2) None (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee. (CPC 8129)	(1) Unbound (2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(d) Insurance and intermediation comprising broking and agency services (CPC 8140)	(1) Unbound (2) Insurance intermediation is not allowed to act for unregistered insurers. (3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF (ii) Broker, underwriting and insurance managers require approval. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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 in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES A. Hotel and restaurants (including catering) Hotel lodging services (CPC 64110)	(1) Unbound (2) Unbound (3) Foreign investors must enter into joint ventures in which aggregate local equity constitutes not less than 39% of the total. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES A. Maritime Transport Services a) Passenger Transportation (CPC 7211)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	
b) Freight Transportation (CPC 7212)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Air Transport Services			
(c) Rental of aircraft with crew (CPC 734)	(1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity. (2) None (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.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

CAMBODIA

Schedule of Specific Commitments

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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	
Presence of natural persons	(4) Unbound except for measures concerning the entry and temporary stay of a natural person who falls in one of the following categories: Business visitors	(4) Unbound, except for measures affecting the categories referred to under market access.	

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	A natural person who: - 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. 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.		
	Persons responsible for setting up of a commercial establishment: 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.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Intra-Corporate Transferees 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: a) Executives: 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.		
	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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. 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. 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.		

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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 Subsector	Limitation on Market Access	Limitation 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.	

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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 users	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(k) Placement and supply services of Personnel (CPC 872) (m) Engineering related scientific and technical consulting services (CPC 8675) (q) Packaging services (CPC 876)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
II. COMMUNICATION SERVICES			
2. Courier Services			
Courier services (CPC 7512)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
3. **Telecommunication Services** Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
(a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None (2) None (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%. (4) Unbound, except as indicated in	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None (2) None (3) Provided exclusively by Telecom Cambodia. Starting no later than 1 January 2009: None (4) Unbound, except as indicated in	Cambodia undertakes obligations contained in the Reference Paper attached.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 7522**+7523**)	the horizontal section	the horizontal section	
(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	(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.

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 514; CPC 516) 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	
3. Retailing services - Retail sales of motor vehicles (CPC 61112); - Sales of parts of motor vehicles (CPC 6113);	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- 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)			
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 (CPC 613)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
V. EDUCATIONAL SERVICES			
3. Higher education services (CPC 923) 4. Adult education (CPC 924) 5. Other education 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 will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global

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

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 929)			practice.
VI. ENVIRONMENTAL SERVICES			
1. Sewage services (CPC 9401) 2. Refuse disposal services (CPC 9402) 3. Sanitation and similar services (CPC 9403) 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)	(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	
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	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(c) Reinsurance and retrocession (CPC 81299)	(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 (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None, except companies must reinsure 20% of their risk in Cambodia Re until 1 January 2008. Thereafter, None. (4) Unbound, except as indicated in the horizontal section.	(3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
2. Banking and other financial services			
The commitments for subsectors (a), (b) and (d) refer to commercial banking only. (a) Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119) (b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113); (d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339[3])	(1) None, except deposits from the public must be reinvested in Cambodia (2) None (3) None, except only permitted through authorized financial institutions as banks (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] According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
The commitments for subsectors (c) and (e) refer to commercial banking only. (c) Financial leasing (e) Guarantees and commitments	(1) Unbound (2) None (3) Unbound until related laws and regulations are established (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(f) 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 (g) Participation in issues of all kinds of securities, including underwriting and placement as agency (whether publicly or privately) and provision of	(1) Unbound (2) None (3) Unbound for subsectors (f) – (l), until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority. (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
services related to such issues; (h) Money broking; (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services; (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; (k) Provision of financial information, and financial data processing and related software by suppliers of other financial services (l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
VIII. HEALTH RELATED AND SOCIAL SERVICES			
1. Hospital services Ownership and management of private hospitals and clinics only	(1) None (2) None (3) None, except at least one director for technical matters must be Cambodian (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
IX. TOURISM AND TRAVEL RELATED SERVICES			
1. Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher[4] . (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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	(1) None	(1) None	

[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.

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			services.
3. Air Transport Services			
- 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	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the horizontal section.		

REFERENCE PAPER

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

(a) are exclusively or predominantly provided by a single or limited number of suppliers; and

(b) cannot feasibly be economically or technically substituted in order to provide a service.

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

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

1. Competitive safeguards

1.1. Prevention of anti-competitive practices in telecommunications

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

1.2. Safeguards

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

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

2. Interconnection

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

2.2. Interconnection to be ensured

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

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

2.3. Public availability of the procedures for interconnection negotiations

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

2.4. Transparency of interconnection arrangements

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

2.5. Interconnection: dispute settlement

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

(a) at any time or
(b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

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

4. Public availability of licencing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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 intergouvernmental 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.

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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
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.

CAMBODIA

Schedule of Specific Commitments

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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	
Presence of natural persons	(4) Unbound except for measures concerning the entry and temporary stay of a natural person who falls in one of the following categories: Business visitors	(4) Unbound, except for measures affecting the categories referred to under market access.	

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	A natural person who: - 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. 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.		
	Persons responsible for setting up of a commercial establishment: 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.		

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Intra-Corporate Transferees 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: a) Executives: 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.		
	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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. 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. 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.		

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

Sector or Subsector	Limitation on Market Access	Limitation 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 Subsector	Limitation on Market Access	Limitation 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.	

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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 users	(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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(k) Placement and supply services of Personnel (CPC 872) (m) Engineering related scientific and technical consulting services (CPC 8675) (q) Packaging services (CPC 876)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
II. COMMUNICATION SERVICES			
2. Courier Services			
Courier services (CPC 7512)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
3. **Telecommunication Services** Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
(a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None (2) None (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%. (4) Unbound, except as indicated in	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None (2) None (3) Provided exclusively by Telecom Cambodia. Starting no later than 1 January 2009: None (4) Unbound, except as indicated in	Cambodia undertakes obligations contained in the Reference Paper attached.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 7522**+7523**)	the horizontal section	the horizontal section	
(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	(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.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 514; CPC 516) 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	
3. Retailing services - Retail sales of motor vehicles (CPC 61112); - Sales of parts of motor vehicles (CPC 6113);	(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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- 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)			
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 (CPC 613)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
V. EDUCATIONAL SERVICES			
3. Higher education services (CPC 923) 4. Adult education (CPC 924) 5. Other education 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 will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 929)			practice.
VI. ENVIRONMENTAL SERVICES			
1. Sewage services (CPC 9401) 2. Refuse disposal services (CPC 9402) 3. Sanitation and similar services (CPC 9403) 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)	(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	
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	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(c) Reinsurance and retrocession (CPC 81299)	(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 (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None, except companies must reinsure 20% of their risk in Cambodia Re until 1 January 2008. Thereafter, None. (4) Unbound, except as indicated in the horizontal section.	(3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
2. Banking and other financial services			
The commitments for subsectors (a), (b) and (d) refer to commercial banking only. (a) Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119) (b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113); (d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339[3])	(1) None, except deposits from the public must be reinvested in Cambodia (2) None (3) None, except only permitted through authorized financial institutions as banks (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] According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
The commitments for subsectors (c) and (e) refer to commercial banking only. (c) Financial leasing (e) Guarantees and commitments	(1) Unbound (2) None (3) Unbound until related laws and regulations are established (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(f) 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 (g) Participation in issues of all kinds of securities, including underwriting and placement as agency (whether publicly or privately) and provision of	(1) Unbound (2) None (3) Unbound for subsectors (f) – (l), until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority. (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
services related to such issues; (h) Money broking; (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services; (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; (k) Provision of financial information, and financial data processing and related software by suppliers of other financial services (l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
VIII. HEALTH RELATED AND SOCIAL SERVICES			
1. Hospital services Ownership and management of private hospitals and clinics only	(1) None (2) None (3) None, except at least one director for technical matters must be Cambodian (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
IX. TOURISM AND TRAVEL RELATED SERVICES			
1. Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher[4] . (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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	(1) None	(1) None	

[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.

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			services.
3. Air Transport Services			
- 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	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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.

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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 intergouvernmental 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.

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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
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

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Commercial Presence of the foreign service provider(s) may be in the form of joint venture and/or representative office, unless mentioned otherwise. Joint venture should meet the following requirements: (i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT), (ii) not more than 49% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT), may be owned by foreign partner(s). (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.	(3) Land Acquisition Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property. Any juridical and natural persons should meet professional qualification requirements. (4) Expatriate Charges Any foreign natural persons supplying services are subject to charges levied by Governments Labour Laws and Regulations. 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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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.		

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 proprietal to the service, research equipment, techniques or management.

"Joint Operator": A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws

"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 organized 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 contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
CONSTRUCTION AND RELATED ENGINEERING SERVICES A. General construction work for building Construction work for building (CPC 512 except CPC 51210)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. General construction work for civil engineering Construction work for civil engineering (CPC 513)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Installation and assembly work Assembly and erection of prefabricated construction (CPC 514)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other - Pre-erection work at construction system (CPC 511 except CPC 51110 and 51113)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Steel binding and erection (incl. welding) (CPC 51550)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Renting Services related to equipment for construction or demolition of building or civil engineering works, with operator (CPC 518)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Foundation work including pile driving (CPC 51510)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Gas fitting construction work (CPC 51630)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Fire alarm construction work (CPC 51642)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Burglar alarm system construction work (CPC 51643)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Lift and escalator construction work (CPC 51691)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel (CPC 64110)	(1) None (2) None (3) In Eastern Part of Indonesia, Bengkulu, Jambi, 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 - Comptroller - Marketing Director b. Highly-skilled Professionals comprised of: - Executive Chef - Sous Chef - Specialty Cook	(1) None (2) None (3) a. Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	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 parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara), foreign equity participation is permitted up to 49% (4) Unbound, *except for:* - Top Management Level - Highly-Skilled Professionals	(1) None (2) None (3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS (4) (1) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Tourism Consultancy Services (CPC 91136)	(1) None (2) None (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do joint venture, joint operation and contract management (4) Unbound	(1) None (2) None (3) Unbound (4) As specified in the Horizontal Measures	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International Hotel Operator (CPC 91135)	(1) None (2) None (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do contract management (4) Unbound, except for: a. Top Management Level in Hotel business comprised of: - General Manager - Food and Beverage Manager - Resident Manager - Comptroller - Marketing Director b. Highly-skilled Professionals comprised of: - Executive Chef - Sous Chef - Specialty Cook	(1) None (2) None (3) Unbound (4) As specified in the Horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Tourist Resorts including: • Hotels (3,4, and 5 star) • Marinas • Golf Courses and other Sport Facilities	(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 services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted (4) As specified in the Horizontal Section	
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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENERGY SERVICES			
General condition on energy services - Indonesia's Schedule of Specific Commitments on energy services sector based on 2nd Revised Indonesian proposal of energy services classification			
Core analysis and other Lab Test, only for Isotop Analysis (1A.2.7.3)	(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	
Geological and geophysical services, only for seismic data acquisition (1A.1.4.1.1)	(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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Liquefaction and gasification only for coal - Coal liquefaction (2.4.4.4) - Coal Gasification (2.4.4.5)	(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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
FINANCIAL SERVICES **Non banking**			
General condition on Non Banking Financial Services Sub-sector : 1) All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by other members. 2) The share ownership of foreign services suppliers is bound at the prevailing laws and regulations. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture in non banking financial services shall be respected. No transfer of ownership shall take place without the consent of all parties in the joint venture concerned. 3) In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year. 4) Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors. 5) In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended. 6) All joint venture companies shall provide training for their employees.			
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.	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Air Transport Services			
a. Aircraft repair and maintenance service	(1) None (2) None (3) Foreign service suppliers should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Computer reservation system (CRS) services	(1) None (2) None (3) Foreign CRS services should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
c. Selling and marketing	(1) None (2) None (3) Foreign Sales and Ticketing services should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Maritime Transport			
a. Passenger Transportation (Excluding Cabotage) (CPC 7211)	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% (4) As specified in the Horizontal section	(1) None*) (2) None (3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agents (4) As specified in the Horizontal section	Access to and use of port facilities in the port which is opened for international shipping
B Freight Transportation (Excluding Cabotage) (CPC 7212)	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% (4) As specified in the Horizontal section	(1) None*) (2) None (3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agents (4) As specified in the Horizontal section	Access to and use of port facilities in the port which is opened for international shipping

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Maritime cargo handling Services	(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	
d. Rental of vessel without crew	(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	

Notes (Maritime) :

*) : effective after issuance of implementing regulation of Shipping Law No 17 Year 2008 by May 2009 and foreign shipping company should be appointed national shipping agency company

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INDONESIA

Schedule of Specific Commitments

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Commercial Presence of the foreign service provider(s) may be in the form of joint venture and/or representative office, unless mentioned otherwise. Joint venture should meet the following requirements: (i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT), (ii) not more than 49% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT), may be owned by foreign partner(s). (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.	(3) Land Acquisition Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property. Any juridical and natural persons should meet professional qualification requirements. (4) Expatriate Charges Any foreign natural persons supplying services are subject to charges levied by Governments Labour Laws and Regulations. 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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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.		

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 proprietal to the service, research equipment, techniques or management.

"Joint Operator": A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws

"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 organized 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 contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
CONSTRUCTION AND RELATED ENGINEERING SERVICES A. General construction work for building Construction work for building (CPC 512 except CPC 51210)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. General construction work for civil engineering Construction work for civil engineering (CPC 513)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Installation and assembly work Assembly and erection of prefabricated construction (CPC 514)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other - Pre-erection work at construction system (CPC 511 except CPC 51110 and 51113)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Steel binding and erection (incl. welding) (CPC 51550)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Renting Services related to equipment for construction or demolition of building or civil engineering works, with operator (CPC 518)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Foundation work including pile driving (CPC 51510)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Gas fitting construction work (CPC 51630)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Fire alarm construction work (CPC 51642)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Burglar alarm system construction work (CPC 51643)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Lift and escalator construction work (CPC 51691)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel (CPC 64110)	(1) None (2) None (3) In Eastern Part of Indonesia, Bengkulu, Jambi, 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 - Comptroller - Marketing Director b. Highly-skilled Professionals comprised of: - Executive Chef - Sous Chef - Specialty Cook	(1) None (2) None (3) a. Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	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 parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara), foreign equity participation is permitted up to 49% (4) Unbound, *except for:* - Top Management Level - Highly-Skilled Professionals	(1) None (2) None (3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS (4) (1) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Tourism Consultancy Services (CPC 91136)	(1) None (2) None (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do joint venture, joint operation and contract management (4) Unbound	(1) None (2) None (3) Unbound (4) As specified in the Horizontal Measures	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International Hotel Operator (CPC 91135)	(1) None (2) None (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do contract management (4) Unbound, except for: a. Top Management Level in Hotel business comprised of: - General Manager - Food and Beverage Manager - Resident Manager - Comptroller - Marketing Director b. Highly-skilled Professionals comprised of: - Executive Chef - Sous Chef - Specialty Cook	(1) None (2) None (3) Unbound (4) As specified in the Horizontal Section	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Tourist Resorts including: • Hotels (3,4, and 5 star) • Marinas • Golf Courses and other Sport Facilities	(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 services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted (4) As specified in the Horizontal Section	
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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENERGY SERVICES			
General condition on energy services - Indonesia's Schedule of Specific Commitments on energy services sector based on 2nd Revised Indonesian proposal of energy services classification			
Core analysis and other Lab Test, only for Isotop Analysis (1A.2.7.3)	(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	
Geological and geophysical services, only for seismic data acquisition (1A.1.4.1.1)	(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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Liquefaction and gasification only for coal - Coal liquefaction (2.4.4.4) - Coal Gasification (2.4.4.5)	(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	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
FINANCIAL SERVICES **Non banking**			
General condition on Non Banking Financial Services Sub-sector : 1) All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by other members. 2) The share ownership of foreign services suppliers is bound at the prevailing laws and regulations. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture in non banking financial services shall be respected. No transfer of ownership shall take place without the consent of all parties in the joint venture concerned. 3) In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year. 4) Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors. 5) In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended. 6) All joint venture companies shall provide training for their employees.			
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.	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Air Transport Services			
a. Aircraft repair and maintenance service	(1) None (2) None (3) Foreign service suppliers should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Computer reservation system (CRS) services	(1) None (2) None (3) Foreign CRS services should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
c. Selling and marketing	(1) None (2) None (3) Foreign Sales and Ticketing services should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	

INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Maritime Transport			
a. Passenger Transportation (Excluding Cabotage) (CPC 7211)	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% (4) As specified in the Horizontal section	(1) None*) (2) None (3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agents (4) As specified in the Horizontal section	Access to and use of port facilities in the port which is opened for international shipping
B Freight Transportation (Excluding Cabotage) (CPC 7212)	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% (4) As specified in the Horizontal section	(1) None*) (2) None (3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agents (4) As specified in the Horizontal section	Access to and use of port facilities in the port which is opened for international shipping

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Maritime cargo handling Services	(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	
d. Rental of vessel without crew	(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	

Notes (Maritime) :

*) : effective after issuance of implementing regulation of Shipping Law No 17 Year 2008 by May 2009 and foreign shipping company should be appointed national shipping agency company

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LAO PDR

Schedule of Specific Commitments

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(1) Borrowing from abroad by banks and enterprises shall be approved by the Bank of the Lao PDR. (2) A resident of Lao PDR who intends to invest directly or indirectly in a foreign country shall be approved by the concerned authorized organizations. The transfer of fund to be invested abroad shall be approved by the Bank of the Lao PDR. Bringing out of the Lao PDR the foreign currency more than 2,000 US$ shall be approved by the Bank of the Lao PDR. (3) Commercial presence of foreign service suppliers can be in the following form: - A joint venture with one or more domestic Lao investors, - A wholly foreign-owned enterprise1 - A branch or representative office	(1) As indicated in the market access column. (2) As indicated in the market access column. (3) Foreign service suppliers in the Lao PDR may lease land within the Lao PDR and transfer their leasehold interest; and they may own improvements on land and other moveable property and transfer those ownership interest.	

[1] 100% foreign invested Companies

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The commercial presence of foreign service supplier shall be subject to approval of the concerned competent authority and of licensing by the Foreign Investment Management committee of the Lao PDR. The joint venture is established and registered under the laws and regulations of the Lao PDR. It is jointly owned and operated by one or more legal foreign investors/service suppliers and by one or more legal domestic Lao investors. The activities and relationship of its parties shall be governed by the contract between its parties and the Joint Venture's Articles of Association, in accordance with the laws and regulations of the Lao PDR. Foreign investors/service suppliers in a joint venture must contribute a minimum portion 30% of the total equity investment in that venture. The wholly foreign-owned enterprise is a foreign	Foreign enterprises subject to the Law on Promotion and Management of Foreign Investment in the Lao PDR shall pay an annual profit tax, calculated in accordance with the provisions of the applicable laws and regulations of the Lao PDR. Other Lao taxes, duties and fees shall also be payable in accordance with the applicable laws and regulations of the Lao PDR.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	investment/service supplier registered under the laws and regulations of the Lao PDR. By one or more legal foreign investors without the participation of legal domestic Lao investors. The enterprise established in the Lao PDR may be either a new company or a branch or representative office of a foreign company. The incorporation and registration of a foreign investment shall be in conformity with the Enterprise/Business Law of the Lao PDR. The terms of operations of an enterprise with foreign owned capital and of a business cooperation contract shall be specified in the investment license of each project in accordance with the laws and regulations of the Lao PDR. The branch or representative office of a foreign company shall have articles of Association which shall be consistent with the laws and regulations and the Business Law of the Lao PDR and subject to the approval of the Foreign Investment Management Committee of the Lao PDR.		

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Foreigners who work in Lao PDR shall be subject to the law on Promotion and Management of Foreign Investment in the Lao PDR and the regulations on immigration. However, foreign enterprises have the right to employ skilled and expert foreign personnel when necessary and with the approval of the competent authority of the Government of the Lao PDR. Facilitation for the entry into, travel within, stay within, and exit from the Lao territory of foreign investors/service suppliers, their foreign personnel, and the immediate family members of those investors, service suppliers and those personnel will be granted by the Government of the Lao PDR. All such persons are subject to and must obey the above mentioned laws and related regulations while they are on the Lao territory. Foreign investors/service supplies have an obligation to upgrade the skills of their Lao employees, through such techniques as training in the Lao PDR or abroad	(4) Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay to the Lao Government personal income tax, at a flat rate of ten percent (10%) of their income earned in the Lao PDR.	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (b) Architectural Services (CPC 8671)	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	
(c) Engineering services (CPC 8672) (d) Integrated engineering services - Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731) - Integration engineering and project management services (CPC 86732)	(1) None (2) None (3) a) As specified in the horizontal Section b) Not applied for public funded and foreign granted project (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Integrated engineering services for construction of manufacturing turnkey projects (CPC 86733)	(1) None (2) None (3) Joint venture with Lao services Suppliers is required and foreign equity Participation limited 2/3. (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	
(e) Urban Planning and landscape Architectural services - Urban planning services (CPC 86741) - Landscape architectural Services (CPC 86742)	(1) None (2) None (3) a) As per specified in the horizontal section b) Not applied for public funded and foreign granted project (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Computer and related services - Consultancy services related to the installation of computer hardware (CPC 841) - Software implementation services (CPC 842) - Database services (CPC 844)	(1) None (2) None (3) As per specified in the horizontal commitments (4) this has to be inconsistence with the Labour Law and Law on the Promotion And Management of the Foreign Investment	(1) None (2) None (3) Same as mention in market access (4) Same as mention in market access and in Law on taxation	
- Data processing services, Excluded sensitive data and for non-commercial purpose (CPC 843) - Other: Maintenance and repair services of Computer (Part of CPC 84500)	(1) None (2) None (3) As per specified in the horizontal commitments (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Same as mention in market access (4) Unbound, except as indicated in the horizontal section	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Research and development services - R&D services on natural and - engineering - (CPC 851) - Research and experimental - department services - (CPC 852) - Interdisciplinary R&D services - (CPC 853)	(1) None (2) None (3) Joint venture with Lao services supplier is required (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

LAO PDR

Schedule of Specific Commitments

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(1) Borrowing from abroad by banks and enterprises shall be approved by the Bank of the Lao PDR. (2) A resident of Lao PDR who intends to invest directly or indirectly in a foreign country shall be approved by the concerned authorized organizations. The transfer of fund to be invested abroad shall be approved by the Bank of the Lao PDR. Bringing out of the Lao PDR the foreign currency more than 2,000 US$ shall be approved by the Bank of the Lao PDR. (3) Commercial presence of foreign service suppliers can be in the following form: - A joint venture with one or more domestic Lao investors, - A wholly foreign-owned enterprise1 - A branch or representative office	(1) As indicated in the market access column. (2) As indicated in the market access column. (3) Foreign service suppliers in the Lao PDR may lease land within the Lao PDR and transfer their leasehold interest; and they may own improvements on land and other moveable property and transfer those ownership interest.	

[1] 100% foreign invested Companies

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The commercial presence of foreign service supplier shall be subject to approval of the concerned competent authority and of licensing by the Foreign Investment Management committee of the Lao PDR. The joint venture is established and registered under the laws and regulations of the Lao PDR. It is jointly owned and operated by one or more legal foreign investors/service suppliers and by one or more legal domestic Lao investors. The activities and relationship of its parties shall be governed by the contract between its parties and the Joint Venture's Articles of Association, in accordance with the laws and regulations of the Lao PDR. Foreign investors/service suppliers in a joint venture must contribute a minimum portion 30% of the total equity investment in that venture. The wholly foreign-owned enterprise is a foreign	Foreign enterprises subject to the Law on Promotion and Management of Foreign Investment in the Lao PDR shall pay an annual profit tax, calculated in accordance with the provisions of the applicable laws and regulations of the Lao PDR. Other Lao taxes, duties and fees shall also be payable in accordance with the applicable laws and regulations of the Lao PDR.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	investment/service supplier registered under the laws and regulations of the Lao PDR. By one or more legal foreign investors without the participation of legal domestic Lao investors. The enterprise established in the Lao PDR may be either a new company or a branch or representative office of a foreign company. The incorporation and registration of a foreign investment shall be in conformity with the Enterprise/Business Law of the Lao PDR. The terms of operations of an enterprise with foreign owned capital and of a business cooperation contract shall be specified in the investment license of each project in accordance with the laws and regulations of the Lao PDR. The branch or representative office of a foreign company shall have articles of Association which shall be consistent with the laws and regulations and the Business Law of the Lao PDR and subject to the approval of the Foreign Investment Management Committee of the Lao PDR.		

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Foreigners who work in Lao PDR shall be subject to the law on Promotion and Management of Foreign Investment in the Lao PDR and the regulations on immigration. However, foreign enterprises have the right to employ skilled and expert foreign personnel when necessary and with the approval of the competent authority of the Government of the Lao PDR. Facilitation for the entry into, travel within, stay within, and exit from the Lao territory of foreign investors/service suppliers, their foreign personnel, and the immediate family members of those investors, service suppliers and those personnel will be granted by the Government of the Lao PDR. All such persons are subject to and must obey the above mentioned laws and related regulations while they are on the Lao territory. Foreign investors/service supplies have an obligation to upgrade the skills of their Lao employees, through such techniques as training in the Lao PDR or abroad	(4) Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay to the Lao Government personal income tax, at a flat rate of ten percent (10%) of their income earned in the Lao PDR.	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (b) Architectural Services (CPC 8671)	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	
(c) Engineering services (CPC 8672) (d) Integrated engineering services - Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731) - Integration engineering and project management services (CPC 86732)	(1) None (2) None (3) a) As specified in the horizontal Section b) Not applied for public funded and foreign granted project (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Integrated engineering services for construction of manufacturing turnkey projects (CPC 86733)	(1) None (2) None (3) Joint venture with Lao services Suppliers is required and foreign equity Participation limited 2/3. (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	
(e) Urban Planning and landscape Architectural services - Urban planning services (CPC 86741) - Landscape architectural Services (CPC 86742)	(1) None (2) None (3) a) As per specified in the horizontal section b) Not applied for public funded and foreign granted project (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Computer and related services - Consultancy services related to the installation of computer hardware (CPC 841) - Software implementation services (CPC 842) - Database services (CPC 844)	(1) None (2) None (3) As per specified in the horizontal commitments (4) this has to be inconsistence with the Labour Law and Law on the Promotion And Management of the Foreign Investment	(1) None (2) None (3) Same as mention in market access (4) Same as mention in market access and in Law on taxation	
- Data processing services, Excluded sensitive data and for non-commercial purpose (CPC 843) - Other: Maintenance and repair services of Computer (Part of CPC 84500)	(1) None (2) None (3) As per specified in the horizontal commitments (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Same as mention in market access (4) Unbound, except as indicated in the horizontal section	

LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Research and development services - R&D services on natural and - engineering - (CPC 851) - Research and experimental - department services - (CPC 852) - Interdisciplinary R&D services - (CPC 853)	(1) None (2) None (3) Joint venture with Lao services supplier is required (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

MALAYSIA

Schedule of Specific Commitments

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Acquisition, Mergers and Take-overs The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following: (a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM5 million in value; (b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and (c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements. Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.	(3) Land, Property and Real Estate 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. Incentives/Preferences Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government. Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet national development objectives shall be unbound. Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below or indicated in sectoral commitments: 1. Intra-corporate Transferees (a) senior managers being persons within an organization: - having proprietary information of the organization; - exercise wide latitude in decision making relating to the establishment, control and operation of the organization; - primarily direct the management of the organisation; and - receive only general supervision or direction from the board of directors or partners of the organization. (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,	(4) Unbound except for the categories of natural persons 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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 subsector: 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. 2. Others (a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and 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 subsector; (b) professionals being persons who possess necessary		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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 are carrying out respective professional activities; and (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 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.		

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services a. Legal services covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia (CPC 8619)	(1) None (2) None (3) Only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan. (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 49 per cent (4) Unbound except as indicated in the horizontal section. In respect of (1(b), additional two specialists/experts for each firm In respect of 2 (b), residency is required for registration	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Taxation services (CPC 863)	(1) None (2) None (3) Only through a locally registered partnership with authorised Malaysian tax agents or private limited companies and aggregate foreign interests in the partnership shall not exceed 30 per cent (4) Unbound except as indicated in the horizontal section. In respect of (1(b), additional two specialists/experts for each firm/company In respect of 2 (b), residency is required for registration	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Architectural services (CPC 8671)	(1) None	(1) Architectural services must be authenticated by a licensed professional architect in Malaysia	
	(2) None	(2) Architectural services must be authenticated by a licensed professional architect in Malaysia	
	(3) (a) Architectural services may be supplied only by a natural person (b) For multidisciplinary practices (Architecture, Engineering and/or Quantity Surveying)1, foreign equity up to a maximum of ten (10) per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(3) (a) None (b) Unbound	
	(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.	(4) Unbound except for the categories of natural persons referred to under market access.	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

[1]-While a multidisciplinary practice can comprise architects, engineers and/or quantity surveyors, for the purposes of this offer, it does not include engineers.

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
e. Engineering services (CPC 8672)	(1) None	(1) Engineering services must be authenticated by a registered professional engineer in Malaysia	
	(2) None	(2) Engineering services must be authenticated by a registered professional engineer in Malaysia	
	(3) (a) Engineering services may be supplied only by a natural person (b) For multidisciplinary practices (Architecture, Engineering and/or Quantity Surveying)2, foreign equity up to a maximum of ten (10) per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(3) (a) None (b) Unbound	
	(4) Unbound except as indicated in the horizontal section and, in respect of 2(b), subject to temporary registration for a period of one year per temporary registration.	(4) Unbound except for the categories of natural persons referred to under market access.	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

[2]-While a multidisciplinary practice can comprise architects, engineers and/or quantity surveyors, for the purposes of this offer, it does not include engineers.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
f. Integrated engineering services (CPC 8673)	(1) None	(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia	
	(2) None	(2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia	
	(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. The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.	(3) None	
	(4) 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	(4) Unbound except for the categories of natural persons referred to under market access	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
g. Urban Planning Services Covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning. (CPC 86741)	(1) None (2) None (3) Unbound (4) Unbound except for: (i) independent professionals3 with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities; (ii) consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company. (iii) Any other requirements or provisions as spelt out under the relevant legislation	(1) None (2) None (3) Unbound (4) Unbound	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the relevant regulatory authorities will be conducted in the English Language.

[3] Independent professionals is as defined in para 2(b) in the horizontal section

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscaping services covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
h. Specialised Medical Services covering forensic medicine, nuclear medicine, geriatrics, microvascular surgery, neurosurgery, cardiothorasic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine (CPC 93122)	(1) None (2) None (3) Specialised medical services may be supplied only by a natural person. (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) None (2) None (3) None (4) None other than: Practice only in private hospitals of al least 70 beds; Practice to be only at a specified location and a change in location requires approval; and the setting up of individual or joint group practices is not permitted.	4) The qualifying examination to determine the competence and ability to supply the service will be conducted in the English language.
<u>B. 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 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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Software implementation services(CPC 842)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
c. Data Processing Services (CPC 843)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Database services (CPC 844)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
C. Research and Development Services Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators Relating to ships exclude cabotage and offshore trades (CPC 83103)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(1) None (2) None (3) None	
	(4) Unbound except as indicated in the horizontal section	(4) Unbound except for the categories of natural persons referred to under market access	
Relating to aircraft (CPC 83104)	(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 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 Business Services (a) Advertising services (CPC 8711, 8712, 8719)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent Advertisement through electronic media Advertisement must have at least 80 per cent local content and be	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	made in Malaysia (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.	
b. Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporations at least exceed 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Management Consulting Services (CPC 86509) covering: Management consulting services covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy	(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.	
Management consulting services covering advisory, guidance and operational assistance on environmental management services including risk assessment services	(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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Management consulting services covering advisory and guidance in the field of pharmacy as follows: Basic material manufacturing consultancy in the manufacture of drugs in raw material form; New systems of drug delivery; Biotechnology - new 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.	(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.	
Management consulting services covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications	(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.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
e. Technical testing and analysis services (CPC 8676 except 86764)	(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.	
f./g. Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc. (CPC 881*, 882*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both 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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Services incidental to manufacturing (CPC 884, 885 except 88442)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(2) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
k. Student placement services covering promoting, recruiting and facilitating students for studies outside Malaysia (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 except for the categories of natural persons 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Translation and interpretation services may be supplied only by a natural person (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access. Translation and/or interpretation from the English language to the Malay language or vice-versa is not permitted	
s. Convention and exhibition management services covering the provision of planning, organizational, management and marketing services for conventions and other similar events (CPC 87909)	(1) None (2) None (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	(1) None (2) None (3) a) None b) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b) For Convention Centres with seating capacity of over 5,000, aggregate foreign shareholdings up to 49% shall be permitted (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.	
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.	(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: (a) carry out at least 3 of the OHQ service activities;	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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 substantial number of qualified executives, professionals, technical and other supporting personnel; (e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia; (f) be able to contribute to the Malaysian economy by: (i) using services such as legal, accounting etc. provided by Malaysians; (ii) creating job opportunities for Malaysians; (iii) enabling greater inflow of foreign funds. (4) Unbound except as indicated in the horizontal section.	(4) Unbound except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
C. Telecommunication Services Basic Telecommunications Based on domestic regulations, Malaysia has reclassified its communications service sector on the basis of provision of Network Facility services (NFP), provision of Network Service (NSP), provision of Application Service (ASP). Basic local, inter-exchange and international services; supplied over public telecommunications transport networks using any network technology; facilities regardless of whether the means of delivery of services are wired or wireless are mapped into the aforementioned three categories. Individual licence 1. NFP (I)[a]	(1) None (2) None (3) With respect to NFP and NSP components of the service, only through an acquisition of shares of existing licensed NFP(I), NSP(I). With respect to ASP(I), through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisitions of shares of an existing licensed ASP(I) operator/corporations. For NFP(I) and NSP(I), foreign shareholding of up to 30 per cent in these service providers is allowed. For ASP(I), foreign shareholding of up to 49 per cent in these	(1) None (2) None (3) None	

Explanatory Note for Individual Licence Categories

a. Network facilities provider (NFP) individual licence enables the provision of network facilities services such as earth stations, fixed links and cables public payphone facilities, radio communications transmitters and links, satellite hubs and towers, duct and pits used in conjunction with other network facilities

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. NSP (I)[b] 3. ASP (I)[c]	service providers is allowed [The management control of such companies shall be in the hands of Malaysians and in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30% foreign in aggregate with not one single country holding more than 5% of the equity at any one time] (4) Unbound except as indicated in the horizontal commitments.	(4) Unbound except as indicated in the horizontal commitments.	
<u>Value-Added Services</u> Telecommunication services of which enhanced value-added services must be provided from channels or lines obtained only from licensed	(1) None (2) None (3) With respect to NFP and NSP components	(1) None (2) None (3) None	

<u>Explanatory note for Class Licence Categories</u>

[b] Network service provider (NSP) individual licence enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access services and mobile satellite services

[c] Application Service Provider, individual licence enables the provision of applications services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data service

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
NFP(I) and NSP(I) operators and are also mapped into the three categories below Class licence 1. NFP (C)[d] 2. NSP (C)[e] 3. ASP (C)[f]	of the service, only through acquisition of shares of existing licensed NFP(C), NSP(C). With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisitions of shares of an existing licensed ASP(C) operator/corporations. For NFP(C) and NSP(C), foreign shareholding of up to 30 per cent in these service providers is allowed. With respect to ASP(C), foreign shareholding of up to 49 per cent in these service provider is allowed. (4) Unbound except as indicated in the horizontal commitments.	(4) Unbound except as indicated in the horizontal commitments.	

Explanatory note for Class Licence Categories

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

[e] Network service provider class licence enables the provision of niched customer access or niched connection services such as public mobile radio network service, one or two way radio paging network services, terrestrial wireless fixed/mobile data network services for the specific purposes of messaging, surveillance, ticketing or inventory management, offered for the sole purpose of connecting end users in a building or a single clustered building complex.

[f] Applications service provider class licence enables the provision of applications services such as audiotext hosting services provided on an opt-in basis, directory services, messaging services.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments

Explanatory Note

1) This sector is governed by the Communications and Multimedia Act 1998 and it subsidiary rules and regulations.
2) Definitions as per Communications and Multimedia Act 1998

   a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
   Network facilities provider means a person who is an owner of any network facilities.

   b. Network services means a service for carrying communications by means guided and/unguided electromagnetic radiation.
   Network service provider means a person who provides network services.

   c. Application service means a service provided by means of, but not solely by means of, one or more network services.
   Application service provider mans a person who provide an applications service.

3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001
   a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.
   Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.

   b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.
   Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.

   c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.
   Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services Motion picture, video tape and audio recording distribution services (CPC 96113)	(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 shall not exceed 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction work (CPC 511, 512, 513, 514, 515, 516, 517)	(1) Unbound due to lack of technical feasibility (2) None (3) (a) Only through a representative office, regional office, or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i. Construction projects wholly financed by foreign investment and/or grants ii. Construction projects financed by loans of international tendering according to the terms of loans	(1) Unbound due to lack of technical feasibility (2) None (3) (a) None (b) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iii. Projects with foreign investment equal to or more than 50 per cent where local expertise is not available; iv. 100% Malaysian funded construction projects where local expertise is not available Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound except as indicated in the horizontal section.	(4) Unbound except for the categories of natural persons referred to under market access	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
C. Higher Education Other Higher Education Services[7] provided by privately funded higher education institutions (excluding private higher education institutions with government equity or that receive government assistance) (CPC 92390)	(1) Unbound except for requirement of commercial presence	(1) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	
	(2) None	(2) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	
	(3) Only through a joint venture with foreign equity not exceeding 49% and subject to an economic needs test. the requirement of a needs test if necessary	(3) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	3) Up to 51% foreign equity will be considered subject to an additional economic needs test which includes among others: (a)courses deemed important to attain Malaysia's educational objectives (b) have export potential
	(4) Unbound except as indicated in the 1(a) and 2(c) of the horizontal section and as below: <u>Lecturers and experts</u> (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational	(4) Unbound except as listed in the market access column	

[7] As defined in Malaysian legislation

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	institution, possessing 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		
E. Other Educational Services covering only: Language Courses Short Courses technical and vocational courses cognitive skills development	(1) Unbound except for requirement of commercial presence (2) None (3) Only through a joint venture with foreign equity not exceeding 49% and subject to an economic needs test. the requirement of a needs test if necessary	(1) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents (2) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents (3) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the 1(a) and 2(c) of the horizontal section and as below: <u>Lecturers and experts</u> (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution, possessing 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	(4) Unbound except as listed in the market access column	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES, INCLUDING INSURANCE Horizontal Commitments Applicable to the Financial Services Sector 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. 2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated. 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.			
ALL FINANCIAL SERVICES	(3) Limitations on investments as contained in the all-sector horizontal section (4) Limitations in the all-sector horizontal section will apply when indicated in each activity.	(3) Limitations on land and other immovable property as contained in the all-sector horizontal section. Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP). (4) Limitations in the all-sector horizontal section will apply when indicated in each activity.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia. (4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(1) Unbound*, except as otherwise specified in this schedule. (2) Unbound*, except as otherwise specified in this schedule. (3) None (4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
2. Commercial banks and merchant banks.	(1) Unbound * except as otherwise specified in this schedule. (2) Unbound * except as otherwise specified in this schedule. (3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) None except as indicated in the all financial services horizontal section	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	existing shareholders. Unbound for new licences 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. A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank. A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank. 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. Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.	and in the respective activity listed below. Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria: (a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia; (b) The country of the foreign bank has significant trade and investment interests in Malaysia; and (c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence. (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: (i) trade financing; (ii) corporate finance; (iii) treasury management; and (iv) information technology. (c) For a representative office, two foreign nationals. Only one foreign national for the two top posts. (d) Entry shall be limited to a maximum period of five years.	(4) Unbound except for the categories of natural persons referred to under market access.	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Direct insurance companies.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted. Foreign shareholding not exceeding 51percent 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.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a foreign 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: (a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia; (b) The country of the foreign insurance company has significant trade and investment interests in Malaysia; (c) The country of the foreign insurance company does not have a significant representation	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Unbound for new licences. An insurance company is not allowed to acquire more than 5percent share: (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. Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in: (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. (4) Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in	in the Malaysian insurance industry; or (d) The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia. (4) Unbound except for the categories of natural persons 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	supply through the mode of respect of commercial presence. (b) Two senior managers and three specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies. 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. Five specialists or experts for each institution for areas relating to: (i) underwriting of specialized classes of general business; (ii) information technology; and (iii) actuarial functions. (c) Entry shall be limited to a maximum period of five years.		

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE Acceptance of deposits, and other repayable funds from the public, wholesale and retail.	(1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed. (2) None (3) Only permitted through a commercial bank, a merchant bank or an offshore bank. Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits. (4) Unbound except as indicated in the all financial services horizontal section.	(1) None (2) None (3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. (4) Unbound except as indicated in the all financial services horizontal section.	
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.	(1) 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. (2) Financial services associated with lending to residents in any currency in excess of an equivalent of	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia. (3) Entry as a non-bank for scheduled businesses is limited to: (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 (b) A representative office. Representative offices can only undertake research and liaison services. 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. Merchant banks are not permitted to provide consumer credit and home mortgages. Only commercial banks are permitted to provide overdraft facilities.	(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 For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Offshore banks and offshore investment banks are permitted to lend in foreign currencies only. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. For representative offices of scheduled businesses, 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.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Financial leasing	(1) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.	(1) None	
	(2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.	(2) None	
	(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. Entry as a non-bank is limited to: (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 (b) A representative office. Representative offices can only undertake research and liaison services. Entry is permitted through the establishment of a branch or	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies. Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only. (4) Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment. For representative offices, two foreign nationals subject to one foreign national for the two top posts. Entry shall be limited to a maximum period of five years. For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(4) Unbound except for the categories of natural persons referred to under market access. For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.	(1) Electronic fund transfer system requires approval. (2) None (3) Offshore banks are permitted to extend payment and money transmission services to non-residents only. Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services. 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. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. Entry shall be limited to a maximum period of five years	(1) None (2) None (3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 percent. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to under market access.	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Charge cards.	(1) None (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) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
Guarantees and commitments	(1) None except banks established in Malaysia may be given the right of first refusal. (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) None (2) None (3) None (4) Unbound except as indicated in the all financial services and all-sector horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Money and foreign exchange broking services	(1) 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.	(1) None	
	(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.	(2) None	
	(3) Entry is limited to: (a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or (b) the establishment of a branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan. Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound. 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	(4) Unbound 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.	
Trading for own account or account of customers in the following: - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion	(1) Dealing is limited to contracts traded on specified exchanges abroad (2) None (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. 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. Trading for accounts of customers by offshore banks, offshore investment banks and offshore	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad. Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan. Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency. 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. Trades for own account and account of customers who are outside Malaysia may be routed to member companies of the stock exchange for execution by a foreign		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized. (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.	(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.	
Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses)	(1) Participation in issues and services related to such issues requires authorization. (2) Participation in issues and services related to such issues requires authorization. (3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia. Only merchant banks are permitted to make submissions to the Securities Commission for new issues.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. Unbound for appointment as principal dealers (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.	(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.	
Underwriting	(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. Commercial banks are permitted to underwrite private debt securities only.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (4) For commercial banks, merchant banks, offshore banks and offshore investment 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	(4) For commercial banks, merchant banks, offshore banks and offshore investment 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.	
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	(1) Commercial presence is required (2) None (3) Custodial and depository services are limited to scrip based securities. Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. 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. 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. 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (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	(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.	
Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy	(1) Provision of investment and portfolio advice requires commercial presence. Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia. (3) Entry as a non-bank is limited to: (a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or (b) A representative office. Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only. Representative offices of securities companies are not permitted to publish and circulate research work in Malaysia. Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.	(2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) For banks, one specialist or expert. For non-banks, one senior manager and one specialist or expert. For representative offices, three foreign nationals subject to only one foreign national for the two top posts and the other two for managerial level posts. Entry shall be limited to a maximum period of five years.	(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.	
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).	(1) Unbound* (2) Unbound* (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.	(1) Unbound* (2) Unbound* (3) None	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	An OHQ must operate in Malaysia and fulfill the following criteria: (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 other supporting personnel; (e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia; (f) Be able to contribute to the Malaysian economy by: (i) Using services such as legal, accounting etc. provided by Malaysians; (ii) Creating job opportunities for Malaysians; (iii) Enabling greater inflow of foreign funds.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) One specialist or expert per organisation subject to the following conditions: (a) Such persons must possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management. (b) Entry shall be limited to a maximum of five years and renewable.	(4) None	
Securities broking services comprising: - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research	(1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange. Promotion in Malaysia of Malaysian stocks requires approval. Provision of investment advisory services and credit reference services to residents requires commercial presence. (2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Entry is limited to recognized foreign stock broking companies through: (a) Equity participation in an existing stockbroking company; or (b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company. And aggregate foreign shareholding in such company shall not exceed 49 percent A foreign stockbroking company is permitted to have shareholding in one stockbroking company only. Entry by recognized foreign stockbroking companies is also permitted through a representative office. 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. New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound for a stockbroking company, except as indicated in the all-sector horizontal section. 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.	(4) Unbound except for the categories of natural persons referred to under market access.	
Commodity futures broking services	(1) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange. (2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange. (3) Entry is limited to: (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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) A representative office. Representative offices are permitted to undertake research, information and liaison services only. Total membership of the exchange will be based on economic needs. (4) Unbound except one foreign national for a management post per establishment, subject to market test.	(4) Unbound except for the categories of natural persons referred to under market access.	
B. INSURANCE SERVICES Direct insurance (non-life).	(1) Soliciting and advertising in Malaysia are not allowed. Direct placement abroad of insurance of: (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	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Direct placement abroad of insurance of: (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.	(2) None	
	(3) Only permitted through direct insurance companies. Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.	(3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches. Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.	
	(4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance (life).	(1) Unbound (2) Unbound (3) Only permitted through direct insurance companies. Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval. 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. (4) Unbound except as indicated in the all financial services horizontal section.	(1) Unbound (2) Unbound (3) None 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. Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development. (4) Unbound except as indicated in the all financial services horizontal section.	
Reinsurance and retrocession (non-life).	(1) Outward reinsurance is permitted only if local capacity is not available.	(1) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad. Unbound for fiscal incentives to promote reinsurance in Malaysia.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Outward reinsurance is permitted only if local capacity is not available.	(2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad. Unbound for fiscal incentives to promote reinsurance in Malaysia.	
	(3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance. Unbound for new licences. Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent. Entry as an offshore reinsurance company is confined to Labuan.	(3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.	
	(4) Unbound except for: (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	(4) Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier. (b) Entry shall be limited to a maximum period of five years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Reinsurance and retrocession (life).	(1) Outward reinsurance is permitted only if local capacity is not available. (2) Outward reinsurance is permitted only if local capacity is not available. (3) National retention capacity is required to be optimised before any outward reinsurance by: (a) direct life insurance and life reinsurance companies in Malaysia; and	(1) Unbound for fiscal incentives to promote reinsurance in Malaysia. (2) Unbound for fiscal incentives to promote reinsurance in Malaysia. (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents. Unbound for new licences. Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 percent. Entry as an offshore reinsurance company is confined to Labuan.		
	(4) Unbound except for: (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. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or	(4) Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	management of the financial service supplier. (b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise. (c) Entry shall be limited to a maximum period of five years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Insurance intermediation - insurance broking (excluding agency).	(1) Direct insurance broking services can only be provided to offshore companies in Labuan. Reinsurance broking is permitted. (2) Direct insurance broking services can only be provided to offshore companies in Labuan. Reinsurance broking is permitted. (3) Unbound for onshore insurance broking. Broking of direct insurance of Malaysian risks by offshore	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks. (4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	
Insurance intermediation - insurance underwriting and insurance management.	(1) Insurance underwriting and insurance management are not permitted. (2) Insurance underwriting and insurance management are not permitted. (3) Unbound for onshore insurance underwriting and insurance management. An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan. An offshore insurance manager is permitted to provide insurance management services to persons other than residents.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	
Services auxiliary to insurance, as follows: (a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management (d) Maritime loss adjusting.	(1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan. (2) None (3) Limited to the establishment of: (a) Locally incorporated companies; (b) Branches; or (c) Partnerships. Offshore companies are not permitted to provide services to Malaysian residents. (4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(1) None (2) None (3) None (4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital Services 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 corporation 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	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641, 642, 643)	(1) None (2) None (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; b) For CPC 64110 covering 4- and 5-star hotel establishments only, aggregate foreign shareholdings up to 49% in the joint venture corporation is permitted (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) a) None b) None (4) Unbound except for the categories of natural persons referred to under market access	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel agency and tour operator services (CPC 7471)	(1) None (2) None (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; Establishment of another office requires additional licence b) For inbound travel only , aggregate foreign shareholdings in the joint venture corporation is permitted up to 49% (4) Unbound except as indicated in 1 (a) in the horizontal section	(1) None (2) None (3) a) None (4) Unbound except for the categories of natural persons referred to under market access	
Tourist Guide Services (CPC 7471)	(1) None (2) None (3) Tourist guide services only to be supplied by a natural person	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in 2 (a) in the horizontal section	(4) Unbound except for the categories of natural persons referred to under market access	
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services (CPC 96191, 96192, 96194) (Theme Parks - A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)	(1) Unbound due to lack of technical feasibility (2) None (3) a) Entertainment services may be supplied only by a natural person b) For Theme Parks (part of CPC 96194), joint ventures with Malaysian individuals or Malaysian-controlled corporations or both with aggregate foreign shareholdings in the joint venture corporation not exceeding 49% (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) a) None b) None (4) Unbound except for the categories of natural persons referred to under market access Participation of Malaysian entertainers/artistes may be required based on the guidelines of the relevant Ministry.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sports events management services (CPC 96411, 96412)	(1) Unbound due to lack of technical feasibility (2) None (3) Only through a Malaysian-controlled corporations acting as the local sponsor (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
11. TRANSPORT SERVICES			
A. Maritime Transport Services International Maritime Transport Services excludes cabotage, government cargo 7211: Passenger transportation 7212: Freight transportation	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint- venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent Malaysian registered vessels To register a vessel in Malaysia, the	(1) 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 collection and ballast waste disposal 5) Port Captain's services 6) Navigation aids

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	following conditions must be met: (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 (4) Unbound except as indicated in the horizontal section.	 (4) Unbound except as indicated in the horizontal section	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
c. Rental/Leasing Services of Seagoing Vessels With Operator for International Shipping (CPC 72130) Excludes Cabotage and Offshore Trades	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental/Leasing Services Concerning Vessels without Operator (Bareboat Charter) for International Shipping (CPC 83103) Excludes Cabotage and Offshore Trades	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Maritime agency services covering marketing and sales of maritime transport and related services and acting on behalf of the companies organizing the call of the ship or taking over cargoes when required (CPC 748*)	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Vessel salvage and refloating services(not applicable in harbour) (CPC 74540) (Vessels salvage services provided on ocean and seas. Such services consist of recovering distressed and sunk vessels\ and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels)	(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	
Maritime Freight Forwarding Services (CPC 7480) Consist of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint- venture corporation with Malaysian individuals or Malaysian-controlled corporations or both. Foreign equity allowable up to 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHER SERVICES			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology; 2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology (CPC 97090)	(1) None (2) None (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	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	

ANNEX I

Annex to Additional Commitments on Telecommunication Services

Principles	Procedural Requirements
1. Competition safeguards	The regulatory body must take measures to: - Maintain fair competition among network operators; - Safeguards the interest of consumers;
2. Universal Service	- Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other undeserved areas as stipulated in the licences;
3. Public availability of licensing criteria	- 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 arrangements are adhered to: - 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.

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

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MALAYSIA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors	Liberalization of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia may be carried out in a differentiated manner based on reasons including proximity, either contiguous or regional, religious and/or cultural compatibility	All countries	Indefinite	The measure is required to: (1) maintain the arrangements under existing bilateral agreements; and (2) ensure that the movement of foreign semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia
All sectors	Waiver of measures in existing or future policies limiting foreign equity or interests in companies and businesses in Malaysia shall be carried out in a preferential and differentiated manner	All countries	Indefinite	The measure would be applied in a differentiated manner to those investments that match Malaysia's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximize economic benefits of foreign participation in the Malaysian economy.
Advertising services	20 per cent foreign content limitation for advertising is waived for these countries	Brunei Darussalam Indonesia Philippines Singapore Thailand	5 years	The measure is required to promote intra-ASEAN tourism

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MYANMAR

Schedule of Specific Commitments

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound			
ALL SECTORS	(1) As specified in each sector (2) As specified in each sector (3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with Myanmar Companies Act 1914 , Partnership Act 1932, Special Company Act (1950), Union of Myanmar Foreign Investment Law (1988), Union of Myanmar Citizens' Investment Law (1994). Under these laws: - (i) 100% Foreign investment , or (ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company or branch/representative office under the Myanmar Companies Act (1914). The proposed investment may be rejected subject to such	(1) As specified in each sector (2) As specified in each sector (3) (a) According to the Notification No. 41/2010 dated 10-3-2010 issued by the Ministry of Finance and Revenue, the following kinds of payments to non-resident foreigners are subject to a withholding tax as follows; **Class of Income** — **Non-resident foreigners** - Interests — 15% - Royalties paid for the use of licenses, trademarks, patent rights etc. — 20% - Payments made by the State Organizations, Development Committees, Cooperative Societies, Partnership Firms, Companies, Organizations formed and registered under any existing law, for purchasing of goods and receiving executing works under a contract or an a agreement or any consent — 3.5 %	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	implications as financial arrangements security risk involved and compliance with existing conditions. (b) Incorporation of an enterprise, not involving the state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share Capital requirements for companies and branches are as follows, - Service Company- equivalent of K300,000 in USD. - Industrial Company-equivalent of K 1000,000 in USD. Under this Law; If the investment involves a state enterprise, incorporation shall be made under the Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959 . (c) According to the Land Nationalization Act 1953 and the Transfer of Immoveable Property Restriction Law (1987), foreign organizations and persons are not allowed to own land in Myanmar. State is	- Payments made by foreign entrepreneur or foreign company for receiving executing works and purchasing of goods locally under a contract or an agreement or any consent 3.5% According to the Notification No. 115/2006 issued by the Ministry of Finance and Revenue, income tax shall be imposed in foreign currency on non-resident foreigners' total income at the rate of 35% (thirty five percent) in such foreign currency. However, if the income is under the heads professional income, business income, property income, undisclosed source of income and other source of income, the income tax calculated at the relevant rates mentioned in the table-which ranging from 5% to 40% exceeds the sum calculated at 35% , then the greater sum of income tax shall be paid. <u>Tax</u> According to the Section 3 (k) of the Income Tax Law, it prescribes the Resident Foreigners as follows: (i) in the case of individual, a foreigner who resides in	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the sole owner of all land. Land may be acquired on long term lease, depending the type of business and the investment amount. (d) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules and regulations, management level is allowed to stay up to one year and may be extendable there on subject to the approval of concerned agencies. (e) According to the section 3 of the State-Owned Economic Enterprises Law, twelve Economic activities are restricted. However, these activities may be permitted by the Cabinet, by notification according to the section 4 of the said law. (f) All foreign enterprises and foreign workers shall abide by	Myanmar for not less than one hundred and eighty- three days during the income year; (ii) in the case of a company, a company formed under the Myanmar Companies Act or any other existing law wholly or partly with foreigner share-holders; (iii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar. - In this regards, foreign workers and staffs who working at least one hundred and eighty three days in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notification No. 124/2006 by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in such foreign currency.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Business Visa* Period for Permission of Visa 70 days Period for Permission of stay Extension - Up to 3 months** 36US$ - Over 3 months-up to one year** 90 US$ [**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License] (Remark: In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating) Tax Under the Union of Myanmar Foreign Investment Law Section 21, for the purpose of promoting foreign investments within the State, the Commission shall grant the tax exemption and/ or relief	- However, the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with Regulation 5-B of the Income Tax Regulation and paid in foreign currency. The corporate tax rate is 30% (thirty percent) - A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law. (b) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned. (c) According to the Transfer of Immoveable Property Restriction Law (1987), foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the type of business and the investment amount.	
	(4) The Department of Labour, under the Ministry of Labour performs registration for overseas workers	(4) - Any expatriate engage in joint venture, representative offices or other types of judicial person and	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	who have been given the permission to stay in work by the Myanmar Investment Commission. The duration of registration is six months and the registration fee is 5 FEC for one person.	/ or individual services provider shall receive the approval of the respective authority. - Any expatriate entering into Myanmar shall abide by The Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules , regulations and procedures of Myanmar - Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour, the Ministry of Labour. - The Department of Labour, under the Ministry of Labour performs registration for overseas workers who have been given the permission to stay in work by the Myanmar Investment Commission . - Regarding the recognize the educational certificates and technical standard certificate, Myanmar only determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective countries.	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

*Types of Visa and Regulations for stay extension

Sr. No	Type of Visa	Period for Permission of Visa	Period for Permission of Stay Extension	Fees of stay extension	Documents to be Needed	Ministry/board for stay extension permitted	Remark
1.	Tourist Visa	28 days	14 days	36 US$	- Recommendation of Ministry concerned - Application Form - Passport (original & copy) - Stay Form - (2) Recent Photos	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating
2.	Business Visa	70 days	- Up to 3 months - Over 3 months up to one year	36 US$ 90 US$	- Recommendation of Ministry concerned - Application Form - Passport (original & copy) - Stay Form - (2) Recent Photos - FRC - Company Registration Card - Export & Import License		
3	Transit Visa	24 hours	-	-	-	-	-
4.	Social Visa	28 days	- Up to 3 months - Over 3 months up to one year	36 US$ 90 US$	- National Registration Card (original & copy) - Household list (original & copy) - recommendation of Township Immigration Officer concerned - Passport (original & copy) - Stay Form - (2) recent Photos - FRC	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating
5.	GOC/DGOC Visa	Duration of assignment	Duration of assignment	Gratis	- Recommendation of Foreign Ministry - Copy of Application Form from Embassy - Passport (original & copy) - Stay Form - (2) Recent Photos	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating
6.	SRV/MJSRV	6 months	6 months 1 Year	54 US$ 180 US$	- Recommendation for Foreign Affair Ministry or Ministry concerned - Copy of Application from organization concerned - Passport (original & copy) - Stay Form - (2) Recent Photos	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
AIR TRANSPORT SERVICES			
1. Aircraft Repair and Maintenance Services	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	
2. Selling and Marketing of Air Transport Services	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Computer Reservation System Services	(1) None, except that service providers must use public telecommunication networks under national telecommunication authorities in accordance with prescribed rules and regulations.	(1) Unbound	
	(2) Subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) Unbound	(3) Unbound	
	(4) Unbound	(4) Unbound	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES			
1. Accounting auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) - Joint venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling the requirements prescribed by Foreign Investment Law, provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/ her country. - As Indicated in the Horizontal Commitment (4) None for Accounting and bookkeeping services, auditing service	(1) None (2) None (3) As indicated in market access (4) As indicated in market access	Foreign practising accountant holds an Accountancy Certificate or degree conferred by any foreign country and recognized by the Myanmar Accountancy council He/she is registered in the list of practising accountants managed by his/her country. Subject to MAC's licensing requirements.

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. Engineering Services (CPC 8672)	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
3. Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
4. Rental and leasing of Studio Recording Equipment (CPC 38109)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. Advertising Services (CPC 871)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
6. Printing and Publishing (CPC 89)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
CONSTRUCTION SERVICES			
1. Construction Work for Civil Engineering Services (CPC 513)	(1) Unbound * (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	

* Unbound due to lack of technical feasibility

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
FINANCIAL SERVICES			
1. Actuarial Services	(1) None	(1) (a) According to the existing laws & regulations such as: Myanma insurance Law 1993 and Insurance Business Law 1996 etc. (b) As indicated in the Horizontal Commitments	
	(2) None	(2) (a) According to the existing laws & regulations such as : Myanma insurance Law 1993 and Insurance Business Law 1996 etc. (b) As indicated in the Horizontal Commitments	
	(3) Unbound	(3) Unbound	
	(4) Unbound	(4) Unbound	
2. Average and Loss adjustment services (CPC 8143)	(1) None	(1) None	
	(2) None	(2) None	
	(3) As indicated in the Horizontal Commitment	(3) As indicated in the Horizontal Commitment	
	(4) As indicated in the Horizontal Commitment	(4) As indicated in the Horizontal Commitment	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Foreign Bank's Representative Offices services	(1) Unbound * (2) Unbound (3) - Foreign Banks are allowed to open their representative offices in Myanmar** - As indicated in the Horizontal Commitment (4) Unbound	(1) Unbound (2) Unbound (3) Unbound (4) Unbound	
HEALTHCARE SERVICES			
1. Dental Services (CPC 93123)	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment	

* Unbound due to lack of technical feasibility

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

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound	(4) Unbound	
2. Deliveries and related services, Nursing Services, Physiotherapist and paramedical personnel (CPC 93191)	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment (4) Unbound	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment (4) Unbound	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
MARITIME TRANSPORT SERVICES			
1. Storage and Warehousing Services	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
2. International Passenger Transport (Excluding Cabotage)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. International Freight Transport (Excluding Cabotage)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) Unbound (4) Unbound	
4. Maritime cargo handling services	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TELECOMMUNICATION SERVICES			
Telecommunication Services (CPC 7523) 1. Telex Services (CPC 7523**) 2. Telegraph Services (CPC 7522)	(1) None* (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None* (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	* Subject to comply with the provisions of existing rules and regulations.
3. Electronic mail services (CPC 7523**) 4. Voice mail services (CPC 7523**) 5. Electronic Data Interchange (EDI) (CPC 7523**) 6. On-line information and data base retrieval (CPC 7523**) 7. Code and protocol conversion (CPC 7523**) 8. On-line information and / or data processing (CPC 843**)	(1) (a) Subject to comply with the provision of existing rules and regulations (b) Subject to Utilization of the National Gateway only (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	* Subject to comply with the provisions of existing rules and regulations.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. Motion Picture and Video Tape Production Services (CPC 96121)	(1) Unbound (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) Unbound (4) As indicated in the Horizontal Commitment	
10. Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
TOURISM AND TRAVEL RELATED SERVICES			
1. Hotels (CPC 641-643)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) Unbound (4) Unbound	

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. Travel Agencies and Tour Operators Services (CPC 7471)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

Note : For a service supplier of another party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound

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PHILIPPINES

Schedule of Specific Commitments

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e., foreign equity is limited to a minority share): 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. All executive and managing officers must be citizens of the Philippines <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease Foreign investors may lease only private lands. <u>Entry and Temporary Stay of Natural Persons Supplying Services</u> Non-resident alien may be admitted	(3) Access to Domestic Credit 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: - partnerships more than 40 per cent of whose capital is owned by non-Filipino citizens; and - corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens. This requirement does not apply to banks and non-bank financial intermediaries. Banks are prohibited from extending peso loans to non-residents	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (1, 2, 3, 4) All measures taken by local government units are unbound. (1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	(1, 2, 3, 4) All measures taken by local government units are unbound. (1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
E. Rental/Leasing Services without Operators a. Relating to ships (83103)	(1) None (2) None (3) Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA) (4) None	(1) None (2) None (3) None (4) None	
b. Relating to Aircraft (83104)	(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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services h. Services Incidental to Mining (883) Oil and Gas Exploration and Development	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed provided there is President's approval. The Constitution allows the President to enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum. Limitations listed in the horizontal section shall also apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	state/country and whose certificate of registration issued therein has not been suspended/revoked: provided, A. That the 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: provided, further, B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded,		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: provided, finally, C. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geothermal Exploration and Development	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (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, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	B. 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: provided, further, C. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	mission for a limited period of time: provided, finally, D. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Coal Exploration and Development	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (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, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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: provided, further, B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	mission for a limited period of time: provided, finally, C. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		
j. Services Related to Energy Distribution (887) Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution lines	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
A./B. Postal/Courier Services (7511/75112) a. Domestic Mail Services 1) Ordinary Mail 2) Registered Mail[1] 3) Express Mail 4) Domestic Parcel 5) Business Reply[2] 6) Printed Matters b. International Mail Services 1) Ordinary Mail 2) Registered Mail [3] 3) Express Mail 4) Printed Matters 5) International Parcels c. Money Order Service (Domestic and International)[4]	(1) Commercial presence is required. (2) None (3) Entry is subject to the following requirements: Foreign equity is permitted up to 40 percent; and Philippine Government authority to operate private express and/or messengerial delivery services (4) Provision of postal/courier services is reserved only to Filipino citizens	(1) None (2) None (3) Entry is subject to the following requirements and conditions: 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 B. All executives and managers must be citizens of the Philippines (4) Provision of postal/courier services is reserved only to Filipino citizens	

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

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

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Telecommunication services			
The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV). a. Voice telephone services (7521) • Local services • Toll services • Domestic • International b. Packet-switched data transmission services (7523**) c. Circuit-switched data transmission services (7523**) d. Telex Services (7523**) e. Telegraph Services (7522) f. Facsimile services (7521**+7529**) g. Private Leased Circuit Services (7522**+7523)	(1) Unbound* (2) None (3) Entry is subject to the following requirements and conditions: A. Franchise from Congress of the Philippines B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission C. Foreign equity is permitted up to 40 percent. D. Resale of private leased lines is not allowed[5]. E. Private leased circuit services shall not be connected to a public network (PSTN). F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized. G. Subject to the availability and efficient utilization of radio frequencies.	(1) None (2) None (3) Entry is subject to the following requirements and conditions: 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. B. All executives and managers must be citizens of the Philippines.	The Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.

[5] 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
• Cellular Mobile Telephone Service (75213) • Satellite services	H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. 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. J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements. (4) Service suppliers must be Filipino citizens.	(4) Service suppliers must be Filipino citizens.	
Data and message transmission services • Data network services (75231) • Electronic message and information services (75232)	(1) Unbound* (2) None (3) Entry is subject to the following requirements and conditions: a. Franchise from Congress of the Philippines b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission c. Foreign equity is permitted up to	(1) None (2) None (3) Entry is subject to the following requirements and conditions: 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. B. All executives and managers	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	40 percent. d. Resale of private leased lines is not allowed6. e. Private leased circuit services shall not be connected to a public network (PSTN). f. Call back, dial back and other similar schemes, which result in the same operation, are not authorized. g. Subject to the availability and efficient utilization of radio frequencies. h. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. 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. j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.	must be citizens of the Philippines.	
	(4) Service suppliers must be Filipino citizens.	(4) Service suppliers must be Filipino citizens.	

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

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

   Appropriate 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 a 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 lines 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 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.

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.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
B. General Construction Work for Civil Engineering For long distance pipelines, communication and power lines (cables) (51340)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works C. A Contractor's License issued by the Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities. Limitations listed in the horizontal section shall apply. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. Build-Operate-Transfer (BOT) projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply. (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Construction for mining and manufacturing (5136**) Construction for large-scale mining development projects covered by Financial and Technical Assistance Agreements (FTAA)	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed, provided that the requirements of the FTAA under the Philippine Mining Act (RA 7942) are met. However, a Special Contractor's License is required to undertake construction activities. (4) Unbound	(1) None (2) None (3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations 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. (4) Unbound	
C. Installation and assembly work Other special trade construction work (51590) Gas fitting construction work (51630)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works C. A Contractor's License issued	(1) None (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	by the PCAB is required to undertake construction activities. Limitations listed in the horizontal section shall apply. (4) Unbound, except as indicated in the horizontal section.	and existing under and by virtue of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. BOT projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply. (4) Unbound	
E. Other Demolition work (51120)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works	(1) None (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized and existing under and by virtue	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	C. A Contractor's License issued by the PCAB is required to undertake construction activities. Limitations listed in the horizontal section shall apply.	of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. BOT projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply.	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services except rice and corn industry (621)	(1) Business must be done through an entity registered under Philippine laws. (2) None (3) Fifty (50) percent foreign equity participation is allowed in the following cases: • paid-in equity capital is not less than USD200,000 for domestic market enterprises; or • otherwise, only up to forty (40) percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) A natural person is allowed provided that the total investment is not less than USD200,000 for domestic market enterprises Limitations listed in the horizontal section shall apply.	(1) 1) None (2) None (3) None, except as indicated in the horizontal section (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
Sewerage Service (9401)	(1) Unbound* (2) None (3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed. For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made. For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following: a. Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs. b. In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/ arrangements that may be entered into will be with local government unit/s concerned (4) Unbound	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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.			
	(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. 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. (3,4) Limitations listed in the horizontal section shall also apply.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Banking and other financial services (excluding Insurance) Commercial banking - acceptance of deposits and other repayable funds from the public (81115-81119) - lending of all types, including consumer credit, mortgage credit, and financing of commercial transaction (8113) - all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts ((81229**) - guarantees and commitments (81199**) - 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 (bank's own promissory notes, repurchase agreements, and certificates of assignment/ participation with recourse)	(1) Commercial presence is required. (2) None (3) I. Forms of commercial presence 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. a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic bank. Existing foreign banks owning voting stock beyond the fifty-one percent (51%) level will be maintained at their current levels. 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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(81339**); • foreign exchange (81333); • derivative products including, but not limited to, futures and options (81339**); • exchange rate and interest rate instruments, including products such as swaps, forward rate agreements (81339**); and • other allowable negotiable instruments and financial assets (81339**). - 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 (8132) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (81323*)	c. percent (51%) level will be maintained at their existing levels. The majority of the members of the Board of Directors of a locally incorporated bank shall be citizens of the Philippines. For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation. <u>II. Scope of operations</u> Prior authorization is required for the following: - acceptance of deposit substitutes and other repayable funds from the public; - guarantees and commitments; - performance of trust, investment management and other fiduciary functions;		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	- foreign currency deposit unit operations; - derivatives activities. Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Financial advisory services as follows: - credit reference and analysis - investment and portfolio research and advice	(1) None (2) None (3) Required to be organized as a commercial bank, or a non-bank financial intermediary. For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply. Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary. (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.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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. For commercial banks, all other	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Promotion and provision of information by a representative office about the services or products offered by a foreign bank	(1) Commercial presence is required. (2) None (3) None (4) Unbound, except as those provided in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Investment houses: - Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of other corporations - Participate as soliciting dealer or	(1) Commercial presence is required. (2) None (3) Must be organized as a stock corporation. Subject to foreign equity limitation	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	of fifty-one per cent (51%). The majority of the members of the Board of Directors shall be citizens of the Philippines. An investment house is not allowed to engage in banking operations. Prior authorization is required for the performance of quasi-banking functions (4) Unbound, except as provided in the horizontal section	(4) Unbound, except as provided in the horizontal section	
Factoring	(1) Commercial presence is required. (2) None (3) Must be performed by a financing company only, organized either as a corporation or general partnership. Subject to foreign equity limitation of forty per cent (40%). 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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	corporation; no foreign managing partners in the case of a general partnership. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Financial leasing	(1) Commercial presence is required. (2) None (3) Must be performed by a financing company only, organized either as a corporation or general partnership. Subject to foreign equity limitation of forty per cent (40%). 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. (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.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Securities dealership/brokerage - 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 products such as warrants and options - Transferable securities	(1) Commercial presence is required. (2) None (3) Required to be organized as an investment house or as a securities broker/dealer corporation or partnership. For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply. 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 (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	
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	(1) Commercial presence is required. (2) None (3) Required to be organized as an Investment House or as a securities broker/dealer corporation or partnership.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For investment houses, all other limitations mentioned under mode 3 above for investment houses shall apply. 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. (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	(1) None (2) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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 provided in the horizontal section	(3) None (4) Unbound, except as those provided 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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. All Insurance and Insurance-Related Services			
All sub-sectors	(1) Limitations listed in the all-sector horizontal section and all financial services section shall apply. (2) Limitations listed in the all-sector horizontal section and all financial services section shall apply. (3) The establishment of new insurance companies is subject to the approval of the Insurance Commission which determines whether public interest and economic conditions justify such establishment. 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.	(4) Each employed non-Filipino citizen shall have at least two (2) Filipino understudies.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
a. Life, accident and health insurance services (8121) as follows: • Ordinary • Group • Industrial • Health and Accident • Annuities	(1) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (2) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (3) Market access is limited to: a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic insurance company. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated insurance company. 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 (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Non-life insurance services (8129) as follows: • Fire and allied risks/earthquakes/shock/ typhoons/floods/tidal wave • Marine ocean marine/inland marine/marine hull/aviation • Casualty motor car/health and accident/burglary/engineering miscellabeous • Surety ship fidelity/surety bonds	(1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (2) 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. (3) Market access is limited to: a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic insurance company. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated insurance company. 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 (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Reinsurance and retrocession	(1) Priority cessions to authorized insurance/reinsurance companies. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission. Ten percent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.	(1) None	
	(2) Priority cessions to authorized insurance/reinsurance companies. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission. Ten percent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.	(2) None	
	(3) Market access is limited to: a. Acquisition of up to forty percent (40%) of the voting stock of an existing domestic insurance company.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b. Investing in up to forty percent (40%) of the voting stock of a new locally incorporated insurance company. 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. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound	
d. Services auxiliary to insurance, as follows: • Actuarial consultancies • Average adjustors	(1) Commercial presence is required (2) None (3) Subject to foreign equity limitation of forty percent (40%) 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. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (64110)	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None, except as indicated in the horizontal commitments	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None	
Restaurants (CPC 6421-64310)	(1) Unbound* (2) None (3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million is complied; provided further that pre-qualification requirements are complied in accordance with appropriate government agencies. Foreign nationals may also establish branches provided that the minimum paid in capital of US$ 830,000.00 per restaurant are complied. Limitations listed in the horizontal section also apply.	(1) Unbound* (2) None (3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million are maintained. Prior notification for cessation of operation Foreign nationals may also establish additional branches provided that the minimum paid in capital of US$ 830,000 per restaurant are maintained. Prior notification for opening and closing of branches/stores.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Provided further that 30% local inventory requirement, public offering requirement under certain conditions and prohibitions to engage in certain restaurant activities are complied. Every registered foreign restaurant are to submit to the Department of Trade and Industry the following reports: 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 operation s in the Philippines	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		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. Limitations listed in the horizontal section shall apply.	
	(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 (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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 per cent of whose capital is owned by such citizens. (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. Each employed alien should have at least two (2) Filipino understudies (3, 4) Limitations listed in the horizontal section shall apply.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Transport Services International Transport (passenger and freight), except (7211, 7212) - cabotage transport, and - government-owned cargoes[7]	(1) None (2) None (3) None (4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months	(1) None (2) None (3) None (4) None	
Maintenance and repair of vessels (8868**)	(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	
Air Transport Services Maintenance and repair of aircraft (8868**)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

[7]Subject to the Cargo Reservation Law which requires that cargoes owned by government-owned or controlled corporations shall be shipped on board Philippine flag vessels.

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Selling and Marketing of Air Transport - General Sales Agent - Cargo Sales Agent	(1) None, except CAB permit and/or approval of rates is required (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Rail Transport Services Passenger and freight transport (7111, 7112)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
Maintenance and repair of rail transport equipment (8868**)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Road Transport Services Passenger and freight transport (7121+7122, 7123)	(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. (4) None	(1) Unbound* (2) None (3) 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services Auxiliary to All Modes of Transport Cargo handling services (741) Storage and warehousing services (742) 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHERS			
ENERGY SERVICES Services Related to Power Generation Construction and operation of power plants (as provided under the BOT scheme Construction of Power Plants	(1) Unbound* (2) None (3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. (4) Unbound	(1) Unbound* (2) None (3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations 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 such as BOT. (4) Unbound	
Operation of Power Plants	(1) Unbound* (2) None (3) None, except electric cooperative operation, is limited to Filipinos (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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

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

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MOST-FAVOURED-NATION TREATMENT EXEMPTION LIST

Sector or subsector	Description of measure indicating its inconsistency with MFN Provisions	Intended Duration	Conditions creating the need for the exemption[8]
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.	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 foreign financial service suppliers to establish commercial presence or expand existing Operations in commercial banking in the Philippines shall be subject to a reciprocity test.	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.	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.	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Maritime Transport Services			
Liner cargo trade	Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code Under the above-mentioned arrangement, a Party to the UNCTAD Liner 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.	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade.

[8] Descriptions in this column shall be construed as information provided for reference purposes only and do not form part of the Philippines' commitments.

PHILIPPINES

Schedule of Specific Commitments

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e., foreign equity is limited to a minority share): 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. All executive and managing officers must be citizens of the Philippines <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease Foreign investors may lease only private lands. <u>Entry and Temporary Stay of Natural Persons Supplying Services</u> Non-resident alien may be admitted	(3) Access to Domestic Credit 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: - partnerships more than 40 per cent of whose capital is owned by non-Filipino citizens; and - corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens. This requirement does not apply to banks and non-bank financial intermediaries. Banks are prohibited from extending peso loans to non-residents	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (1, 2, 3, 4) All measures taken by local government units are unbound. (1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	(1, 2, 3, 4) All measures taken by local government units are unbound. (1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
E. Rental/Leasing Services without Operators a. Relating to ships (83103)	(1) None (2) None (3) Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA) (4) None	(1) None (2) None (3) None (4) None	
b. Relating to Aircraft (83104)	(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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services h. Services Incidental to Mining (883) Oil and Gas Exploration and Development	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed provided there is President's approval. The Constitution allows the President to enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum. Limitations listed in the horizontal section shall also apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	state/country and whose certificate of registration issued therein has not been suspended/revoked: provided, A. That the 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: provided, further, B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded,		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: provided, finally, C. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geothermal Exploration and Development	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (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, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	B. 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: provided, further, C. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	mission for a limited period of time: provided, finally, D. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Coal Exploration and Development	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (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, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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: provided, further, B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	mission for a limited period of time: provided, finally, C. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		
j. Services Related to Energy Distribution (887) Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution lines	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
A./B. Postal/Courier Services (7511/75112) a. Domestic Mail Services 1) Ordinary Mail 2) Registered Mail[1] 3) Express Mail 4) Domestic Parcel 5) Business Reply[2] 6) Printed Matters b. International Mail Services 1) Ordinary Mail 2) Registered Mail [3] 3) Express Mail 4) Printed Matters 5) International Parcels c. Money Order Service (Domestic and International)[4]	(1) Commercial presence is required. (2) None (3) Entry is subject to the following requirements: Foreign equity is permitted up to 40 percent; and Philippine Government authority to operate private express and/or messengerial delivery services (4) Provision of postal/courier services is reserved only to Filipino citizens	(1) None (2) None (3) Entry is subject to the following requirements and conditions: 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 B. All executives and managers must be citizens of the Philippines (4) Provision of postal/courier services is reserved only to Filipino citizens	

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

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

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Telecommunication services			
The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV). a. Voice telephone services (7521) • Local services • Toll services • Domestic • International b. Packet-switched data transmission services (7523**) c. Circuit-switched data transmission services (7523**) d. Telex Services (7523**) e. Telegraph Services (7522) f. Facsimile services (7521**+7529**) g. Private Leased Circuit Services (7522**+7523)	(1) Unbound* (2) None (3) Entry is subject to the following requirements and conditions: A. Franchise from Congress of the Philippines B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission C. Foreign equity is permitted up to 40 percent. D. Resale of private leased lines is not allowed[5]. E. Private leased circuit services shall not be connected to a public network (PSTN). F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized. G. Subject to the availability and efficient utilization of radio frequencies.	(1) None (2) None (3) Entry is subject to the following requirements and conditions: 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. B. All executives and managers must be citizens of the Philippines.	The Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.

[5] 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
• Cellular Mobile Telephone Service (75213) • Satellite services	H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. 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. J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements. (4) Service suppliers must be Filipino citizens.	(4) Service suppliers must be Filipino citizens.	
Data and message transmission services • Data network services (75231) • Electronic message and information services (75232)	(1) Unbound* (2) None (3) Entry is subject to the following requirements and conditions: a. Franchise from Congress of the Philippines b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission c. Foreign equity is permitted up to	(1) None (2) None (3) Entry is subject to the following requirements and conditions: 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. B. All executives and managers	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	40 percent. d. Resale of private leased lines is not allowed6. e. Private leased circuit services shall not be connected to a public network (PSTN). f. Call back, dial back and other similar schemes, which result in the same operation, are not authorized. g. Subject to the availability and efficient utilization of radio frequencies. h. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. 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. j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.	must be citizens of the Philippines.	
	(4) Service suppliers must be Filipino citizens.	(4) Service suppliers must be Filipino citizens.	

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

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

   Appropriate 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 a 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 lines 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 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.

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.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
B. General Construction Work for Civil Engineering For long distance pipelines, communication and power lines (cables) (51340)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works C. A Contractor's License issued by the Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities. Limitations listed in the horizontal section shall apply. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. Build-Operate-Transfer (BOT) projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply. (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Construction for mining and manufacturing (5136**) Construction for large-scale mining development projects covered by Financial and Technical Assistance Agreements (FTAA)	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed, provided that the requirements of the FTAA under the Philippine Mining Act (RA 7942) are met. However, a Special Contractor's License is required to undertake construction activities. (4) Unbound	(1) None (2) None (3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations 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. (4) Unbound	
C. Installation and assembly work Other special trade construction work (51590) Gas fitting construction work (51630)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works C. A Contractor's License issued	(1) None (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	by the PCAB is required to undertake construction activities. Limitations listed in the horizontal section shall apply. (4) Unbound, except as indicated in the horizontal section.	and existing under and by virtue of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. BOT projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply. (4) Unbound	
E. Other Demolition work (51120)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works	(1) None (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized and existing under and by virtue	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	C. A Contractor's License issued by the PCAB is required to undertake construction activities. Limitations listed in the horizontal section shall apply.	of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. BOT projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply.	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services except rice and corn industry (621)	(1) Business must be done through an entity registered under Philippine laws. (2) None (3) Fifty (50) percent foreign equity participation is allowed in the following cases: • paid-in equity capital is not less than USD200,000 for domestic market enterprises; or • otherwise, only up to forty (40) percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) A natural person is allowed provided that the total investment is not less than USD200,000 for domestic market enterprises Limitations listed in the horizontal section shall apply.	(1) 1) None (2) None (3) None, except as indicated in the horizontal section (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
Sewerage Service (9401)	(1) Unbound* (2) None (3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed. For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made. For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following: a. Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs. b. In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/ arrangements that may be entered into will be with local government unit/s concerned (4) Unbound	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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.			
	(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. 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. (3,4) Limitations listed in the horizontal section shall also apply.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Banking and other financial services (excluding Insurance) Commercial banking - acceptance of deposits and other repayable funds from the public (81115-81119) - lending of all types, including consumer credit, mortgage credit, and financing of commercial transaction (8113) - all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts ((81229**) - guarantees and commitments (81199**) - 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 (bank's own promissory notes, repurchase agreements, and certificates of assignment/ participation with recourse)	(1) Commercial presence is required. (2) None (3) I. Forms of commercial presence 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. a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic bank. Existing foreign banks owning voting stock beyond the fifty-one percent (51%) level will be maintained at their current levels. 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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(81339**); • foreign exchange (81333); • derivative products including, but not limited to, futures and options (81339**); • exchange rate and interest rate instruments, including products such as swaps, forward rate agreements (81339**); and • other allowable negotiable instruments and financial assets (81339**). - 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 (8132) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (81323*)	c. percent (51%) level will be maintained at their existing levels. The majority of the members of the Board of Directors of a locally incorporated bank shall be citizens of the Philippines. For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation. <u>II. Scope of operations</u> Prior authorization is required for the following: - acceptance of deposit substitutes and other repayable funds from the public; - guarantees and commitments; - performance of trust, investment management and other fiduciary functions;		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	- foreign currency deposit unit operations; - derivatives activities. Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Financial advisory services as follows: - credit reference and analysis - investment and portfolio research and advice	(1) None (2) None (3) Required to be organized as a commercial bank, or a non-bank financial intermediary. For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply. Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary. (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.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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. For commercial banks, all other	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Promotion and provision of information by a representative office about the services or products offered by a foreign bank	(1) Commercial presence is required. (2) None (3) None (4) Unbound, except as those provided in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Investment houses: - Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of other corporations - Participate as soliciting dealer or	(1) Commercial presence is required. (2) None (3) Must be organized as a stock corporation. Subject to foreign equity limitation	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	of fifty-one per cent (51%). The majority of the members of the Board of Directors shall be citizens of the Philippines. An investment house is not allowed to engage in banking operations. Prior authorization is required for the performance of quasi-banking functions (4) Unbound, except as provided in the horizontal section	(4) Unbound, except as provided in the horizontal section	
Factoring	(1) Commercial presence is required. (2) None (3) Must be performed by a financing company only, organized either as a corporation or general partnership. Subject to foreign equity limitation of forty per cent (40%). 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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	corporation; no foreign managing partners in the case of a general partnership. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Financial leasing	(1) Commercial presence is required. (2) None (3) Must be performed by a financing company only, organized either as a corporation or general partnership. Subject to foreign equity limitation of forty per cent (40%). 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. (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.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Securities dealership/brokerage - 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 products such as warrants and options - Transferable securities	(1) Commercial presence is required. (2) None (3) Required to be organized as an investment house or as a securities broker/dealer corporation or partnership. For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply. 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 (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	
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	(1) Commercial presence is required. (2) None (3) Required to be organized as an Investment House or as a securities broker/dealer corporation or partnership.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For investment houses, all other limitations mentioned under mode 3 above for investment houses shall apply. 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. (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	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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 provided in the horizontal section	(3) None (4) Unbound, except as those provided 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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. All Insurance and Insurance-Related Services			
All sub-sectors	(1) Limitations listed in the all-sector horizontal section and all financial services section shall apply. (2) Limitations listed in the all-sector horizontal section and all financial services section shall apply. (3) The establishment of new insurance companies is subject to the approval of the Insurance Commission which determines whether public interest and economic conditions justify such establishment. 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.	(4) Each employed non-Filipino citizen shall have at least two (2) Filipino understudies.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
a. Life, accident and health insurance services (8121) as follows: • Ordinary • Group • Industrial • Health and Accident • Annuities	(1) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (2) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (3) Market access is limited to: a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic insurance company. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated insurance company. 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 (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Non-life insurance services (8129) as follows: • Fire and allied risks/earthquakes/shock/ typhoons/floods/tidal wave • Marine ocean marine/inland marine/marine hull/aviation • Casualty motor car/health and accident/burglary/engineering miscellabeous • Surety ship fidelity/surety bonds	(1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (2) 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. (3) Market access is limited to: a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic insurance company. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated insurance company. 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 (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Reinsurance and retrocession	(1) Priority cessions to authorized insurance/reinsurance companies. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission. Ten percent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.	(1) None	
	(2) Priority cessions to authorized insurance/reinsurance companies. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission. Ten percent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.	(2) None	
	(3) Market access is limited to: a. Acquisition of up to forty percent (40%) of the voting stock of an existing domestic insurance company.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b. Investing in up to forty percent (40%) of the voting stock of a new locally incorporated insurance company. 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. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound	
d. Services auxiliary to insurance, as follows: • Actuarial consultancies • Average adjustors	(1) Commercial presence is required (2) None (3) Subject to foreign equity limitation of forty percent (40%) 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. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (64110)	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None, except as indicated in the horizontal commitments	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None	
Restaurants (CPC 6421-64310)	(1) Unbound* (2) None (3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million is complied; provided further that pre-qualification requirements are complied in accordance with appropriate government agencies. Foreign nationals may also establish branches provided that the minimum paid in capital of US$ 830,000.00 per restaurant are complied. Limitations listed in the horizontal section also apply.	(1) Unbound* (2) None (3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million are maintained. Prior notification for cessation of operation Foreign nationals may also establish additional branches provided that the minimum paid in capital of US$ 830,000 per restaurant are maintained. Prior notification for opening and closing of branches/stores.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Provided further that 30% local inventory requirement, public offering requirement under certain conditions and prohibitions to engage in certain restaurant activities are complied. Every registered foreign restaurant are to submit to the Department of Trade and Industry the following reports: 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 operation s in the Philippines	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		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. Limitations listed in the horizontal section shall apply.	
	(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 (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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 per cent of whose capital is owned by such citizens. (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. Each employed alien should have at least two (2) Filipino understudies (3, 4) Limitations listed in the horizontal section shall apply.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Transport Services International Transport (passenger and freight), except (7211, 7212) - cabotage transport, and - government-owned cargoes[7]	(1) None (2) None (3) None (4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months	(1) None (2) None (3) None (4) None	
Maintenance and repair of vessels (8868**)	(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	
Air Transport Services Maintenance and repair of aircraft (8868**)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

[7]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.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Selling and Marketing of Air Transport - General Sales Agent - Cargo Sales Agent	(1) None, except CAB permit and/or approval of rates is required (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Rail Transport Services Passenger and freight transport (7111, 7112)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
Maintenance and repair of rail transport equipment (8868**)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Road Transport Services Passenger and freight transport (7121+7122, 7123)	(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. (4) None	(1) Unbound* (2) None (3) 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services Auxiliary to All Modes of Transport Cargo handling services (741) Storage and warehousing services (742) 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	

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHERS			
ENERGY SERVICES Services Related to Power Generation Construction and operation of power plants (as provided under the BOT scheme Construction of Power Plants	(1) Unbound* (2) None (3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. (4) Unbound	(1) Unbound* (2) None (3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations 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 such as BOT. (4) Unbound	
Operation of Power Plants	(1) Unbound* (2) None (3) None, except electric cooperative operation, is limited to Filipinos (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

MOST-FAVOURED-NATION TREATMENT EXEMPTION LIST

Sector or subsector	Description of measure indicating its inconsistency with MFN Provisions	Intended Duration	Conditions creating the need for the exemption[8]
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.	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 foreign financial service suppliers to establish commercial presence or expand existing Operations in commercial banking in the Philippines shall be subject to a reciprocity test.	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.	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.	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Maritime Transport Services			
Liner cargo trade	Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code Under the above-mentioned arrangement, a Party to the UNCTAD Liner 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.	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade.

[8] Descriptions in this column shall be construed as information provided for reference purposes only and do not form part of the Philippines' commitments.

SINGAPORE

Schedule of Specific Commitments

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(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: (a) Managers – persons within an organization who primarily direct the organization, or a department or sub- division 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	(4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (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. (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).		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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	(3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions: A foreigner who wishes to register a business firm must have a local manager who should be a Singapore citizen or a Singapore Permanent Resident or a Singapore Employment Pass holder. (However, a foreigner who is a Singapore Permanent Resident or a Singapore Employment Pass holder can register a business without appointing a local manager.) - -At least one director of the company must be locally resident - -All branches of foreign companies registered in Singapore must have at least 2 locally resident agents. (To qualify as locally resident, a person should be either a Singapore citizen or Singapore Permanent Resident or Singapore Employment Pass holder.)	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access		Limitation on National Treatment	Additional Commitments
	(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		

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services b. Accounting/Auditing Services (CPC 862**)	(1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Taxation Services Taxation services except for other tax-related services (CPC 863**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Other tax-related services (CPC 86309**)	(1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore. Only Public Accountants registered with the Public Accountants Board Singapore can practise as tax consultants for local tax laws.	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(2) None (3) None (4) Unbound	
d. Architectural Services (CPC 8671)	(1) None (2) None (3) <u>Limited Corporations</u> - 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 in the names of registered architects or allied professionals who are 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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Singapore and who has a valid certificate and is registered owner of at least one share of the corporation. <u>Unlimited Corporation</u> - Only registered architects or allied professionals (Professional Engineers 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 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: - 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	owner of at least one share, of the corporation Partnership - The partnership consists of only registered architects with valid practising certificates and allied professionals; and - The supply of architectural services in Singapore will be under the control and Management of a partner who is a Registered architect, ordinarily resident in Singapore and who has a valid practising certificate. (4) Unbound except as indicated in the horizontal Section	(4) Unbound	
e. Engineering Services (CPC 8672**) The sectors covered by Engineering services are: (a) Civil engineering services (b) Production engineering services (c) Mechanical engineering services (d) Electrical engineering services (e) Electronic engineering services (f) Aeronautical engineering services (g) Marine engineering services	(1) None (2) None (3) These measures are also limitations on national treatment. Limited Corporations - Not less than 80% of the directors of the corporation shall be registered Professional Engineers or allied professionals (registered Architects or Land Surveyors). - Not less than two-thirds or such lower proportion as the Minister	(1) None, other than engineers should be effectively resident in Singapore (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Naval architectural engineering services (i) Industrial engineering services (j) Chemical engineering services	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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	of the corporation, shall not be registered as a member of that corporation - 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:- 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 <u>Partnership</u> - 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		

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
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	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Veterinary Services (CPC 932)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
B. Computer and Related Services Computer Services The services covered are: - Software development - Systems Integration Services - Data processing - Data base services Commitments in Telecommunication services are recorded in 2.C of the Schedule of Specific Commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Research and Development Services Biotechnology Services (CPC 851**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Industrial Research (CPC 851**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
b. Economic and behavioural research (CPC 852**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
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.	(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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	(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	
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	(1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Management Consultancy Services, including Office Management and Administrative Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Advertising Consultancy Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Information Technology Consultancy Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Buildings and Facilities Management Services (CPC 865**)	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(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 andanalysis services, excludingtesting and analysisservices of motor vehiclesand 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	
Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishery And	(1) None (2) None	(1) None (2) None	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mining, including Oilfield Services (CPC 881**, 882**, 883**, 5115**)	(3) None (4) Unbound except as indicated in the horizontal Section	(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	
l. 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Unarmed guard services (87305 **)	Horizontal limitation on market access and national treatment All commitments in this sector are subject to the Private Investigation and Security Agencies Act (Cap. 249). The Act stipulates that: - 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.		
	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
o. Building cleaning services (CPC 874)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(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. Exhibition Management Services (CPC 87909**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
t. Other Translation/Interpretation Services (CPC 87905)	(1) None (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(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	
C. Telecommunication Services			
General Conditions statement Commitments undertaken in this schedule are subject to the following conditions: The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. This excludes services regulated under the Broadcasting Act.			

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. Basic Telecommunication Services (facilities-based): (a) Public Switched Services1 (local and international) (b) Leased Circuit Services (local and international)	(1) Subject to commercial arrangements with licensed operator(s). (2) None (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is 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	
2. Mobile Services[2]: (a) Public Mobile Data Service (PMDS) (b) Public Trunked Radio Service (PTRS) (c) Public Radio Paging Service (PRPS) (d) Public Cellular Mobile Telephone Service (PCMTS)	(1) Subject to commercial arrangements with licensed operator(s). (2) None (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	
Resale basis: (a) Public Switched Services	(1) None (2) None	(1) None (2) None	

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(local and international) (not including the use of leased circuits connected to the public switched network) (b) Leased Circuit Services (local and international) (without connection to the public switched network) (c) Public Cellular Mobile Telephone Services (d) Public Radio Paging Services	(3) None (4) Unbound, except as indicated in horizontal Section	(3) None (4) Unbound, except as indicated in horizontal commitments	
4. Value-added Network (VAN) services The services covered are: - 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) - store-and-retrieve (S&R)	(1) Provision of VAN services is subject to licence from the Infocomm Development Authority of Singapore (IDA) (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Audiovisual Services (i) the services covered are production, distribution and public display of	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612) (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	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction Services	(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			
<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.			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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.			
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	
Sales on a fee or contract basis of pharmaceutical goods and medical goods intended for the Singapore market (CPC 62117**)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (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	
Wholesale trade of pharmaceutical and medical goods and surgical and	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
orthopaedic instruments (CPC 62251 & 62252)	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
C. Retailing services Retail sales of pharmaceutical, medical and orthopaedic goods (CPC 63211)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (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.			
D. Adult education services (CPC 924 n.e.c.)	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
E. Short term training including language courses (CPC 92900 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
6. ENVIRONMENTAL SERVICES			
C. Sanitation and similar services (CPC 9403)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
D. Cleaning services of exhaust gases (CPC 9404)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
D. Noise abatement services (CPC 9405)	(1) Unbound* (2) None	(1) Unbound* (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
7. FINANCIAL SERVICES			
A. Insurance and Insurance-related Services All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.			
(a) Life insurance services including annuity, disability income, accident and health insurance services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None except foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder; insurance companies must establish as branches or subsidiaries; and for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory savings scheme.	(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 Subsector	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	
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee	(1) Unbound (2) None except that compulsory insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore. (3) None except that 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; and insurance companies must establish as branches or subsidiaries. (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) Reinsurance and retrocession	(1) None (2) None (3) None except that reinsurance companies must be established as branches or subsidiaries. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Insurance intermediation comprising broking and agency services	(1) Unbound (2) These measures are also limitations on national treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic risks outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of shipowners insured by protection & indemnity clubs. (3) These measures are also limitations on national treatment. Unbound except for admission of direct[3] insurance and reinsurance brokers as locally incorporated subsidiaries (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) Unbound (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	

[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.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Banking and other financial services 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.			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound (2) None (3) These measures are also limitations on national treatment. Only institutions licensed or approved as banks, merchant banks and finance companies can accept deposits. Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country depositors in receivership or winding-up proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore law. Establishment and operation of	(1) Unbound (2) None (3) Commercial banks: 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 can only accept fixed deposits of S$250,000 or more per deposit. Offshore banks can accept foreign currency fixed deposits from residents and non-residents. For	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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: <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. 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. <u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches. <u>Finance companies</u> No new finance companies. No foreign person shall acting alone or in concert with other persons, assume control of any finance	Singapore dollar deposits, they can only accept fixed deposits of S$250,000 or more per deposit from non-residents. A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.[4] <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. 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 companies controlled by their shareholders, banks, other merchant banks and finance companies. <u>Finance companies</u> Location of finance companies and relocation of sub-branches require MAS' prior approval.	

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	company. A foreign person is a person that is: a) in the case of a natural person, not a citizen of Singapore and b) in the case of a corporation, not controlled by citizens of Singapore. Approval from the MAS is required before a person (together with associated persons) is allowed to acquire shareholdings or voting control in a finance company of or exceeding 5%, 12% and 20%, and before he obtains effective control of the finance company. In approving applications to exceed the threshold limits, MAS may impose conditions it considers necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system. 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. (4) Unbound except as indicated in the horizontal Section	Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches. (4) Unbound except as indicated in the horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction	(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 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. (iii) Establishment of credit companies which do not conduct activities requiring MAS'	(1) None (2) None (3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S$500m in aggregate. Offshore banks should not use their related merchant banks to circumvent the S$500m lending limit. Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	approval is allowed. (4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(c) Financial leasing	(1) None (2) None (3) None except as indicated for activity B(b) above (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None except as indicated for activity B(b) above. (4) Unbound except as indicated in the horizontal section.	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers' drafts	(1) Unbound (2) None (3) These measures are also limitations on national treatment. Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens. Bankers' drafts can only be issued by banks. Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS. The limitations indicated in B.b)3) above also apply to the activities listed in B.d)	(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 Subsector	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	
(e)Guarantees and commitments	(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.	(1) None	
	(2) None	(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.	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - money market instruments (including cheques, bills, certificates of deposit) - foreign exchange - derivative products, including financial futures and options - exchange rate and interest rate instruments, including swaps and forward rate agreements - transferable securities - other negotiable instruments and financial assets, including bullion	(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 to set up separate subsidiaries to trade financial futures for customers. 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: - 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	(1) None (2) None (3) None except as indicated for activity B(b) above.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B.b)3)(ii). Moneychangers, except where the moneychanging business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens (4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues	(1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stockbroking companies, banks or merchant banks in Singapore. Measures taken are also limitations on national treatment. (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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$150,000. 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. (4) Unbound except as indicated in the horizontal Section	(3) None except as indicated for activity B(b) above (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 Subsector	Limitation on Market Access	Limitation 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. None except asset management companies, custodial depositories, and trust services companies can establish as branches, subsidiaries or joint ventures; only the Central Depositary Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system; and 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 Subsector	Limitation on Market Access	Limitation 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.	(1) None (2) None (3) None	

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Sector or Subsector	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.	
(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	(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.	(1) None for the provision of financial information by providers such as Reuters and Bloomberg.	
	(2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on national treatment.	(2) None	
	(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	(3) None	

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

Sector or Subsector	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	
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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Child day-care services including day-care services for the handicapped(CPC 93321) Vocational rehabilitation services(CPC 93324)	(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	
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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
C. Other social services without accommodation(CPC 93329 **)	(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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel and Restaurants (including catering) Hotel Services (CPC 6411)	(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) None (2) None (3) None (4) Unbound	
c. Tourist Guide Services (CPC 7472)	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES)			
A. Entertainment services (including theatre, live bands & circus services) (CPC 9619)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Archive services except for services specified under the National Heritage Board Act (CPC 963**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Library Services (CPC 96311)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Parks except for national parks, nature reserves and parklands as defined under the National Parks Acts (CPC 9633**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Sports and recreational services, except gambling and betting services (964**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
11. TRANSPORT SERVICES			
A. Maritime Transport Services International maritime transport (freight and passengers) excluding cabotage transport (CPC 7211 **, 7212 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section; unbound for intra-corporate transfers of ships of ships crews	(1) None (2) None (3) None (4) Unbound	When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions: - pilotage; - towing and tug assistance; - provisioning fuelling and watering;

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			- garbage collecting and ballast; waste disposal - port captain's services; - navigation aids emergency; - repair facilities; - 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: International Towage	(1) None (2) None	(1) None (2) None	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(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	
D. Air Transport Services Selling and marketing of air transport services	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) Unbound (4) Unbound	
F. Road Transport Services Rental services of cars with operators (CPC 71222) Rental services of buses and coaches with operators (CPC 71223) Rental services of commercial freight vehicles with operators (CPC 71240)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Freight transportation of: a) refrigerated goods (CPC 71231) b) liquids or gases (CPC 71232) c) containerized freight (CPC 71233) d) furniture (CPC 71234)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
Maintenance and repair services of motor vehicles (CPC 61120) Maintenance and repair services of parts of motor vehicles (CPC 88 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Parking services (CPC 74430)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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	

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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 school[5] 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.

SINGAPORE

Schedule of Specific Commitments

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(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: (a) Managers – persons within an organization who primarily direct the organization, or a department or sub- division 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	(4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (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. (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).		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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	(3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions: A foreigner who wishes to register a business firm must have a local manager who should be a Singapore citizen or a Singapore Permanent Resident or a Singapore Employment Pass holder. (However, a foreigner who is a Singapore Permanent Resident or a Singapore Employment Pass holder can register a business without appointing a local manager.) - -At least one director of the company must be locally resident - -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.)	

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

Sector or Subsector	Limitation on Market Access		Limitation on National Treatment	Additional Commitments
	(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		

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services b. Accounting/Auditing Services (CPC 862**)	(1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Taxation Services Taxation services except for other tax-related services (CPC 863**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Other tax-related services (CPC 86309**)	(1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore. Only Public Accountants registered with the Public Accountants Board Singapore can practise as tax consultants for local tax laws.	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(2) None (3) None (4) Unbound	
d. Architectural Services (CPC 8671)	(1) None (2) None (3) <u>Limited Corporations</u> - 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 in the names of registered architects or allied professionals who are 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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Singapore and who has a valid certificate and is registered owner of at least one share of the corporation. <u>Unlimited Corporation</u> - Only registered architects or allied professionals (Professional Engineers 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 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: - 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	owner of at least one share, of the corporation Partnership - The partnership consists of only registered architects with valid practising certificates and allied professionals; and - The supply of architectural services in Singapore will be under the control and Management of a partner who is a Registered architect, ordinarily resident in Singapore and who has a valid practising certificate. (4) Unbound except as indicated in the horizontal Section	(4) Unbound	
e. Engineering Services (CPC 8672**) The sectors covered by Engineering services are: (a) Civil engineering services (b) Production engineering services (c) Mechanical engineering services (d) Electrical engineering services (e) Electronic engineering services (f) Aeronautical engineering services (g) Marine engineering services	(1) None (2) None (3) These measures are also limitations on national treatment. Limited Corporations - Not less than 80% of the directors of the corporation shall be registered Professional Engineers or allied professionals (registered Architects or Land Surveyors). - Not less than two-thirds or such lower proportion as the Minister	(1) None, other than engineers should be effectively resident in Singapore (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Naval architectural engineering services (i) Industrial engineering services (j) Chemical engineering services	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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	of the corporation, shall not be registered as a member of that corporation - 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:- 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 <u>Partnership</u> - 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Veterinary Services (CPC 932)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
B. Computer and Related Services Computer Services The services covered are: - Software development - Systems Integration Services - Data processing - Data base services Commitments in Telecommunication services are recorded in 2.C of the Schedule of Specific Commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Research and Development Services Biotechnology Services (CPC 851**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Industrial Research (CPC 851**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
b. Economic and behavioural research (CPC 852**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
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.	(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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	(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	
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	(1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited	

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Management Consultancy Services, including Office Management and Administrative Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Advertising Consultancy Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Information Technology Consultancy Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Buildings and Facilities Management Services (CPC 865**)	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(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 andanalysis services, excludingtesting and analysisservices of motor vehiclesand 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	
Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishery And	(1) None (2) None	(1) None (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mining, including Oilfield Services (CPC 881**, 882**, 883**, 5115**)	(3) None (4) Unbound except as indicated in the horizontal Section	(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	
l. 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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Unarmed guard services (87305 **)	Horizontal limitation on market access and national treatment All commitments in this sector are subject to the Private Investigation and Security Agencies Act (Cap. 249). The Act stipulates that: - 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.		
	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
o. Building cleaning services (CPC 874)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(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. Exhibition Management Services (CPC 87909**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
t. Other Translation/Interpretation Services (CPC 87905)	(1) None (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(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	
C. Telecommunication Services			
General Conditions statement Commitments undertaken in this schedule are subject to the following conditions: The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. This excludes services regulated under the Broadcasting Act.			

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. Basic Telecommunication Services (facilities-based): (a) Public Switched Services1 (local and international) (b) Leased Circuit Services (local and international)	(1) Subject to commercial arrangements with licensed operator(s). (2) None (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is 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	
2. Mobile Services[2]: (a) Public Mobile Data Service (PMDS) (b) Public Trunked Radio Service (PTRS) (c) Public Radio Paging Service (PRPS) (d) Public Cellular Mobile Telephone Service (PCMTS)	(1) Subject to commercial arrangements with licensed operator(s). (2) None (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	
Resale basis: (a) Public Switched Services	(1) None (2) None	(1) None (2) None	

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(local and international) (not including the use of leased circuits connected to the public switched network) (b) Leased Circuit Services (local and international) (without connection to the public switched network) (c) Public Cellular Mobile Telephone Services (d) Public Radio Paging Services	(3) None (4) Unbound, except as indicated in horizontal Section	(3) None (4) Unbound, except as indicated in horizontal commitments	
4. Value-added Network (VAN) services The services covered are: - 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) - store-and-retrieve (S&R)	(1) Provision of VAN services is subject to licence from the Infocomm Development Authority of Singapore (IDA) (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Audiovisual Services (i) the services covered are production, distribution and public display of	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612) (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	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction Services	(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			
<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.			

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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.			
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	
Sales on a fee or contract basis of pharmaceutical goods and medical goods intended for the Singapore market (CPC 62117**)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (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	
Wholesale trade of pharmaceutical and medical goods and surgical and	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
orthopaedic instruments (CPC 62251 & 62252)	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
C. Retailing services Retail sales of pharmaceutical, medical and orthopaedic goods (CPC 63211)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (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.			
D. Adult education services (CPC 924 n.e.c.)	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
E. Short term training including language courses (CPC 92900 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
6. ENVIRONMENTAL SERVICES			
C. Sanitation and similar services (CPC 9403)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
D. Cleaning services of exhaust gases (CPC 9404)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
D. Noise abatement services (CPC 9405)	(1) Unbound* (2) None	(1) Unbound* (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
7. FINANCIAL SERVICES			
A. Insurance and Insurance-related Services All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.			
(a) Life insurance services including annuity, disability income, accident and health insurance services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None except foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder; insurance companies must establish as branches or subsidiaries; and for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory savings scheme.	(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 Subsector	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	
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee	(1) Unbound (2) None except that compulsory insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore. (3) None except that 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; and insurance companies must establish as branches or subsidiaries. (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) Reinsurance and retrocession	(1) None (2) None (3) None except that reinsurance companies must be established as branches or subsidiaries. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Insurance intermediation comprising broking and agency services	(1) Unbound (2) These measures are also limitations on national treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic risks outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of shipowners insured by protection & indemnity clubs. (3) These measures are also limitations on national treatment. Unbound except for admission of direct[3] insurance and reinsurance brokers as locally incorporated subsidiaries (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) Unbound (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	

[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.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Banking and other financial services 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.			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound (2) None (3) These measures are also limitations on national treatment. Only institutions licensed or approved as banks, merchant banks and finance companies can accept deposits. Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country depositors in receivership or winding-up proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore law. Establishment and operation of	(1) Unbound (2) None (3) Commercial banks: 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 can only accept fixed deposits of S$250,000 or more per deposit. Offshore banks can accept foreign currency fixed deposits from residents and non-residents. For	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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: <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. 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. <u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches. <u>Finance companies</u> No new finance companies. No foreign person shall acting alone or in concert with other persons, assume control of any finance	Singapore dollar deposits, they can only accept fixed deposits of S$250,000 or more per deposit from non-residents. A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.[4] <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. 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 companies controlled by their shareholders, banks, other merchant banks and finance companies. <u>Finance companies</u> Location of finance companies and relocation of sub-branches require MAS' prior approval.	

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	company. A foreign person is a person that is: a) in the case of a natural person, not a citizen of Singapore and b) in the case of a corporation, not controlled by citizens of Singapore. Approval from the MAS is required before a person (together with associated persons) is allowed to acquire shareholdings or voting control in a finance company of or exceeding 5%, 12% and 20%, and before he obtains effective control of the finance company. In approving applications to exceed the threshold limits, MAS may impose conditions it considers necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system. 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. (4) Unbound except as indicated in the horizontal Section	Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches. (4) Unbound except as indicated in the horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction	(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 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. (iii) Establishment of credit companies which do not conduct activities requiring MAS'	(1) None (2) None (3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S$500m in aggregate. Offshore banks should not use their related merchant banks to circumvent the S$500m lending limit. Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	approval is allowed. (4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(c) Financial leasing	(1) None (2) None (3) None except as indicated for activity B(b) above (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None except as indicated for activity B(b) above. (4) Unbound except as indicated in the horizontal section.	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers' drafts	(1) Unbound (2) None (3) These measures are also limitations on national treatment. Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens. Bankers' drafts can only be issued by banks. Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS. The limitations indicated in B.b)3) above also apply to the activities listed in B.d)	(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 Subsector	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	
(e)Guarantees and commitments	(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.	(1) None	
	(2) None	(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.	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - money market instruments (including cheques, bills, certificates of deposit) - foreign exchange - derivative products, including financial futures and options - exchange rate and interest rate instruments, including swaps and forward rate agreements - transferable securities - other negotiable instruments and financial assets, including bullion	(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 to set up separate subsidiaries to trade financial futures for customers. 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: - 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	(1) None (2) None (3) None except as indicated for activity B(b) above.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B.b)3)(ii). Moneychangers, except where the moneychanging business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens (4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues	(1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stockbroking companies, banks or merchant banks in Singapore. Measures taken are also limitations on national treatment. (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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$150,000. 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. (4) Unbound except as indicated in the horizontal Section	(3) None except as indicated for activity B(b) above (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 Subsector	Limitation on Market Access	Limitation 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. None except asset management companies, custodial depositories, and trust services companies can establish as branches, subsidiaries or joint ventures; only the Central Depositary Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system; and 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 Subsector	Limitation on Market Access	Limitation 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.	(1) None (2) None (3) 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 Subsector	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.	
(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	(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.	(1) None for the provision of financial information by providers such as Reuters and Bloomberg.	
	(2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on national treatment.	(2) None	
	(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	(3) None	

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

Sector or Subsector	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	
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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Child day-care services including day-care services for the handicapped(CPC 93321) Vocational rehabilitation services(CPC 93324)	(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	
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	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
C. Other social services without accommodation(CPC 93329 **)	(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	

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel and Restaurants (including catering) Hotel Services (CPC 6411)	(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) None (2) None (3) None (4) Unbound	
c. Tourist Guide Services (CPC 7472)	(1) None (2) None (3) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES)			
A. Entertainment services (including theatre, live bands & circus services) (CPC 9619)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Archive services except for services specified under the National Heritage Board Act (CPC 963**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Library Services (CPC 96311)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Parks except for national parks, nature reserves and parklands as defined under the National Parks Acts (CPC 9633**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Sports and recreational services, except gambling and betting services (964**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
11. TRANSPORT SERVICES			
A. Maritime Transport Services International maritime transport (freight and passengers) excluding cabotage transport (CPC 7211 **, 7212 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section; unbound for intra-corporate transfers of ships of ships crews	(1) None (2) None (3) None (4) Unbound	When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions: - pilotage; - towing and tug assistance; - provisioning fuelling and watering;

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			- garbage collecting and ballast; waste disposal - port captain's services; - navigation aids emergency; - repair facilities; - 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: International Towage	(1) None (2) None	(1) None (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(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	
D. Air Transport Services Selling and marketing of air transport services	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) Unbound (4) Unbound	
F. Road Transport Services Rental services of cars with operators (CPC 71222) Rental services of buses and coaches with operators (CPC 71223) Rental services of commercial freight vehicles with operators (CPC 71240)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Freight transportation of: a) refrigerated goods (CPC 71231) b) liquids or gases (CPC 71232) c) containerized freight (CPC 71233) d) furniture (CPC 71234)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
Maintenance and repair services of motor vehicles (CPC 61120) Maintenance and repair services of parts of motor vehicles (CPC 88 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Parking services (CPC 74430)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation 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	

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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 school[5] 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.

THAILAND

Schedule of Specific Commitments

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound			
	(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments. 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: (a) Foreign equity participation must not exceed 49 per cent of the registered capital; and (b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned. (4) Unless otherwise specified at the sector-specific level, temporary movement of natural persons is	(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments. 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 The manager or the representative of the juristic person who apply for a license must be a Thai national. The director and deputy director must be Thai nationals. The manager and executive manager must be Thai nationals. Others : Unbound, including subsidies (4) Unbound, except as provided in the MA column	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	unbound except in the following categories: I. Business Visitors (BV) (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. (b) Persons responsible for establishing a commercial presence : Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of: - 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. <u>Condition :</u> Representatives of such service		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	juridical person will not be suppliers or employees of such engaged in making direct sales to the general public or in supplying services themselves. <u>Duration of stay :</u> Temporary stay will be permitted and a work permit granted, when apply for, for an initial period of not more than 90 days. 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. II. Intra-corporate Transferees (ICT) Employees of a company established in the territory of another Party who are transferred temporarily for the supply of a service through commercial presence in Thailand. The employees refer to Executives, Managers, or Specialists as defined below.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Manager is defined as : 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. Executive is defined as : 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	services of the organization. Specialist is defined as : A person within an organization who possesses knowledge at an advanced level of continued expertise possesses proprietary knowledge of the organization services, research equipment, techniques, or management. Condition : 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. Duration of stay : 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		

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	each subject to verification of ongoing employment with original employer and compliance with relevant Thai laws and regulations.		
	(3, 4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.	(3, 4) Acquisition and usage of land: Unbound, except as provided in the MA column	
	(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services (a) Legal services (CPC 86111+86119+ 86120+86130+86190)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is	(1) Service must be authenticated by licensed architect in Thailand (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
(e) Engineering services (CPC 8672)	(1) None (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from Council of Engineers; <u>Limited Partnership or Registered Ordinary Partnerships</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Engineers Council. (4) a) As indicated in the horizontal section b) Unbound for civil engineer.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(g) Urban planning Service (CPC 86741)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscape architectural services (CPC 86742)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
B. Computer and Related Services (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 other than that indicated in the horizontal section	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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.	(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)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (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	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
F. Other Business Services (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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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	
(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) Unbound	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Soil analysis laboratory	(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	
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	
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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Cover crop seed multiplication	(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 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
Canning process 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	
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	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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	
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(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	
(q) Packaging services (CPC 87600)	(1) Unbound (2) None	(1) Unbound (2) None	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	(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	
(t) Other Translation and interpretation services (CPC 87905)	(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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunications Services <u>Commitments undertaken in this offer are subject to the following general conditions:</u> - 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. - The Communications Authority of Thailand has exclusive right to link with Intelsat and Inmarsat. - 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) 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. (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.	(1) None (2) None	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 service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Conditional upon passage and coming into force of all necessary new communication acts, 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. (4) Unbound as indicated in the horizontal section	(3) Conditional upon passage and coming into force of all necessary new communication acts, 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. (4) Unbound as indicated in the horizontal section	resources.
(j) Data base access services (part of CPC 7523)	(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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	(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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	telecommunication network under national telecommunication authorities (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(o) Other Telecommunications 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	
Telecommunications consulting services (CPC 75440)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (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	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Videotext (part of CPC 75299)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(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[2] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

[2] 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Teleconference (part of CPC 75292)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(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] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic leased circuits (part of CPC 75299)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(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[4] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services	(1) Unbound	(1) Unbound	
(a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517) Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)	(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	
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
B. Secondary Education Services A + B. International and National School Education Services excluding adult and other education (CPC 9219+ 9221, 9222)	(1) Unbound (2) None (3) None (4) Foreign natural persons may enter Thailand to supply education services provided that: (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 The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Technical and Vocational Education Services (CPC 9223, 9224)	(1) None (2) None (3) None (4) Foreign natural persons may enter Thailand to supply education services provided that: (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 The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Professional and/or Short Courses Education Services (CPC 92400)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
E. Other education services (CPC 92900) Chinese language tuition services (part of CPC 92900)	(1) Unbound (2) None (3) Unbound (4) Foreign natural persons may enter Thailand to supply Chinese language tuition services provided that: (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 The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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) 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) 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) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)	(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. Sanitation and Similar Services (CPC 9403)	(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	
D. Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Noise abatement services (CPC 9405)	(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	
Nature and landscape protection services(CPC 9406)	(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	
Other environmental protection services (CPC 9409)	(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	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 legislation permit them to do so. - All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments.			
A. Insurance including Reinsurance and retrocession (a) Life insurance services (CPC 81211)	(1) None (2) None (3) (a) Foreign equity participation limited to 25 per cent of registered share capital. (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet. (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner	(1) None (2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies. (3) None other than that indicated in the MA column (4) Unbound, except as provided in the horizontal section	
(b) Non-life insurance services (CPC 8129)	(1) Unbound except for international marine, aviation and transit and all classes of reinsurance. (2) None (3) (a) Foreign equity participation limited to 25 per cent of	(1) Unbound (2) (3) None other than that indicated in the MA column	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	registered share capital. (b) New establishment is subject to license approved by the Minister with the consent of the Cabinet (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	 (4) Unbound, except as provided in the 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,	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	specialists and technical assistants with the approval of the Insurance Commissioner.	horizontal section	
Average and loss adjustment services (CPC 81403)	(1) None (2) None (3) None (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Actuarial Services (CPC 81404) Services auxiliary to financial intermediation other than to insurance and pension funding services	(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	
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	None (1) None (2) None (3) (a) As indicated in B(3)(j) below.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Financial institutions must obtain prior approval from the Bank of Thailand. (4) As indicated in the horizontal section	(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 Financial Services</u> Acceptance of deposits and other repayable funds from the public Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions Financial leasing Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts	(1) None for financial advisory and financial data processing. Unbound for all other services. (2) None for financial advisory and financial data processing. Unbound for all other services. (3) <u>(a) Representative office of banks</u>: None. <u>(b) Foreign bank branches</u>: I. None for existing foreign bank branches under present shareholding structure. New establishment is subject to licence approved by the Minister	(1) None (2) (3)	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Guarantees and commitments Trading for own account, or for account of customers in the following: (a) money market instruments (b) foreign exchange (c) exchange rate and interest rate instruments (d) transferable securities 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 Asset management as follows: - cash or portfolio management - collective investment management - custodian and depository services Advisory, intermediation and other auxiliary financial services Provision and transfer of financial information, and financial data processing and related software	of Finance with the consent of the Cabinet. II. ATM operations permitted under the following conditions only: (i) joining ATM pools operated by Thai banks; or (ii) operation within own premises or sharing the facilities with other commercial banks in Thailand. III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches. IV. None for participation in cheque clearing and settlement system. <u>(c) Locally incorporated banks</u> I. Market access limited to the acquisition of shares of existing banks. 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.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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: - 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. 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the same terms and conditions as stated in II (ii) above. (d) International Banking Facility[5] New establishment is subject to licence approved by the Minister of Finance. (e) Finance companies and credit foncier companies I. None for representative offices. II. Market access limited to the acquisition of shares of existing companies. 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. (ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits		

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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: - the relaxation is deemed necessary to improve the condition or business of the finance company and credit foncier company. - 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. 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.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(f) Securities companies Securities brokerage, securities dealing, investment advisory service and securities underwriting: I. None for representative offices. II. Market access limited to share acquisition of existing companies only. Unbound for new licences. III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital. IV. At least one-half of the directors of a locally incorporated securities firm must be Thai national. (g) Asset management companies: I. None for representative offices. II. Market access limited to share acquisition of existing companies. III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	cent of paid-up registered capital and at least three-fourths of the directors must be Thai national. 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. (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). (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).		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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. The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced. (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
9. TOURSIM AND TRAVEL RELATED SERVICES			
A. Hotel lodging services (CPC 64110)	(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	
Restaurant services (CPC 64210)	(1) None (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation 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	
Catering services (CPC 64230)	(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. Travel Agencies and Tour Operators Services (CPC7471)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other Hotel management services	(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	
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 section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Recreation Park and Beach Services (CPC 96494)	(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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services (a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None (4) a) Unbound b) Unbound, except as provided in the horizontal section	
(b) Freight transportation (CPC 7212 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 (b) None other than: (i) Shareholders of Thai maritime transport	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies (ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax	
	(4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(4) (a) Unbound (b) Unbound, except as provided in the horizontal section	
Maritime agency services (as defined below – 3.6)	(1) Unbound (2) None (3) None[6] (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

[6] 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) International towing (CPC 7214)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) (a) Unbound (b) None (4) (a) Unbound (b) Unbound, except as provided in the horizontal section	
(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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime cargo handling services[7]	(1) Unbound (2) None (3) Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Act B.E.2494 (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
A. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) None (2) None (3) Services providers must perform their services outside the prescribed apron (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

[7] 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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Supporting services for air transport (CPC 746) Selling and marketing of air transport services	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) Unbound, except as provided in the horizontal section	
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 (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	(1) None (2) None (3) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section	(4) Unbound	
E. Rail Transport Services (d) Maintenance and repair of rail transport equipment (CPC 8868)	(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	
(e) Supporting Services for rail transport services (CPC 743) Passenger and freight car cleaning 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	
Security services at railway station	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services Other non-scheduled passenger transportation (b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	(1) Unbound (2) None (3) 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	
(c) Rental services of passenger cars with operator (CPC 71222)	(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	
(C) Rental services of buses and coaches with operator (CPC 71223)	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	(3) None (4) Unbound, except as provided in the horizontal section	
H. Services Auxiliary to All Modes of Transport (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.

THAILAND

Schedule of Specific Commitments

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound			
	(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments. 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: (a) Foreign equity participation must not exceed 49 per cent of the registered capital; and (b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned. (4) Unless otherwise specified at the sector-specific level, temporary movement of natural persons is	(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments. 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 The manager or the representative of the juristic person who apply for a license must be a Thai national. The director and deputy director must be Thai nationals. The manager and executive manager must be Thai nationals. Others : Unbound, including subsidies (4) Unbound, except as provided in the MA column	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	unbound except in the following categories: I. Business Visitors (BV) (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. (b) Persons responsible for establishing a commercial presence : Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of: - 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. <u>Condition :</u> Representatives of such service		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	juridical person will not be suppliers or employees of such engaged in making direct sales to the general public or in supplying services themselves. <u>Duration of stay :</u> Temporary stay will be permitted and a work permit granted, when apply for, for an initial period of not more than 90 days. 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. II. Intra-corporate Transferees (ICT) Employees of a company established in the territory of another Party who are transferred temporarily for the supply of a service through commercial presence in Thailand. The employees refer to Executives, Managers, or Specialists as defined below.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Manager is defined as : 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. Executive is defined as : 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	services of the organization. Specialist is defined as : A person within an organization who possesses knowledge at an advanced level of continued expertise possesses proprietary knowledge of the organization services, research equipment, techniques, or management. Condition : 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. Duration of stay : 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		

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	each subject to verification of ongoing employment with original employer and compliance with relevant Thai laws and regulations.		
	(3, 4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.	(3, 4) Acquisition and usage of land: Unbound, except as provided in the MA column	
	(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services (a) Legal services (CPC 86111+86119+ 86120+86130+86190)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is	(1) Service must be authenticated by licensed architect in Thailand (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
(e) Engineering services (CPC 8672)	(1) None (2) None	(1) Unbound (2) None	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from Council of Engineers; <u>Limited Partnership or Registered Ordinary Partnerships</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Engineers Council. (4) a) As indicated in the horizontal section b) Unbound for civil engineer.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(g) Urban planning Service (CPC 86741)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscape architectural services (CPC 86742)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
B. Computer and Related Services (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 other than that indicated in the horizontal section	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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.	(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)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (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	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
F. Other Business Services (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	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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	
(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) Unbound	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Soil analysis laboratory	(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	
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	
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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Cover crop seed multiplication	(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 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
Canning process 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	
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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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	
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(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	
(q) Packaging services (CPC 87600)	(1) Unbound (2) None	(1) Unbound (2) None	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation 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	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	(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	
(t) Other Translation and interpretation services (CPC 87905)	(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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunications Services <u>Commitments undertaken in this offer are subject to the following general conditions:</u> - 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. - The Communications Authority of Thailand has exclusive right to link with Intelsat and Inmarsat. - 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) 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. (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.	(1) None (2) None	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 service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Conditional upon passage and coming into force of all necessary new communication acts, 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. (4) Unbound as indicated in the horizontal section	(3) Conditional upon passage and coming into force of all necessary new communication acts, 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. (4) Unbound as indicated in the horizontal section	resources.
(j) Data base access services (part of CPC 7523)	(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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	(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	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	telecommunication network under national telecommunication authorities (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(o) Other Telecommunications 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	
Telecommunications consulting services (CPC 75440)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Videotext (part of CPC 75299)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(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[2] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

[2] 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Teleconference (part of CPC 75292)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(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] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic leased circuits (part of CPC 75299)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(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[4] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services	(1) Unbound	(1) Unbound	
(a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517) Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)	(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	
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
B. Secondary Education Services A + B. International and National School Education Services excluding adult and other education (CPC 9219+ 9221, 9222)	(1) Unbound (2) None (3) None (4) Foreign natural persons may enter Thailand to supply education services provided that: (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 The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Technical and Vocational Education Services (CPC 9223, 9224)	(1) None (2) None (3) None (4) Foreign natural persons may enter Thailand to supply education services provided that: (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 The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Professional and/or Short Courses Education Services (CPC 92400)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
E. Other education services (CPC 92900) Chinese language tuition services (part of CPC 92900)	(1) Unbound (2) None (3) Unbound (4) Foreign natural persons may enter Thailand to supply Chinese language tuition services provided that: (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 The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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) 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) 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) 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)	(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. Sanitation and Similar Services (CPC 9403)	(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	
D. Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Noise abatement services (CPC 9405)	(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	
Nature and landscape protection services(CPC 9406)	(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	
Other environmental protection services (CPC 9409)	(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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 legislation permit them to do so. - All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments.			
A. Insurance including Reinsurance and retrocession (a) Life insurance services (CPC 81211)	(1) None (2) None (3) (a) Foreign equity participation limited to 25 per cent of registered share capital. (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet. (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner	(1) None (2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies. (3) None other than that indicated in the MA column (4) Unbound, except as provided in the horizontal section	
(b) Non-life insurance services (CPC 8129)	(1) Unbound except for international marine, aviation and transit and all classes of reinsurance. (2) None (3) (a) Foreign equity participation limited to 25 per cent of	(1) Unbound (2) (3) None other than that indicated in the MA column	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	registered share capital. (b) New establishment is subject to license approved by the Minister with the consent of the Cabinet (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	 (4) Unbound, except as provided in the 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,	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	specialists and technical assistants with the approval of the Insurance Commissioner.	horizontal section	
Average and loss adjustment services (CPC 81403)	(1) None (2) None (3) None (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Actuarial Services (CPC 81404) Services auxiliary to financial intermediation other than to insurance and pension funding services	(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	
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	None (1) None (2) None (3) (a) As indicated in B(3)(j) below.	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Financial institutions must obtain prior approval from the Bank of Thailand. (4) As indicated in the horizontal section	(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 Financial Services</u> Acceptance of deposits and other repayable funds from the public Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions Financial leasing Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts	(1) None for financial advisory and financial data processing. Unbound for all other services. (2) None for financial advisory and financial data processing. Unbound for all other services. (3) <u>(a) Representative office of banks</u>: None. <u>(b) Foreign bank branches</u>: I. None for existing foreign bank branches under present shareholding structure. New establishment is subject to licence approved by the Minister	(1) None (2) (3)	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Guarantees and commitments Trading for own account, or for account of customers in the following: (a) money market instruments (b) foreign exchange (c) exchange rate and interest rate instruments (d) transferable securities 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 Asset management as follows: - cash or portfolio management - collective investment management - custodian and depository services Advisory, intermediation and other auxiliary financial services Provision and transfer of financial information, and financial data processing and related software	of Finance with the consent of the Cabinet. II. ATM operations permitted under the following conditions only: (i) joining ATM pools operated by Thai banks; or (ii) operation within own premises or sharing the facilities with other commercial banks in Thailand. III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches. IV. None for participation in cheque clearing and settlement system. <u>(c) Locally incorporated banks</u> I. Market access limited to the acquisition of shares of existing banks. 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.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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: - 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. 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		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the same terms and conditions as stated in II (ii) above. (d) International Banking Facility[5] New establishment is subject to licence approved by the Minister of Finance. (e) Finance companies and credit foncier companies I. None for representative offices. II. Market access limited to the acquisition of shares of existing companies. 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. (ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits		

[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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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: - the relaxation is deemed necessary to improve the condition or business of the finance company and credit foncier company. - 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. 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.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(f) Securities companies Securities brokerage, securities dealing, investment advisory service and securities underwriting: I. None for representative offices. II. Market access limited to share acquisition of existing companies only. Unbound for new licences. III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital. IV. At least one-half of the directors of a locally incorporated securities firm must be Thai national. (g) Asset management companies: I. None for representative offices. II. Market access limited to share acquisition of existing companies. III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	cent of paid-up registered capital and at least three-fourths of the directors must be Thai national. 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. (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). (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).		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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. The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced. (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
9. TOURSIM AND TRAVEL RELATED SERVICES			
A. Hotel lodging services (CPC 64110)	(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	
Restaurant services (CPC 64210)	(1) None (2) None	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation 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	
Catering services (CPC 64230)	(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. Travel Agencies and Tour Operators Services (CPC7471)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality (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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other Hotel management services	(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	
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 section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Recreation Park and Beach Services (CPC 96494)	(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	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services (a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None (4) a) Unbound b) Unbound, except as provided in the horizontal section	
(b) Freight transportation (CPC 7212 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 (b) None other than: (i) Shareholders of Thai maritime transport	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies (ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax	
	(4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(4) (a) Unbound (b) Unbound, except as provided in the horizontal section	
Maritime agency services (as defined below – 3.6)	(1) Unbound (2) None (3) None[6] (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

[6] 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) International towing (CPC 7214)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) (a) Unbound (b) None (4) (a) Unbound (b) Unbound, except as provided in the horizontal section	
(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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime cargo handling services[7]	(1) Unbound (2) None (3) Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Act B.E.2494 (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
A. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) None (2) None (3) Services providers must perform their services outside the prescribed apron (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

[7] 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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Supporting services for air transport (CPC 746) Selling and marketing of air transport services	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) Unbound, except as provided in the horizontal section	
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 (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	(1) None (2) None (3) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section	(4) Unbound	
E. Rail Transport Services (d) Maintenance and repair of rail transport equipment (CPC 8868)	(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	
(e) Supporting Services for rail transport services (CPC 743) Passenger and freight car cleaning 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	
Security services at railway station	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services Other non-scheduled passenger transportation (b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	(1) Unbound (2) None (3) 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	
(c) Rental services of passenger cars with operator (CPC 71222)	(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	
(C) Rental services of buses and coaches with operator (CPC 71223)	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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	(3) None (4) Unbound, except as provided in the horizontal section	
H. Services Auxiliary to All Modes of Transport (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.

VIETNAM

Schedule of Specific Commitments

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) None, except: 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 contract[1], joint venture enterprise, 100% foreign-invested enterprise. Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities[2]. Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound. The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing	(3) None, except: 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.	

[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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement 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. 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. Upon entry into force of the 2nd package, the 30% foreign equity		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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.		
	(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories: (a) <u>Intra-corporate transferees</u> Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who	(4) Unbound, except as indicated in market access column.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. 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 the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the actual supply of the services of the establishment. 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, members of licensed professions. (b) Other personnel 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		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (c) Service sales persons Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period. (d) Persons responsible for setting up a commercial presence 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		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (e) <u>Contractual service suppliers (CSS)</u> 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: - 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.		

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	- These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector. - The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as 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. The entry of these persons is allowed for computer and related services (CP 841-845, 849) and engineering services (CPC 8672).		

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal services (CPC 861, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam)	(1) None (2) None (3) Foreign lawyers organizations[3] are permitted to establish commercial presence in Viet Nam in the following forms: - Branches of foreign lawyers organizations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms[4]; - Partnerships between foreign lawyers organizations and Viet Nam's law partnerships. Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners. (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] A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

[4] Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 863)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) None, except foreign enterprises have to be juridical persons of a Party. (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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None, except foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None except: The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam[5]. (4) Unbound, except as indicated in the horizontal section.	
(g) Urban planning and urban landscape architectural services (CPC 8674)	(1) None (2) None	(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam. (2) None	

[5] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) None, except foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in the horizontal section	(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. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service[6]. (4) Unbound, except as indicated in the horizontal section.	
(i) Veterinary services (CPC 932)[7]	(1) None (2) None (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[6] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

[7] Excluding keeping micro-organism strain for veterinary.

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For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
B. Computer and Related Services (CPC 841-845, CPC 849)	(1) None (2) None (3) None, except as of 11 January 2010, 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.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(d) Relating to other machinery and equipment (CPC 83109)	(1) Unbound, except for industrial machinery and equipment[8]: None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section	(1) Unbound, except for industrial machinery and equipment: None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
F. Other Business Services (a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None (2) None (3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services. Joint ventures shall be allowed with no limitation on foreign capital contribution. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.

[8] Excluding mining and oil field equipment; commercial radio, television and communication equipment.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Market research services (CPC 864, excluding 86402)	(1) None (2) None (3) 100% foreign-invested enterprises shall be permitted. (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) Management consultant services (CPC 865)	(1) None (2) None (3) None. As of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	
(d) Services related to management consulting - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(1) None (2) None (3) None, except that: As of 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	For CPC 866 except CPC 86602: None. For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): Unbound. As of 11 January 2010: none. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(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. Access to certain geographic areas may be restricted for national security reasons.	(1) None (2) None (3) None	

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	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.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881)9	(1) None (2) None (3) None, except: Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except: Access to certain geographical areas may be restricted.[10] (4) Unbound, except as indicated in the horizontal section.	

[9] Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

[10] For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(h) Services incidental to mining (CPC 883) 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. 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.			
	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% are permitted. As of 11 January 2010, foreign capital contribution shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None, except as indicated in market access column. (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	
(i) Services incidental to manufacturing (CPC 884 and 885)	(1) None (2) None	(1) None (2) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) None, except: As of 11 January 2010, joint ventures with foreign capital contribution not exceeding 50% are permitted. Five years thereon: 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
(m)Related scientific and technical consulting services11 (CPC 86751, 86752 and 86753 only)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 51% are permitted. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None, except as indicated in the market access column. (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	

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

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% are permitted. As of 11 January 2010, 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.	

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For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512**) * Express delivery services[12], i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication[13], on any kind of physical medium, including: - Hybrid mail service; - Direct mail. Except for the handling of items of written communication the price of which is less than: - 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; provided that the gross weight of these items is less than 2,000gr. (b) Parcels[14] and other goods. * Handling of non-addressed items.	(1) None[15] (2) None (3) None, except that foreign ownership in joint ventures may be limited to 51% within the first 5 years after 11 January 2007. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	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.

[12] Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

[13] Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

[14] Books, catalogues are included hereunder.

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

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For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
C. Telecommunication Services 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).			
<u>Basic telecommunication services</u> (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7523**) (f) Facsimile services (CPC 7521** + 7529**) (g) Private leased circuit services (CPC 7522** + 7523**) (o*) Other services - Videoconference services	(1) None, except: *Wire-based and mobile terrestrial services*: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based 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;	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(CPC 75292) - Video Transmission services, excluding broadcasting[16] - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP)[17]	- As of 11 January 2010: multinational companies18, which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services:* Joint ventures with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. *Facilities-based services*: Joint venture with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.	(2) None (3) None	

[16] Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.
[17] Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.
[18] 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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	51% 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. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Basic telecommunication services: (o*) Other services - Virtual Private Network (VPN)[19]	(1) None, except: *Wire-based and mobile terrestrial services:* Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in

[19] Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based 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; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services:* Joint ventures are allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. *Facilities-based services*: Joint	(2) None (3) None	Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	venture with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Value-added services (h) Electronic mail (CPC 7523 **) (i) Voice mail (CPC 7523 **) (j) On-line information and database retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion (n) On-line information and data processing (incl. transaction	(1) None, except: *Wire-based and mobile terrestrial services:* Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices,	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
processing) (CPC 843**)	diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services*: Business cooperation contracts or joint ventures are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. *Facilities-based services*: Business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.	(2) None (3) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Value added services (o) Other - Internet Access Services IAS[20]	(1) *Wire-based and mobile terrestrial services:* None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based services	(1) None	

[20] Services providing internet access to the end users.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) Non facilities-based services: Joint ventures with telecommunications suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. Facilities-based services: Joint venture (JV) with telecommunications service	(2) None (3) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
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	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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	 (4) Unbound, except as indicated in the horizontal section.	
(b) Motion picture projection service (CPC 96121)	(1) Unbound. (2) None (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital. 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. (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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Sound recording	(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.	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for building (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514, 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511, 515, 518)	(1) Unbound.* (2) None (3) None, except foreign enterprises have to be juridical persons of a Party. As of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (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.	

* Due to lack of technical feasibility.

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
4. DISTRIBUTION SERVICES			
Measures applicable to all sub-sectors in Distribution Services: Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs[21], explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121) B. Wholesale trade services (CPC 622, 61111, 6113, 6121) C. Retailing services (CPC 631 + 632, 61112, 6113, 6121)[22]	(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: Foreign-invested companies engaging in distribution services are 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.	(1) Unbound, except as indicated in Mode 1, market access column. (2) None (3) None	

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

[22] For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Foreign-invested companies engaging in distribution services are permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles. As of 11 January 2010, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)[23]. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
D. Franchising services (CPC 8929)	(1) None (2) None (3) None, except as of 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

[23] Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

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

SECTOR OR SUBSECTOR	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.	
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) D. Adult education (CPC 924) E. Other education services (CPC 929 including foreign language training)	(1) Unbound. (2) None (3) None, except: 100% foreign-invested education entities are permitted. As of 11 January 2010: none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority. (4) Unbound, except as indicated in the horizontal section.	

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
6. ENVIRONMENTAL SERVICES Access to certain geographic areas may be restricted for national security reasons[24].			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound, except related consulting services. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
B. Refuse disposal services (CPC 9402)[25]	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in	(1) None (2) None (3) None	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

[24] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

[25] Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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 capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, 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	(4) Unbound, except as indicated in the horizontal section.	
D. Other services - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(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	(1) Unbound, except related consulting services. (2) None (3) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	granted to private operators. Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
- Environnemental impact assessment services (CPC 94090*)	(1) None (2) None (3) None, except that foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, 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. FINANCIAL SERVICES			
A. Insurance and Insurance-Related Services a. Direct insurance (a) Life insurance, excl. health insurance services (b) Non-life insurance services b. Reinsurance and retrocession	(1) None for: - Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam; - Reinsurance services; - Insurance services in international transportation, including insurance of risks relating to:	(1) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
c. Insurance intermediation (such as brokerage and agency) d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and + goods in international transit; - 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 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 11 January 2012, non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.	(2) None (3) None	

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SECTOR OR SUBSECTOR	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.	
B. Banking and Other Financial Services 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. 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.			
(a) Acceptance of deposits and other repayable funds from the public (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction (c) Financial leasing (d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts (e) Guarantees and commitments (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the	(1) Unbound, except B(k) and B(l). (2) None (3) None, except: (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: (i) With respect to foreign commercial banks: representative office, branch 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, join venture finance company and 100%	(1) Unbound, except B(k) and B(l). (2) None (3) None, except: (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam: - The parent bank has total assets of more than US$20 billion at the end of the year prior to application.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
following: - 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. (h) Money broking (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k),	foreign-invested finance company, and 100% foreign-owned banks are permitted. (ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company. (iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company. (b) Until 11 January 2012, 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: - 1 January 2007: 650% of legal paid-in capital;	(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank: - The parent bank has total assets of more than US$10 billion at the end of the year prior to application. (c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company: - The foreign credit institution has total assets of more than US$10 billion at the end of the year prior to application.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	- 1 January 2008: 800% of legal paid-in capital; - 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. (c) Equity participation: (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. (d) A branch of foreign commercial bank:		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	- is not allowed to open other transaction points outside its branch office. (e) Foreign credit institutions are allowed to issue credit cards on a national treatment basis. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
C. Securities (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion. (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 (i) Asset management, such as	(1) Unbound, except services C(k) and C(l) (2) None (3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%. As of 11 January 2012, securities service suppliers with 100% foreign-invested capital shall be permitted. For services from C(i) to C(l), after 11 January 2012, branches of foreign securities services suppliers shall be permitted.	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services (j) Settlement and clearing services for securities, derivative products, and other securities-related instruments (k) Provision and transfer of financial information, and related software by suppliers of securities services (l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital services (CPC 9311) B. Medical and dental services (CPC 9312)	(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. 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 policlinic unit and US$200,000 for a specialty unit. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	(1) None (2) None (3) None, except until 11 January 2015, the services provided should be in parallel with investment in hotel construction, renovation,	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	restoration or acquisition. None afterwards. (4) Unbound, except as indicated in the horizontal section	 (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 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% are permitted.	(1) Unbound. (2) None (3) None	

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SECTOR OR SUBSECTOR	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.	
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.	
Tourists theme park (CPC 96499)	(1) None (2) None (3) Foreign service suppliers are allowed to provide service in the form of joint venture with Vietnamese partners. Foreign capital contribution shall not exceed 49% legal capital of the joint venture (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
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: Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships . under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The. Master or first chief executive must be Vietnamese citizen (b)Other forms of commercial presence for the supply of international maritime transport	(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 operations, including communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services.[26]

[26] 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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	services[27]: Foreign shipping companies can establish joint ventures with 51% foreign ownership. As of 11 January 2012, foreign shipping companies can establish 100% foreign-invested enterprises. Foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below: 1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. Acting on behalf of the cargo owners; 3. Provision of required business information; 4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and		

[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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services. As of 11 January 2012, activities from (6) to (7) shall be allowed. 6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; 7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company. The number of joint ventures by foreign shipping companies will be limited to 5 companies as of 11 January 2007. Three additional companies will be allowed every two years thereafter. As of 11 January 2012, no limitation on the number of joint ventures. (4) 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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Maritime Auxiliary Services - Container handling services (CPC 7411)[28]	(1) Unbound. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
- Customs Clearance Services[29]	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2012, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[28] Public utility concession or licensing procedures may apply in case of occupation of the public domain.
[29] "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
* Due to lack of technical feasibility.

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
- Container Station and Depot Services[30]	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
B. Internal Waterways Transport (a) Passenger transport (CPC 7221) (b) Freight transport (CPC 7222)	(1) Unbound. (2) None (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[30] "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

* Due to lack of technical feasibility.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
C. Air Transport Services	(1) None	(1) None	
(a) Sales and marketing air products services	(2) None	(2) None	
	(3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam.	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority.	(1) None	
	(2) None, except as indicated in Mode 1.	(2) None	
	(3) None, except as indicated in Mode 1.	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None	(1) None	
	(2) None	(2) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be allowed. (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section.	
E. Rail Transport Services (a) Passenger transportation (CPC 7111) (b) Freight transportation (CPC 7112)	(1) Unbound. (2) None (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
F. Road Transport Services (a) Passenger transportation (CPC 7121+7122)	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Freight transportation (CPC 7123)	(3) None, except: Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. As of 11 January 2010, subject to the needs of the market[31], joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. One hundred % of joint-venture's drivers shall be Vietnamese citizen. (4) Unbound, except as indicated in the horizontal section	(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 provided at airports (part of CPC 7411)	(1) Unbound. (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.	(1) Unbound. (2) None (3) None	

[31] The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

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

SECTOR OR SUBSECTOR	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.	
(b) Storage and warehouse services (CPC 742) (c) Freight transport agency services (CPC 748)32	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, 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.	
(d) Other (part of CPC 749)[33]	(1) Unbound, except freight brokerage services: None as of 11 January 2012. (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of.	(1) Unbound, except freight brokerage services: None as of 11 January 2012. (2) None (3) None	

[32] Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
* Due to lack of technical feasibility.

[33] Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	foreign side not exceeding 49%. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2014, this capital limitation shall be abolished (4) Unbound, except as indicated in the horizontal section	(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 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.

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

LIST OF EXEMPTIONS UNDER ACFTA[34]

Sectors or sub-sectors	Description of measures (to be applied to sector)	Countries to which the measures applied	Intended duration	Conditions creating the need for the exemptions
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	Parties with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	Parties with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
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.	Parties with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All Parties with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.

[34] Measures indicated in the list shall be exempted from all obligations and treatment of specific commitments under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the People's Republic of China

Sectors or sub-sectors	Description of measures (to be applied to sector)	Countries to which the measures applied	Intended duration	Conditions creating the need for the exemptions
Sea-transport services: - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard.	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.

VIETNAM

Schedule of Specific Commitments

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) None, except: 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 contract[1], joint venture enterprise, 100% foreign-invested enterprise. Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities[2]. Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound. The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing	(3) None, except: 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.	

[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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement 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. 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. Upon entry into force of the 2nd package, the 30% foreign equity		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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.		
	(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories: (a) <u>Intra-corporate transferees</u> Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who	(4) Unbound, except as indicated in market access column.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. 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 the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the actual supply of the services of the establishment. 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, members of licensed professions. (b) Other personnel 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		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (c) Service sales persons Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period. (d) Persons responsible for setting up a commercial presence 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		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (e) <u>Contractual service suppliers (CSS)</u> 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: - 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.		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	- These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector. - The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as 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. The entry of these persons is allowed for computer and related services (CP 841-845, 849) and engineering services (CPC 8672).		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal services (CPC 861, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam)	(1) None (2) None (3) Foreign lawyers organizations[3] are permitted to establish commercial presence in Viet Nam in the following forms: - Branches of foreign lawyers organizations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms[4]; - Partnerships between foreign lawyers organizations and Viet Nam's law partnerships. Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners. (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] A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

[4] Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 863)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) None, except foreign enterprises have to be juridical persons of a Party. (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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None, except foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None except: The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam[5]. (4) Unbound, except as indicated in the horizontal section.	
(g) Urban planning and urban landscape architectural services (CPC 8674)	(1) None (2) None	(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam. (2) None	

[5] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) None, except foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in the horizontal section	(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. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service[6]. (4) Unbound, except as indicated in the horizontal section.	
(i) Veterinary services (CPC 932)[7]	(1) None (2) None (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[6] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

[7] Excluding keeping micro-organism strain for veterinary.

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
B. Computer and Related Services (CPC 841-845, CPC 849)	(1) None (2) None (3) None, except as of 11 January 2010, 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.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(d) Relating to other machinery and equipment (CPC 83109)	(1) Unbound, except for industrial machinery and equipment[8]: None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section	(1) Unbound, except for industrial machinery and equipment: None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
F. Other Business Services (a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None (2) None (3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services. Joint ventures shall be allowed with no limitation on foreign capital contribution. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.

[8] Excluding mining and oil field equipment; commercial radio, television and communication equipment.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Market research services (CPC 864, excluding 86402)	(1) None (2) None (3) 100% foreign-invested enterprises shall be permitted. (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) Management consultant services (CPC 865)	(1) None (2) None (3) None. As of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	
(d) Services related to management consulting - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(1) None (2) None (3) None, except that: As of 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	For CPC 866 except CPC 86602: None. For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): Unbound. As of 11 January 2010: none. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(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. Access to certain geographic areas may be restricted for national security reasons.	(1) None (2) None (3) None	

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	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.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881)9	(1) None (2) None (3) None, except: Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except: Access to certain geographical areas may be restricted.[10] (4) Unbound, except as indicated in the horizontal section.	

[9] Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

[10] For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(h) Services incidental to mining (CPC 883) 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. 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.			
	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% are permitted. As of 11 January 2010, foreign capital contribution shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None, except as indicated in market access column. (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	
(i) Services incidental to manufacturing (CPC 884 and 885)	(1) None (2) None	(1) None (2) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) None, except: As of 11 January 2010, joint ventures with foreign capital contribution not exceeding 50% are permitted. Five years thereon: 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
(m)Related scientific and technical consulting services11 (CPC 86751, 86752 and 86753 only)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 51% are permitted. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None, except as indicated in the market access column. (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	

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

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% are permitted. As of 11 January 2010, 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.	

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512**) * Express delivery services[12], i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication[13], on any kind of physical medium, including: - Hybrid mail service; - Direct mail. Except for the handling of items of written communication the price of which is less than: - 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; provided that the gross weight of these items is less than 2,000gr. (b) Parcels[14] and other goods. * Handling of non-addressed items.	(1) None[15] (2) None (3) None, except that foreign ownership in joint ventures may be limited to 51% within the first 5 years after 11 January 2007. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	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.

[12] Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

[13] Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

[14] Books, catalogues are included hereunder.

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

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
C. Telecommunication Services 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).			
<u>Basic telecommunication services</u> (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7523**) (f) Facsimile services (CPC 7521** + 7529**) (g) Private leased circuit services (CPC 7522** + 7523**) (o*) Other services - Videoconference services	(1) None, except: *Wire-based and mobile terrestrial services*: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based 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;	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(CPC 75292) - Video Transmission services, excluding broadcasting[16] - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP)[17]	- As of 11 January 2010: multinational companies18, which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services:* Joint ventures with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. *Facilities-based services*: Joint venture with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.	(2) None (3) None	

[16] Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.
[17] Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.
[18] 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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	51% 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. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Basic telecommunication services: (o*) Other services - Virtual Private Network (VPN)[19]	(1) None, except: *Wire-based and mobile terrestrial services:* Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in

[19] Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based 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; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services:* Joint ventures are allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. *Facilities-based services*: Joint	(2) None (3) None	Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	venture with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Value-added services (h) Electronic mail (CPC 7523 **) (i) Voice mail (CPC 7523 **) (j) On-line information and database retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion (n) On-line information and data processing (incl. transaction	(1) None, except: *Wire-based and mobile terrestrial services:* Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices,	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
processing) (CPC 843**)	diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services*: Business cooperation contracts or joint ventures are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. *Facilities-based services*: Business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.	(2) None (3) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Value added services (o) Other - Internet Access Services IAS[20]	(1) *Wire-based and mobile terrestrial services:* None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based services	(1) None	

[20] Services providing internet access to the end users.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) Non facilities-based services: Joint ventures with telecommunications suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. Facilities-based services: Joint venture (JV) with telecommunications service	(2) None (3) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
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	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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	 (4) Unbound, except as indicated in the horizontal section.	
(b) Motion picture projection service (CPC 96121)	(1) Unbound. (2) None (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital. 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. (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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Sound recording	(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.	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for building (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514, 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511, 515, 518)	(1) Unbound.* (2) None (3) None, except foreign enterprises have to be juridical persons of a Party. As of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (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.	

* Due to lack of technical feasibility.

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
4. DISTRIBUTION SERVICES			
Measures applicable to all sub-sectors in Distribution Services: Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs[21], explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121) B. Wholesale trade services (CPC 622, 61111, 6113, 6121) C. Retailing services (CPC 631 + 632, 61112, 6113, 6121)[22]	(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: Foreign-invested companies engaging in distribution services are 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.	(1) Unbound, except as indicated in Mode 1, market access column. (2) None (3) None	

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

[22] For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Foreign-invested companies engaging in distribution services are permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles. As of 11 January 2010, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)[23]. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
D. Franchising services (CPC 8929)	(1) None (2) None (3) None, except as of 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

[23] Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

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

SECTOR OR SUBSECTOR	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.	
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) D. Adult education (CPC 924) E. Other education services (CPC 929 including foreign language training)	(1) Unbound. (2) None (3) None, except: 100% foreign-invested education entities are permitted. As of 11 January 2010: none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority. (4) Unbound, except as indicated in the horizontal section.	

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
6. ENVIRONMENTAL SERVICES Access to certain geographic areas may be restricted for national security reasons[24].			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound, except related consulting services. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
B. Refuse disposal services (CPC 9402)[25]	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in	(1) None (2) None (3) None	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

[24] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

[25] Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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 capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, 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	(4) Unbound, except as indicated in the horizontal section.	
D. Other services - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(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	(1) Unbound, except related consulting services. (2) None (3) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	granted to private operators. Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
- Environnemental impact assessment services (CPC 94090*)	(1) None (2) None (3) None, except that foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, 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. FINANCIAL SERVICES			
A. Insurance and Insurance-Related Services a. Direct insurance (a) Life insurance, excl. health insurance services (b) Non-life insurance services b. Reinsurance and retrocession	(1) None for: - Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam; - Reinsurance services; - Insurance services in international transportation, including insurance of risks relating to:	(1) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
c. Insurance intermediation (such as brokerage and agency) d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and + goods in international transit; - 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 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 11 January 2012, non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.	(2) None (3) None	

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SECTOR OR SUBSECTOR	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.	
B. Banking and Other Financial Services 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. 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.			
(a) Acceptance of deposits and other repayable funds from the public (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction (c) Financial leasing (d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts (e) Guarantees and commitments (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the	(1) Unbound, except B(k) and B(l). (2) None (3) None, except: (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: (i) With respect to foreign commercial banks: representative office, branch 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, join venture finance company and 100%	(1) Unbound, except B(k) and B(l). (2) None (3) None, except: (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam: - The parent bank has total assets of more than US$20 billion at the end of the year prior to application.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
following: - 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. (h) Money broking (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k),	foreign-invested finance company, and 100% foreign-owned banks are permitted. (ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company. (iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company. (b) Until 11 January 2012, 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: - 1 January 2007: 650% of legal paid-in capital;	(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank: - The parent bank has total assets of more than US$10 billion at the end of the year prior to application. (c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company: - The foreign credit institution has total assets of more than US$10 billion at the end of the year prior to application.	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	- 1 January 2008: 800% of legal paid-in capital; - 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. (c) Equity participation: (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. (d) A branch of foreign commercial bank:		

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	- is not allowed to open other transaction points outside its branch office. (e) Foreign credit institutions are allowed to issue credit cards on a national treatment basis. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
C. Securities (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion. (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 (i) Asset management, such as	(1) Unbound, except services C(k) and C(l) (2) None (3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%. As of 11 January 2012, securities service suppliers with 100% foreign-invested capital shall be permitted. For services from C(i) to C(l), after 11 January 2012, branches of foreign securities services suppliers shall be permitted.	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services (j) Settlement and clearing services for securities, derivative products, and other securities-related instruments (k) Provision and transfer of financial information, and related software by suppliers of securities services (l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital services (CPC 9311) B. Medical and dental services (CPC 9312)	(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. 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 policlinic unit and US$200,000 for a specialty unit. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	(1) None (2) None (3) None, except until 11 January 2015, the services provided should be in parallel with investment in hotel construction, renovation,	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	restoration or acquisition. None afterwards. (4) Unbound, except as indicated in the horizontal section	 (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 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% are permitted.	(1) Unbound. (2) None (3) None	

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SECTOR OR SUBSECTOR	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.	
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.	
Tourists theme park (CPC 96499)	(1) None (2) None (3) Foreign service suppliers are allowed to provide service in the form of joint venture with Vietnamese partners. Foreign capital contribution shall not exceed 49% legal capital of the joint venture (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
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: Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships . under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The. Master or first chief executive must be Vietnamese citizen (b)Other forms of commercial presence for the supply of international maritime transport	(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 operations, including communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services.[26]

[26] 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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	services[27]: Foreign shipping companies can establish joint ventures with 51% foreign ownership. As of 11 January 2012, foreign shipping companies can establish 100% foreign-invested enterprises. Foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below: 1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. Acting on behalf of the cargo owners; 3. Provision of required business information; 4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and		

[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.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services. As of 11 January 2012, activities from (6) to (7) shall be allowed. 6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; 7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company. The number of joint ventures by foreign shipping companies will be limited to 5 companies as of 11 January 2007. Three additional companies will be allowed every two years thereafter. As of 11 January 2012, no limitation on the number of joint ventures. (4) 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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Maritime Auxiliary Services - Container handling services (CPC 7411)[28]	(1) Unbound. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
- Customs Clearance Services[29]	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2012, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[28] Public utility concession or licensing procedures may apply in case of occupation of the public domain.
[29] "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
* Due to lack of technical feasibility.

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
- Container Station and Depot Services[30]	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
B. Internal Waterways Transport (a) Passenger transport (CPC 7221) (b) Freight transport (CPC 7222)	(1) Unbound. (2) None (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[30] "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

* Due to lack of technical feasibility.

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
C. Air Transport Services	(1) None	(1) None	
(a) Sales and marketing air products services	(2) None	(2) None	
	(3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam.	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority.	(1) None	
	(2) None, except as indicated in Mode 1.	(2) None	
	(3) None, except as indicated in Mode 1.	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None	(1) None	
	(2) None	(2) None	

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be allowed. (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section.	
E. Rail Transport Services (a) Passenger transportation (CPC 7111) (b) Freight transportation (CPC 7112)	(1) Unbound. (2) None (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
F. Road Transport Services (a) Passenger transportation (CPC 7121+7122)	(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 SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Freight transportation (CPC 7123)	(3) None, except: Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. As of 11 January 2010, subject to the needs of the market[31], joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. One hundred % of joint-venture's drivers shall be Vietnamese citizen. (4) Unbound, except as indicated in the horizontal section	(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 provided at airports (part of CPC 7411)	(1) Unbound. (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.	(1) Unbound. (2) None (3) None	

[31] The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

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

SECTOR OR SUBSECTOR	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.	
(b) Storage and warehouse services (CPC 742) (c) Freight transport agency services (CPC 748)32	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, 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.	
(d) Other (part of CPC 749)[33]	(1) Unbound, except freight brokerage services: None as of 11 January 2012. (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of.	(1) Unbound, except freight brokerage services: None as of 11 January 2012. (2) None (3) None	

[32] Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
* Due to lack of technical feasibility.

[33] Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	foreign side not exceeding 49%. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2014, this capital limitation shall be abolished (4) Unbound, except as indicated in the horizontal section	(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 the relevant market for basic telecommunications services as a result of:

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

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

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

information which are necessary for them to provide services.

2. Interconnection

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

2.2 Interconnection to be ensured

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

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

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

(a) at any time; or
(b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

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LIST OF EXEMPTIONS UNDER ACFTA[34]

Sectors or sub-sectors	Description of measures (to be applied to sector)	Countries to which the measures applied	Intended duration	Conditions creating the need for the exemptions
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	Parties with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	Parties with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
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.	Parties with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All Parties with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.

[34] Measures indicated in the list shall be exempted from all obligations and treatment of specific commitments under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the People's Republic of China

Sectors or sub-sectors	Description of measures (to be applied to sector)	Countries to which the measures applied	Intended duration	Conditions creating the need for the exemptions
Sea-transport services: - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard.	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.

THE PEOPLE'S REPUBLIC OF CHINA

Schedule of Specific Commitments

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS[1]			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) In China, foreign invested enterprises include foreign capital enterprises (also referred to as wholly foreign-owned enterprises) and joint venture enterprises and there are two types of joint venture enterprises: equity joint ventures and contractual joint ventures.[2] The proportion of foreign investment in an equity joint venture shall be no less than 25 per cent of the registered capital of the joint venture. The establishment of branches by foreign enterprises is unbound, unless otherwise indicated in specific sub-sectors, as the laws and regulations on branches of foreign enterprises are under formulation.	(3) Unbound for all the existing subsidies to domestic services suppliers in the sectors of audio-visual, aviation and medical services. Unbound for all the existing subsidies to domestic services suppliers in the sectors listed in China-ASEAN Services commitments. Unbound for all the subsidies to domestic services suppliers in any new sector and sub-sector scheduled in the future services negotiations after signing China-ASEAN FTA Services Agreement.	

[1] In this commitment, the mention of "foreign" in both horizontal and specific commitments only refers to "ASEAN Member Countries".

[2] The terms of the contract, concluded in accordance with China's laws, regulations and other measures, establishing a "contractual joint venture" govern matters such as the manner of operation and management of the joint venture as well as the investment or other contributions of the joint venture parties. Equity participation by all parties to the contractual joint venture is not required, but is determined pursuant to the joint venture contract. "Foreign invested enterprise" in this schedule means a foreign invested enterprise duly constituted or otherwise organized under "Law on Chinese-Foreign Equity Joint Ventures", "Law on Chinese-Foreign Contractual Joint Ventures" and "Law on Foreign-Capital Enterprises".

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Representative offices of foreign enterprises are permitted to be established in China, but they shall not engage in any profit-making activities except for the representative offices under CPC 861, 862, 863, 865 in the sectoral specific commitments The land in the People's Republic of China is State-owned. Use of land by enterprises and individuals is subject to the following maximum term limitations: (a) 70 years for residential purposes; (b) 50 years for industrial purposes; (c) 50 years for the purpose of education, science, culture, public health and physical education; (d) 40 years for commercial, tourist and recreational purposes; (e) 50 years for comprehensive utilization or other purposes.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except for measures concerning the entry and temporary stay of natural persons who fall into one of the following categories: (a) Managers, executives and specialists defined as senior employees of a corporation of a Party that has established a representative office, branch or subsidiary in the territory of the People's Republic of China, temporarily moving as intra-corporate transferees, shall be permitted entry for an initial stay of three years; (b) Managers, executives and specialists defined as senior employees of a corporation of Parties, being engaged in the foreign invested enterprises in the territory of the People's Republic of China for conducting business, shall be granted a long-term stay permit as stipulated in the terms of contracts concerned or an initial stay of three years, whichever is shorter;	(4) Unbound except for the measures concerning the entry and temporary stay of natural persons who fall into the categories referred to in the market access column.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) Service salespersons – persons not based in the territory of the People's Republic of China and receiving no remuneration from a source located within China, and who are engaged in activities related to representing a service supplier for the purpose of negotiation for the sale of services of that supplier where: (a) such sales are not directly made to the general public and (b) the salesperson is not engaged in supplying the service: entry for salespersons is limited to a 90-day period. (d) Contractual Service Suppliers(CSS): Foreign natural persons who enter the territory of China temporarily in order to perform a service pursuant to a contract(s) between their employers and a service consumer(s) of China. Their employers		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	shall be a company/partner/firm of other Parties which has no commercial presence in the territory of China. CSS receive remuneration from their employer while abroad, and have appropriate educational and technical (professional) qualifications relevant to the service to be provided. Their duration of stay is subject to the duration of contract and (if longer) shall not exceed 1 year. They can not perform services which are not related to the service activity which is the subject of the contract. The services provided by CSS are only limited to the specific sectors as follows: (1) Accounting Services (2) Medical and dental services (3) Architectural services (4) Engineering services (5) Urban planning services (except general urban planning) (6) Computer and related		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	services (7) Construction and Related Engineering Services (8) Education Services: CSS shall acquire a bachelor's degree or above, receive appropriate professional titles or certificates, and have at least 2-year professional work experience. The Chinese party involved in the contract shall be a juridical person which has the function of providing education service (9) Tourism Services (e) others Installers and servicers: Qualified specialists supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	builder of the machinery or equipment and the owner of that machinery or equipment, both of them being juridical persons Duration of stay of the installers and servicers is subject to the duration of contract, but shall not exceed 3 months. They cannot perform services which are not related to the service activity which is the subject of the contract, and should have appropriate technical (professional) qualifications relevant to the service to be provided.		

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal Services (CPC 861, excluding Chinese law practice)	(1) None (2) None (3) Foreign law firms can provide legal services only in the form of representative offices. Representative offices can engage in profit-making activities. Business scope of foreign representative offices is only as follows: (a) to provide clients with consultancy on the legislation of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work, and on international conventions and practices; (b) to handle, when entrusted by clients or Chinese law firms, legal affairs of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work;	(1) None (2) None (3) All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) to entrust, on behalf of foreign clients, Chinese law firms to deal with the Chinese legal affairs; (d) to enter into contracts to maintain long-term entrustment relations with Chinese law firms for legal affairs; (e) to provide information on the impact of the Chinese legal environment. Entrustment allows the foreign representative office to directly instruct lawyers in the entrusted Chinese law firm, as agreed between both parties. The representatives of a foreign law firm shall be practitioner lawyers who are members of the bar or law society in a ASEAN member country and have practiced for no less than two years outside of China. The Chief representative shall be a partner or equivalent (e.g., member of a law firm of a limited liability corporation) of a law firm of a ASEAN member country and have practiced for no less than three years outside of China.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in horizontal commitments	(4) Unbound except as indicated in horizontal commitments	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Partnerships or incorporated accounting firms are limited to Certified Public Accountants (CPAs) licensed by the Chinese authorities (4) Unbound except as indicted in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicted in horizontal commitments.	- Foreign accounting firms are permitted to affiliate with Chinese firms and enter into contractual agreements with their affiliated firms in the WTO Members. - Issuance of licenses to those foreigners who have passed the Chinese national CPA examination shall be accorded national treatment. - Applicants will be informed of results in writing no later than 30 days after submission of their applications. - Accounting firms providing services in CPC 862 can engage in taxation and management consulting services. They will not be subject to requirements on form of establishment in CPC 865 and 8630.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Taxation services (CPC 8630)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) (4) Unbound except as indicated in horizontal commitments	
(d) Architectural services (CPC 8671) (e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning services (except general urban planning) (CPC 8674)	(1) None for scheme design. Co-operation with Chinese professional organisations is required except scheme design. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound, except as indicated in horizontal commitments.	(1) None (2) None (3) Foreign service suppliers shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in their home country. (4) Unbound, except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Medical and dental services (CPC 9312)	(1) None (2) None (3) Foreign service suppliers are permitted to establish joint venture hospitals or clinics with Chinese partners with quantitative limitations in line with China's needs, with foreign majority ownership permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: Foreign doctors with professional certificates issued by their home country shall be permitted to provide short-term medical services in China after they obtain licenses from the Ministry of Public Health. The term of service is six months and may extend to one year.	(1) None (2) None (3) The majority of doctors and medical personnel of the joint venture hospital and clinics shall be of Chinese nationality (4) Unbound, except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer and Related Services (Computer and related services do not cover the economic activity consisting of the provision of content services which require computer and related services as means of supply) (a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
(b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) - Input preparation services (CPC 8431)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Data processing and tabulation services (CPC 8432) - Time-sharing services (CPC 8433)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
D. Real Estate Services (a) Real estate services involving own or leased property (CPC 821)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
(b) Real estate services on a fee or contract basis (CPC 822)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services (a) Advertising Services (CPC 871)	(1) Only through advertising agents registered in China who have the right to provide foreign advertising services. (2) Only through advertising agents registered in China who have the right to provide foreign advertising services. (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(b) Market research services (CPC 86401, only limited to investigation services designed to secure information on the prospects and performance of an organization's products in the market)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments. Requirement for a commercial presence.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Management Consulting services (CPC 865)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Services related to management consulting (only limited to the following sub-sector) - Project management services other than for construction (CPC 86601)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Technical testing and analysis services (CPC 8676) and freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services	(1) None (2) None (3) Foreign services suppliers which have been engaged in inspection services in their home countries for more than three years are permitted to establish joint venture technical testing, analysis and freight inspection companies with no less than US$ 350,000 in registered capital. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Services incidental to agriculture, forestry, hunting and fishing (CPC 881, 882)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(k) Placement and supply services of Personnel (CPC 872, excluding CPC 87209)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
m. Related scientific technical consulting services (CPC 8675) - Offshore oil-field services geological, geophysical and other scientific prospecting services (CPC 86751) - Sub-surface surveying services (CPC 86752)	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with Chinese partners (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Onshore oil-field services	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with China National Petroleum Corp. (CNPC) in the designated areas approved by the Chinese government. In order to carry out the petroleum contract, the foreign service supplier shall establish a branch, subsidiary or representative office within the territory of the People's Republic of China and go through registration formalities in accordance with the laws. The domiciles of the said offices shall be determined through consultation with CNPC. The foreign service supplier shall open its bank account with a bank approved by the Chinese authorities to engage in foreign exchange business within the Chinese territory. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) The foreign service supplier shall furnish CNPC accurately and promptly with the reports on the petroleum operations, and shall submit to CNPC the data and samples as well as various technological, economic, accounting and administrative reports related to petroleum operations. CNPC shall have the ownership of all of the data records, samples, vouchers and other original information acquired during the implementation of the petroleum operations. The investment of foreign service suppliers shall be made in US dollars or other hard currencies. (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(o) Building-cleaning services (CPC 874)	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) Wholly foreign-owned enterprises are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(p) Photographic services (CPC 875)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only in the form of joint ventures, with foreign majority ownership permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(q) Packaging services (CPC 876)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Wholly foreign-owned subsidiaries are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

* Unbound due to lack of technical feasibility.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(r) Printing of packaging materials, on a fee or contract basis (Only limited to the printing of packaging materials)	(1) Unbound (2) Unbound (3) Wholly foreign-owned enterprises are permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
(s) Convention services (CPC 87909)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(t) Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: three years of experience in translation or interpretation and a good command of the working language(s).	
- Maintenance and repair services(CPC 63, 6112 and 6122) - Maintenance and repair services of office machinery and equipment including computers (CPC 845 and 886)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Rental and leasing services (CPC 831, 832, excluding CPC 83202)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. Service suppliers will have global assets of US$ 5 million. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 75121, except for those currently specifically reserved to Chinese postal authorities by law)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
Basic Telecommunication Services - Paging Services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Telecommunication Services3 Value-added Services Including the following: (h) Electronic mail (i) Voice mail (j) On-line information and database 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)	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

[3] China's commitments are scheduled in accordance with the following: Notes for Scheduling Basic Telecom Services Commitments (S/GBT/W/2/REV/1) and Market Access Limitations on Spectrum Availability (S/GBT/W/3) attached hereto.

All international telecommunications services shall go through gateways established with the approval of China's telecommunications authorities, which will act as an independent regulatory authority in accordance with the principles of paragraph 5 of the Reference Paper.

Telecommunication services do not cover the economic activity consisting of the provision of content services which require telecommunications services for their transport.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile Voice and Data Services: - Analogue / Digital / Cellular Services - Personal Communication Services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Domestic Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) Domestic private leased circuit services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent.	(1) None (2) None (3) None	
- International Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) International closed user group voice and data services (use of private leased circuit service is permitted)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services - Videos, including entertainment software and (CPC 83202), distribution services - Sound recording distribution services	(1) None (2) None (3) Foreign services suppliers are permitted to establish contractual joint ventures with Chinese partners to engage in the distribution of audiovisual products, excluding motion pictures, without prejudice to China's right to examine the content of audio and video products (see footnote 1). (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Without prejudice to compliance with China's regulations on the administration of films, China allows the importation of motion pictures for theatrical release on a revenue-sharing basis and the number of such imports shall be 20 on an annual basis.
- Cinema Theatre Services	(1) None (2) None (3) Foreign services suppliers are permitted to construct and/or renovate cinema theatres, with foreign investment no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
(CPC 511, 512, 513[4], 514, 515, 516, 517, 518[5])	(1) Unbound* (2) None (3) Wholly foreign-owned enterprises are permitted. Wholly foreign-owned enterprises can only undertake the following four types of construction projects. 1. Construction projects wholly financed by foreign investment and/or grants. 2. Construction projects financed by loans of international financial institutions and awarded through international tendering according to the terms of loans. 3. Chinese-foreign jointly constructed projects with foreign investment equal to or more than 50 per cent; and Chinese-foreign jointly constructed projects with foreign investment less than 50 per cent but technically	(1) Unbound* (2) None (3) None	

[4] Including dredging services relating to infrastructure construction.

[5] Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	difficult to be implemented by Chinese construction enterprises alone. 4. Chinese invested construction projects which are difficult to be implemented by Chinese construction enterprises alone can be jointly undertaken by Chinese and foreign construction enterprises with the approval of provincial government (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES (as defined in Annex 2)			
A. Commission Agents' Services (excluding salt, tobacco) B. Wholesale Trade Services6 (excluding salt, tobacco)	(1) Unbound (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Foreign-invested enterprises are permitted to distribute their products manufactured in China, including the products listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide the full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.

[6] The restrictions on mode 1 shall not undermine the rights of WTO Members to the right to trade as stipulated in Chapter 5 of China's Protocol of accession to the WTO.

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Retailing Services (excluding tobacco).	(1) Unbound except for mail order. (2) None (3) Wholly foreign-owned enterprises are permitted, except for: - chain stores which sell products of different types and brands from multiple suppliers with more than 30 outlets. For such chains stores with more than 30 outlets, foreign majority ownership will not be permitted if those chain stores distribute any of the following products: books, newspapers, magazines, pharmaceutical products, pesticides, mulching films, processed oil, chemical fertilizers and products listed in Annex 2a of the Protocol of China's WTO Accession. The foreign chain store operators will have the freedom of choice of any partner, legally established in China according to China's laws and regulations. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound except for mail order. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Foreign-invested enterprises may distribute their products manufactured in China, including those excepted products as listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
E. Wholesale or retail trade services away from a fixed location.	(1) None (2) None (3) None[7] (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

[7] See paragraph 310 of the Working Party Report.

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
A. Primary education services (CPC 921, excluding national compulsory education in CPC 92190) B. Secondary education services (CPC 922, excluding national compulsory education in CPC 92210) C. Higher education services (CPC 923) D. Adult education services (CPC 924, including non-academic training of beauty treatment, spa, and acupuncture) E. Other education services (CPC 929, including non-academic training in the following areas: a. English language b. cooking c. handicraft	(1) Unbound (2) None (3) Joint schools will be established, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments and the following: Foreign individual education service suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions.	(1) Unbound (2) None (3) Unbound (4) Qualifications are as follows: - possession of Bachelor's degree or above; - and an appropriate professional title or certificate, with two years' professional experiences.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES (excluding environmental quality monitoring and pollution source inspection)			
A. Sewage Services (CPC 9401) B. Solid Waste Disposal Services (CPC 9402) C. Cleaning Services of Exhaust Gases (CPC 9404) D. Noise Abatement Services (CPC 9405) E. Nature and Landscape Protection Services (CPC 9406) F. Other Environmental Protection Services (CPC 9409) G. Sanitation Services (CPC 9403)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. All Insurance and Insurance-Related Services[8] (a) Life, health and pension/annuity insurance (b) Non-life insurance (c) Reinsurance (d) Services auxiliary to insurance	(1) Unbound except for : (a) reinsurance; (b) international marine, aviation, and transport insurance; and (c) brokerage for large scale commercial risks, international marine, aviation, and transport insurance, and reinsurance. (2) Unbound for brokerage. Other, none. (3) A. <u>Form of establishment</u> Foreign non-life insurers are permitted to establish as a branch or as a wholly-owned subsidiary, with no form of establishment restrictions. Foreign life insurers are permitted 50 per cent foreign ownership in a joint venture with the partner of their choice.	(1) None (2) None (3) None, except for: - Foreign insurance institutions shall not engage in the statutory insurance business.	

[8] Any further authorization provided to foreign insurers after accession under more favorable conditions than those contained in this schedule (including the extension of grandfathered investments through branching, sub-branching or any other legal form), will be made available to other foreign service suppliers which so requested.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The joint venture partners can freely agree the terms of their engagement, provided they remain within the limits of the commitments contained in this schedule. For brokerage for insurance of large scale commercial risks and brokerage for reinsurance and brokerage for international marine, aviation, and transport insurance and reinsurance: wholly foreign owned subsidiary is permitted. For other brokerage services: Unbound. Internal branching for an insurance firm is permitted. B. <u>Business Scope</u> Foreign non-life insurers are permitted to provide "master policy" insurance/insurance of large scale commercial risks, which has no geographic restrictions. In accordance with national		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	treatment, foreign insurance brokers are permitted to provide "Master policy" no later than Chinese brokers, under conditions no less favourable. Foreign non-life insurers are permitted to provide the full range of non-life insurance services to both foreign and domestic clients. Foreign insurers are permitted to provide health insurance, individual/group insurance and pension/annuities insurance to foreigners and Chinese. Foreign insurers are permitted to provide reinsurance services for life and non-life insurance as a branch, joint venture, or wholly foreign-owned subsidiary, without geographic or quantitative restrictions on the number of licenses issued.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	C. <u>Licenses</u> Licenses are issued with no economic needs test or quantitative limits on licenses. Qualifications for establishing a foreign insurance institution are as follows: - the investor shall be a foreign insurance company with more than 30 years of establishment experience in a WTO member; - it shall have a representative office for two consecutive years in China; - it shall have total assets of more than US $5 billion at the end of the year prior to application, except for insurance brokers. Insurance brokers shall have total assets of more than US$ 200 million. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Banking and Other Financial Services (excluding insurance and securities) Banking services as listed below: (a) Acceptance of deposits and other repayable funds from the public; (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction; (c) Financial leasing; (d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts(including import and export settlement); (e) Guarantees and commitments; (f) Trading for own account or for account of customers: foreign exchange.	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) A. <u>Geographic coverage</u> For foreign currency business, there will be no geographic restriction. For local currency business, foreign services suppliers may provide business in following cities: Shanghai, Shenzhen, Tianjin, Dalian, Guangzhou, Zhuhai, Qingdao, Nanjing, Wuhan, Jinan, Fuzhou, Chengdu, Chongqing Kunming, Beijing, Xiamen, Shantou, Ningbo, Shenyang and Xi'an. Within	(1) None (2) None (3) Except for geographic restrictions and client limitations on local currency business (listed in the market access column), foreign financial institution may do business, without restrictions or need for case-by-case approval, with foreign invested enterprises, non-Chinese natural persons, Chinese natural persons and Chinese enterprises. Otherwise, none.	For financial leasing services, foreign financial leasing corporations are permitted to provide financial leasing service at the same time as domestic corporations.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	five years after accession, all geographic restrictions will be removed. B. Clients For foreign currency business, foreign financial institutions are permitted to provide services in China without restriction as to clients. For local currency business, foreign financial institutions are permitted to provide services to Chinese enterprises. Foreign financial institutions are permitted to provide services to all Chinese clients. Foreign financial institutions licensed for local currency business in one region of China may service clients in any other region that has been opened for such business. C. Licensing Criteria for authorization to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Existing non-prudential measures restricting		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	ownership, operation, and juridical form of foreign financial institutions, including on internal branching and licenses are eliminated. Foreign financial institutions who meet the following condition are permitted to establish a subsidiary of a foreign bank or a foreign finance company in China: - total assets of more than US $10 billion at the end of the year prior to filing the application. Foreign financial institutions who meet the following condition are permitted to establish a branch of a foreign bank in China: - total assets of more than US $20 billion at the end of the year prior to filing the application. Foreign financial institutions who meet the following condition are permitted to establish a Chinese-foreign joint bank or a Chinese-foreign	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	joint finance company in China: - total assets of more than US $10 billion at the end of the year prior to filing the application. Qualifications for foreign financial institutions to engage in local currency business are as follows: - three years business operation in China and being profitable for two consecutive years prior to the application, otherwise, none. (4) Unbound except as indicated in horizontal commitments.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Motor vehicle financing by non-bank financial institutions	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Other financial services as listed below: (k) Provision and transfer of financial information, and	(1) None (2) None (3) None. Criteria for authorization	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
financial data processing and related software by supplier of other financial services; (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Branches of foreign institutions are permitted. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Securities	(1) Unbound except for the following: - Foreign securities institutions may engage directly (without Chinese intermediary) in B share business (2) None (3) (a) Unbound, except for the following: - Representative offices in China of foreign securities institutions may become Special Members of all Chinese stock exchanges. - Foreign service suppliers are permitted to establish joint ventures with foreign investment up to 49 per cent to conduct domestic securities investment fund management business. Foreign securities institutions are permitted to establish joint ventures, with foreign minority ownership not exceeding 1/3, to engage (without Chinese intermediary) in underwriting A shares and in underwriting and trading of	(1) None (2) None (3) None	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	B and H shares as well as government and corporate debts, launching of funds. (b) Criteria for authorization to deal in China's financial industry are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels (including apartment buildings) and Restaurants (CPC 641-643)	(1) None (2) None (3) Foreign services suppliers may construct, renovate and operate hotel and restaurant establishments in China. Wholly foreign-owned subsidiaries are permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: - Foreign managers, specialists including chefs and senior executives who have signed contracts with joint venture hotels and restaurants in China are permitted to provide services in China.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal commitments.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Travel Agency and Tour Operator (CPC 7471)	(1) None (2) None (3) Foreign services suppliers who meet the following conditions are permitted to provide services in the form of joint venture travel agencies and tour operators in the holiday resorts designated by the Chinese government and in the cities of Beijing, Shanghai, Guangzhou and Xi'an: (a) a travel agency and tour operator mainly engaged in travel business; (b) Annual world-wide turnover exceeds US$ 40 million. The registered capital of joint venture travel agency/tour operator shall be no less than RMB 2.5 million. Foreign majority ownership are permitted Wholly foreign-owned subsidiaries are permitted and geographic restrictions are removed.	(1) None (2) None (3) None except that joint ventures or wholly Foreign-owned travel agencies and tour operators are not permitted to engage in the activities of Chinese travelling abroad and to Hong Kong China, Macao China and Chinese Taipei.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The business scope of the travel agency/ tour operator is as follows: (a) travel and hotel accommodation services for foreign travellers which can be made directly with transportation and hotel operators in China covering such operations; (b) travel services and hotel accommodation services for domestic travellers which can be made directly with transportation and hotel operators in China covering such operations; (c) conducting of tours within China for both domestic and foreign travellers, and (d) travellers check cashing services within China. There will be no restriction on the establishment of branches of the joint venture travel agency/tour operator and the requirement on registered capital of foreign-invested travel agency/tour operator will be the same as that of Chinese travel agency/tour operator.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
D. Sporting and other recreational services (Only limited to CPC 96411, 96412, 96413, **including training of badminton,** excluding golf)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services - International transport (freight and passengers) (CPC 7211 and 7212 less cabotage transport services)	(1) (a) Liner shipping (including passenger transportation): None (b) Bulk, tramp and other international shipping (including passenger transportation): None (2) None (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of the People's Republic of China: - Foreign service suppliers are permitted to establish joint venture shipping companies. - Foreign investment shall not exceed 49 per cent of the total registered capital of the joint venture. - The chairman of board of directors and the general manager of the joint venture shall be appointed by the Chinese side. (b) Other forms of commercial presence for the	(1) None (2) None (3) (a) None (b) Unbound	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	supply of international maritime transport services: Unbound (4) (a) Ship's crew: Unbound except as indicated in horizontal commitments. (b) Key personnel employed by Commercial Presence as defined under mode (3) (b) above: Unbound except as indicated in horizontal commitments.	(4) (a) Unbound except as indicated in horizontal commitments. (b) Unbound except as indicated in horizontal commitments.	
H. Auxiliary Services (a) Maritime cargo-handling services (CPC 741) (c) Customs clearance services for maritime transport	(1) Unbound* (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Container station and depot services	(1) Unbound* (2) None (3) Only in forms of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(e) Maritime agency services	(1) None (2) None (3) Only in forms of joint ventures, with foreign equity share no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport (b) Freight transport (CPC 7222)	(1) Only international shipping in ports open to foreign vessels shall be permitted. (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) Limitations as indicated under market access column (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
C. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) Unbound* (2) None (3) Foreign service suppliers are permitted to establish joint venture aircraft repair and maintenance enterprises in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) The joint ventures have the obligation to undertake business in the international market. (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Computer Reservation System (CRS) services	(1) (a) Foreign computer reservation systems may provide services to Chinese aviation enterprises and aviation agents by connecting through a Chinese computer reservation system. (b) Foreign Computer Reservation System may provide services to representative offices and sales offices established in the destination cities in China by foreign aviation enterprises which have the right to engage in business according to the bilateral aviation agreements. (c) Direct access to and use of foreign computer reservation systems by aviation agents are subject to approval of the General Administration of Civil Aviation of China (CAAC). (2) None (3) Foreign service suppliers are permitted to establish joint venture enterprises with Chinese Computer Reservation System	(1) (1) None (2) None (3) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. Licenses for the establishment of joint ventures are subject to economic needs test. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
E. Rail Transport Services F. Road Transport Services - Freight transportation by rail (CPC 7112) - Freight transportation by road in trucks or cars (CPC 7123)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Passenger Transportation - Urban and suburban regular transportation (CPC 71211) - Urban and suburban special transportation (CPC 71212) - Interurban regular transportation (CPC 71213) - Interurban special transportation (CPC 71214)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign investment not to exceed 49 per cent. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in horizontal commitments.	
H. Services Auxiliary to all Modes of Transport - Storage and warehousing services (CPC 742)	(1) Unbound (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Freight forwarding agency services (CPC 748 and 749 excluding freight inspection)	(1) None (2) None (3) Foreign freight forwarding agencies which have at least three consecutive years experience are permitted to set up freight forwarding agency joint ventures in China, with wholly foreign-owned subsidiaries permitted. Operation term of the joint ventures shall not exceed 20 years. After one year operating in China, the joint venture can set up branches. A foreign freight forwarding agency may set up a second joint venture after its first joint venture has been in operation for two years. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

Appendix 1

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.

WORLD TRADE ORGANIZATION

S/GBT/W/2/Rev.1
16 January 1997

(97-0173)

Group on Basic Telecommunications

Note by the Chairman

Revision

It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.

NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS

1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:

(a) encompasses local, long distance and international services for public and non-public use;

(b) may be provided on a facilities-basis or by resale; and

(c) may be provided through any means of technology (e.g., cable[9], wireless, satellites).

2. Subsector (g) --private leased circuit services -- involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.

3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

[9]Including all types of cable.

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CHAIRMAN'S NOTE

Market Access Limitations on Spectrum Availability

Many Members have entries in the market access column of their schedules indicating that commitments are "subject to availability of spectrum/frequency" or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as "subject to availability of spectrum/frequency" as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, *per se*, a measure which needs to be listed under Article XVI. Furthermore under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of service suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitment in line with the Reference Paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as "subject to availability of spectrum/frequency" are unnecessary and should be deleted from Members' schedules.

Appendix 2

Distribution Services

Distribution trade services are comprised of four main sub-sectors:

- commission agents services;
- wholesaling;
- retailing; and
- franchising.

The principal services rendered in each subsector can be characterized as reselling merchandise, accompanied by a variety of related subordinated services, including inventory management; assembly, sorting and grading of bulk lots; breaking bulk lots and redistributing into smaller lots; delivery services; refrigeration, storage, warehousing and garage services; sales promotion, marketing and advertising, installation and after sales services including maintenance and repair and training services. Distribution services are generally covered by CPC 61, 62, 63 and 8929.

Commission Agents' Services consist of sales on a fee or contract basis by an agent, broker or auctioneer or other wholesalers of goods/merchandise and related subordinated services.

Wholesaling consist of the sale of goods/merchandise to retailers to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Retailing services consist of the sale of goods/merchandise for personal or household consumption either from a fixed location (e.g., store, kiosk, etc.) or away from a fixed location and related subordinated services.

Franchising services consist of the sale of the use of a product, trade name or particular business format system in exchange for fees or royalties. Product and trade name franchising involves the use of a trade name in exchange for fees or royalties and may include an obligation for exclusive sale of trade name products. Business format franchising involves the use of an entire business concept in exchange for fees and royalties, and may include the use of a trade name, business plan, and training materials and related subordinated services.

Appendix 3

Insurance: Definition of "Master Policy"

Master policy is the policy that provides blanket coverage for the same legal person's property and liabilities located in different places. Master policy may only be issued by the business department of an insurer's head office or that of its authorized province-level branch offices. Other branches are not allowed to issue master policy.

Master policy business with the state key construction projects as its subject-matter insured. If investors on the state key construction projects (i.e., projects that are so listed and annually announced by the State Development and Planning Commission) meet either of the following requirements, they may purchase master policy from insurers that are located in the same place as the investors' legal persons do.

The investment on the subject-matter insured is all from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the investor accounts for over 15 per cent of the total investment.

The investment is partially from abroad, and partially from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the Chinese investor accounts for over 15 per cent for the total domestic investment.

For those projects that draw investment all from abroad, every insurer may provide coverage in the form of master policies.

Master policy covering different subjects-matter insured of the same legal person. For those subjects-matter insured located in different places and owned by the same legal person (excluding financial, railway, and post and telecommunications industries and enterprises), master policy may be issued on the basis of either of the following conditions.

For the sake of payment of premium tax, insurance companies incorporated where the legal person or accounting unit of the insurance applicant is located are allowed to issue master policy.

If over 50 per cent of insurance amount of the subject-matter insured is from a larger or medium sized city, then insurers in that city are allowed to issue master policy, no matter whether the insurance applicant's legal person or accounting unit is located in the city.

Motor insurance, credit insurance, employer liabilities insurance, statutory insurance, and other insurance business excluded by the CIRC can not be underwritten or co-insured by insurers located other than where the subject-insured are located, or covered under a master policy.

THE PEOPLE'S REPUBLIC OF CHINA

Schedule of Specific Commitments

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS[1]			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) In China, foreign invested enterprises include foreign capital enterprises (also referred to as wholly foreign-owned enterprises) and joint venture enterprises and there are two types of joint venture enterprises: equity joint ventures and contractual joint ventures.[2] The proportion of foreign investment in an equity joint venture shall be no less than 25 per cent of the registered capital of the joint venture. The establishment of branches by foreign enterprises is unbound, unless otherwise indicated in specific sub-sectors, as the laws and regulations on branches of foreign enterprises are under formulation.	(3) Unbound for all the existing subsidies to domestic services suppliers in the sectors of audio-visual, aviation and medical services. Unbound for all the existing subsidies to domestic services suppliers in the sectors listed in China-ASEAN Services commitments. Unbound for all the subsidies to domestic services suppliers in any new sector and sub-sector scheduled in the future services negotiations after signing China-ASEAN FTA Services Agreement.	

[1] In this commitment, the mention of "foreign" in both horizontal and specific commitments only refers to "ASEAN Member Countries".

[2] The terms of the contract, concluded in accordance with China's laws, regulations and other measures, establishing a "contractual joint venture" govern matters such as the manner of operation and management of the joint venture as well as the investment or other contributions of the joint venture parties. Equity participation by all parties to the contractual joint venture is not required, but is determined pursuant to the joint venture contract. "Foreign invested enterprise" in this schedule means a foreign invested enterprise duly constituted or otherwise organized under "Law on Chinese-Foreign Equity Joint Ventures", "Law on Chinese-Foreign Contractual Joint Ventures" and "Law on Foreign-Capital Enterprises".

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Representative offices of foreign enterprises are permitted to be established in China, but they shall not engage in any profit-making activities except for the representative offices under CPC 861, 862, 863, 865 in the sectoral specific commitments The land in the People's Republic of China is State-owned. Use of land by enterprises and individuals is subject to the following maximum term limitations: (a) 70 years for residential purposes; (b) 50 years for industrial purposes; (c) 50 years for the purpose of education, science, culture, public health and physical education; (d) 40 years for commercial, tourist and recreational purposes; (e) 50 years for comprehensive utilization or other purposes.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except for measures concerning the entry and temporary stay of natural persons who fall into one of the following categories: (a) Managers, executives and specialists defined as senior employees of a corporation of a Party that has established a representative office, branch or subsidiary in the territory of the People's Republic of China, temporarily moving as intra-corporate transferees, shall be permitted entry for an initial stay of three years; (b) Managers, executives and specialists defined as senior employees of a corporation of Parties, being engaged in the foreign invested enterprises in the territory of the People's Republic of China for conducting business, shall be granted a long-term stay permit as stipulated in the terms of contracts concerned or an initial stay of three years, whichever is shorter;	(4) Unbound except for the measures concerning the entry and temporary stay of natural persons who fall into the categories referred to in the market access column.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) Service salespersons – persons not based in the territory of the People's Republic of China and receiving no remuneration from a source located within China, and who are engaged in activities related to representing a service supplier for the purpose of negotiation for the sale of services of that supplier where: (a) such sales are not directly made to the general public and (b) the salesperson is not engaged in supplying the service: entry for salespersons is limited to a 90-day period. (d) Contractual Service Suppliers(CSS): Foreign natural persons who enter the territory of China temporarily in order to perform a service pursuant to a contract(s) between their employers and a service consumer(s) of China. Their employers		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	shall be a company/partner/firm of other Parties which has no commercial presence in the territory of China. CSS receive remuneration from their employer while abroad, and have appropriate educational and technical (professional) qualifications relevant to the service to be provided. Their duration of stay is subject to the duration of contract and (if longer) shall not exceed 1 year. They can not perform services which are not related to the service activity which is the subject of the contract. The services provided by CSS are only limited to the specific sectors as follows: (1) Accounting Services (2) Medical and dental services (3) Architectural services (4) Engineering services (5) Urban planning services (except general urban planning) (6) Computer and related		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	services (7) Construction and Related Engineering Services (8) Education Services: CSS shall acquire a bachelor's degree or above, receive appropriate professional titles or certificates, and have at least 2-year professional work experience. The Chinese party involved in the contract shall be a juridical person which has the function of providing education service (9) Tourism Services (e) others Installers and servicers: Qualified specialists supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	builder of the machinery or equipment and the owner of that machinery or equipment, both of them being juridical persons Duration of stay of the installers and servicers is subject to the duration of contract, but shall not exceed 3 months. They cannot perform services which are not related to the service activity which is the subject of the contract, and should have appropriate technical (professional) qualifications relevant to the service to be provided.		

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal Services (CPC 861, excluding Chinese law practice)	(1) None (2) None (3) Foreign law firms can provide legal services only in the form of representative offices. Representative offices can engage in profit-making activities. Business scope of foreign representative offices is only as follows: (a) to provide clients with consultancy on the legislation of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work, and on international conventions and practices; (b) to handle, when entrusted by clients or Chinese law firms, legal affairs of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work;	(1) None (2) None (3) All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) to entrust, on behalf of foreign clients, Chinese law firms to deal with the Chinese legal affairs; (d) to enter into contracts to maintain long-term entrustment relations with Chinese law firms for legal affairs; (e) to provide information on the impact of the Chinese legal environment. Entrustment allows the foreign representative office to directly instruct lawyers in the entrusted Chinese law firm, as agreed between both parties. The representatives of a foreign law firm shall be practitioner lawyers who are members of the bar or law society in a ASEAN member country and have practiced for no less than two years outside of China. The Chief representative shall be a partner or equivalent (e.g., member of a law firm of a limited liability corporation) of a law firm of a ASEAN member country and have practiced for no less than three years outside of China.		

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in horizontal commitments	(4) Unbound except as indicated in horizontal commitments	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Partnerships or incorporated accounting firms are limited to Certified Public Accountants (CPAs) licensed by the Chinese authorities (4) Unbound except as indicted in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicted in horizontal commitments.	- Foreign accounting firms are permitted to affiliate with Chinese firms and enter into contractual agreements with their affiliated firms in the WTO Members. - Issuance of licenses to those foreigners who have passed the Chinese national CPA examination shall be accorded national treatment. - Applicants will be informed of results in writing no later than 30 days after submission of their applications. - Accounting firms providing services in CPC 862 can engage in taxation and management consulting services. They will not be subject to requirements on form of establishment in CPC 865 and 8630.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Taxation services (CPC 8630)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) (4) Unbound except as indicated in horizontal commitments	
(d) Architectural services (CPC 8671) (e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning services (except general urban planning) (CPC 8674)	(1) None for scheme design. Co-operation with Chinese professional organisations is required except scheme design. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound, except as indicated in horizontal commitments.	(1) None (2) None (3) Foreign service suppliers shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in their home country. (4) Unbound, except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Medical and dental services (CPC 9312)	(1) None (2) None (3) Foreign service suppliers are permitted to establish joint venture hospitals or clinics with Chinese partners with quantitative limitations in line with China's needs, with foreign majority ownership permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: Foreign doctors with professional certificates issued by their home country shall be permitted to provide short-term medical services in China after they obtain licenses from the Ministry of Public Health. The term of service is six months and may extend to one year.	(1) None (2) None (3) The majority of doctors and medical personnel of the joint venture hospital and clinics shall be of Chinese nationality (4) Unbound, except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer and Related Services (Computer and related services do not cover the economic activity consisting of the provision of content services which require computer and related services as means of supply) (a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
(b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) - Input preparation services (CPC 8431)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Data processing and tabulation services (CPC 8432) - Time-sharing services (CPC 8433)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
D. Real Estate Services (a) Real estate services involving own or leased property (CPC 821)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
(b) Real estate services on a fee or contract basis (CPC 822)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services (a) Advertising Services (CPC 871)	(1) Only through advertising agents registered in China who have the right to provide foreign advertising services. (2) Only through advertising agents registered in China who have the right to provide foreign advertising services. (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(b) Market research services (CPC 86401, only limited to investigation services designed to secure information on the prospects and performance of an organization's products in the market)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments. Requirement for a commercial presence.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Management Consulting services (CPC 865)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Services related to management consulting (only limited to the following sub-sector) - Project management services other than for construction (CPC 86601)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Technical testing and analysis services (CPC 8676) and freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services	(1) None (2) None (3) Foreign services suppliers which have been engaged in inspection services in their home countries for more than three years are permitted to establish joint venture technical testing, analysis and freight inspection companies with no less than US$ 350,000 in registered capital. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Services incidental to agriculture, forestry, hunting and fishing (CPC 881, 882)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(k) Placement and supply services of Personnel (CPC 872, excluding CPC 87209)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
m. Related scientific technical consulting services (CPC 8675) - Offshore oil-field services geological, geophysical and other scientific prospecting services (CPC 86751) - Sub-surface surveying services (CPC 86752)	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with Chinese partners (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Onshore oil-field services	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with China National Petroleum Corp. (CNPC) in the designated areas approved by the Chinese government. In order to carry out the petroleum contract, the foreign service supplier shall establish a branch, subsidiary or representative office within the territory of the People's Republic of China and go through registration formalities in accordance with the laws. The domiciles of the said offices shall be determined through consultation with CNPC. The foreign service supplier shall open its bank account with a bank approved by the Chinese authorities to engage in foreign exchange business within the Chinese territory. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) The foreign service supplier shall furnish CNPC accurately and promptly with the reports on the petroleum operations, and shall submit to CNPC the data and samples as well as various technological, economic, accounting and administrative reports related to petroleum operations. CNPC shall have the ownership of all of the data records, samples, vouchers and other original information acquired during the implementation of the petroleum operations. The investment of foreign service suppliers shall be made in US dollars or other hard currencies. (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(o) Building-cleaning services (CPC 874)	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) Wholly foreign-owned enterprises are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(p) Photographic services (CPC 875)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only in the form of joint ventures, with foreign majority ownership permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(q) Packaging services (CPC 876)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Wholly foreign-owned subsidiaries are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

* Unbound due to lack of technical feasibility.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(r) Printing of packaging materials, on a fee or contract basis (Only limited to the printing of packaging materials)	(1) Unbound (2) Unbound (3) Wholly foreign-owned enterprises are permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
(s) Convention services (CPC 87909)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(t) Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: three years of experience in translation or interpretation and a good command of the working language(s).	
- Maintenance and repair services(CPC 63, 6112 and 6122) - Maintenance and repair services of office machinery and equipment including computers (CPC 845 and 886)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Rental and leasing services (CPC 831, 832, excluding CPC 83202)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. Service suppliers will have global assets of US$ 5 million. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 75121, except for those currently specifically reserved to Chinese postal authorities by law)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
Basic Telecommunication Services - Paging Services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Telecommunication Services3 Value-added Services Including the following: (h) Electronic mail (i) Voice mail (j) On-line information and database 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)	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

[3] China's commitments are scheduled in accordance with the following: Notes for Scheduling Basic Telecom Services Commitments (S/GBT/W/2/REV/1) and Market Access Limitations on Spectrum Availability (S/GBT/W/3) attached hereto.

All international telecommunications services shall go through gateways established with the approval of China's telecommunications authorities, which will act as an independent regulatory authority in accordance with the principles of paragraph 5 of the Reference Paper.

Telecommunication services do not cover the economic activity consisting of the provision of content services which require telecommunications services for their transport.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile Voice and Data Services: - Analogue / Digital / Cellular Services - Personal Communication Services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Domestic Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) Domestic private leased circuit services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent.	(1) None (2) None (3) None	
- International Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) International closed user group voice and data services (use of private leased circuit service is permitted)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services - Videos, including entertainment software and (CPC 83202), distribution services - Sound recording distribution services	(1) None (2) None (3) Foreign services suppliers are permitted to establish contractual joint ventures with Chinese partners to engage in the distribution of audiovisual products, excluding motion pictures, without prejudice to China's right to examine the content of audio and video products (see footnote 1). (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Without prejudice to compliance with China's regulations on the administration of films, China allows the importation of motion pictures for theatrical release on a revenue-sharing basis and the number of such imports shall be 20 on an annual basis.
- Cinema Theatre Services	(1) None (2) None (3) Foreign services suppliers are permitted to construct and/or renovate cinema theatres, with foreign investment no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
(CPC 511, 512, 513[4], 514, 515, 516, 517, 518[5])	(1) Unbound* (2) None (3) Wholly foreign-owned enterprises are permitted. Wholly foreign-owned enterprises can only undertake the following four types of construction projects. 1. Construction projects wholly financed by foreign investment and/or grants. 2. Construction projects financed by loans of international financial institutions and awarded through international tendering according to the terms of loans. 3. Chinese-foreign jointly constructed projects with foreign investment equal to or more than 50 per cent; and Chinese-foreign jointly constructed projects with foreign investment less than 50 per cent but technically	(1) Unbound* (2) None (3) None	

[4] Including dredging services relating to infrastructure construction.

[5] Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	difficult to be implemented by Chinese construction enterprises alone. 4. Chinese invested construction projects which are difficult to be implemented by Chinese construction enterprises alone can be jointly undertaken by Chinese and foreign construction enterprises with the approval of provincial government (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES (as defined in Annex 2)			
A. Commission Agents' Services (excluding salt, tobacco) B. Wholesale Trade Services6 (excluding salt, tobacco)	(1) Unbound (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Foreign-invested enterprises are permitted to distribute their products manufactured in China, including the products listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide the full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.

[6] The restrictions on mode 1 shall not undermine the rights of WTO Members to the right to trade as stipulated in Chapter 5 of China's Protocol of accession to the WTO.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Retailing Services (excluding tobacco).	(1) Unbound except for mail order. (2) None (3) Wholly foreign-owned enterprises are permitted, except for: - chain stores which sell products of different types and brands from multiple suppliers with more than 30 outlets. For such chains stores with more than 30 outlets, foreign majority ownership will not be permitted if those chain stores distribute any of the following products: books, newspapers, magazines, pharmaceutical products, pesticides, mulching films, processed oil, chemical fertilizers and products listed in Annex 2a of the Protocol of China's WTO Accession. The foreign chain store operators will have the freedom of choice of any partner, legally established in China according to China's laws and regulations. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound except for mail order. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Foreign-invested enterprises may distribute their products manufactured in China, including those excepted products as listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
E. Wholesale or retail trade services away from a fixed location.	(1) None (2) None (3) None[7] (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

[7] See paragraph 310 of the Working Party Report.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
A. Primary education services (CPC 921, excluding national compulsory education in CPC 92190) B. Secondary education services (CPC 922, excluding national compulsory education in CPC 92210) C. Higher education services (CPC 923) D. Adult education services (CPC 924, including non-academic training of beauty treatment, spa, and acupuncture) E. Other education services (CPC 929, including non-academic training in the following areas: a. English language b. cooking c. handicraft	(1) Unbound (2) None (3) Joint schools will be established, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments and the following: Foreign individual education service suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions.	(1) Unbound (2) None (3) Unbound (4) Qualifications are as follows: - possession of Bachelor's degree or above; - and an appropriate professional title or certificate, with two years' professional experiences.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES (excluding environmental quality monitoring and pollution source inspection)			
A. Sewage Services (CPC 9401) B. Solid Waste Disposal Services (CPC 9402) C. Cleaning Services of Exhaust Gases (CPC 9404) D. Noise Abatement Services (CPC 9405) E. Nature and Landscape Protection Services (CPC 9406) F. Other Environmental Protection Services (CPC 9409) G. Sanitation Services (CPC 9403)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. All Insurance and Insurance-Related Services[8] (a) Life, health and pension/annuity insurance (b) Non-life insurance (c) Reinsurance (d) Services auxiliary to insurance	(1) Unbound except for : (a) reinsurance; (b) international marine, aviation, and transport insurance; and (c) brokerage for large scale commercial risks, international marine, aviation, and transport insurance, and reinsurance. (2) Unbound for brokerage. Other, none. (3) A. <u>Form of establishment</u> Foreign non-life insurers are permitted to establish as a branch or as a wholly-owned subsidiary, with no form of establishment restrictions. Foreign life insurers are permitted 50 per cent foreign ownership in a joint venture with the partner of their choice.	(1) None (2) None (3) None, except for: - Foreign insurance institutions shall not engage in the statutory insurance business.	

[8] Any further authorization provided to foreign insurers after accession under more favorable conditions than those contained in this schedule (including the extension of grandfathered investments through branching, sub-branching or any other legal form), will be made available to other foreign service suppliers which so requested.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The joint venture partners can freely agree the terms of their engagement, provided they remain within the limits of the commitments contained in this schedule. For brokerage for insurance of large scale commercial risks and brokerage for reinsurance and brokerage for international marine, aviation, and transport insurance and reinsurance: wholly foreign owned subsidiary is permitted. For other brokerage services: Unbound. Internal branching for an insurance firm is permitted. B. <u>Business Scope</u> Foreign non-life insurers are permitted to provide "master policy" insurance/insurance of large scale commercial risks, which has no geographic restrictions. In accordance with national		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	treatment, foreign insurance brokers are permitted to provide "Master policy" no later than Chinese brokers, under conditions no less favourable. Foreign non-life insurers are permitted to provide the full range of non-life insurance services to both foreign and domestic clients. Foreign insurers are permitted to provide health insurance, individual/group insurance and pension/annuities insurance to foreigners and Chinese. Foreign insurers are permitted to provide reinsurance services for life and non-life insurance as a branch, joint venture, or wholly foreign-owned subsidiary, without geographic or quantitative restrictions on the number of licenses issued.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	C. <u>Licenses</u> Licenses are issued with no economic needs test or quantitative limits on licenses. Qualifications for establishing a foreign insurance institution are as follows: - the investor shall be a foreign insurance company with more than 30 years of establishment experience in a WTO member; - it shall have a representative office for two consecutive years in China; - it shall have total assets of more than US $5 billion at the end of the year prior to application, except for insurance brokers. Insurance brokers shall have total assets of more than US$ 200 million. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Banking and Other Financial Services (excluding insurance and securities) Banking services as listed below: (a) Acceptance of deposits and other repayable funds from the public; (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction; (c) Financial leasing; (d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts(including import and export settlement); (e) Guarantees and commitments; (f) Trading for own account or for account of customers: foreign exchange.	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) A. <u>Geographic coverage</u> For foreign currency business, there will be no geographic restriction. For local currency business, foreign services suppliers may provide business in following cities: Shanghai, Shenzhen, Tianjin, Dalian, Guangzhou, Zhuhai, Qingdao, Nanjing, Wuhan, Jinan, Fuzhou, Chengdu, Chongqing Kunming, Beijing, Xiamen, Shantou, Ningbo, Shenyang and Xi'an. Within	(1) None (2) None (3) Except for geographic restrictions and client limitations on local currency business (listed in the market access column), foreign financial institution may do business, without restrictions or need for case-by-case approval, with foreign invested enterprises, non-Chinese natural persons, Chinese natural persons and Chinese enterprises. Otherwise, none.	For financial leasing services, foreign financial leasing corporations are permitted to provide financial leasing service at the same time as domestic corporations.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	five years after accession, all geographic restrictions will be removed. B. Clients For foreign currency business, foreign financial institutions are permitted to provide services in China without restriction as to clients. For local currency business, foreign financial institutions are permitted to provide services to Chinese enterprises. Foreign financial institutions are permitted to provide services to all Chinese clients. Foreign financial institutions licensed for local currency business in one region of China may service clients in any other region that has been opened for such business. C. Licensing Criteria for authorization to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Existing non-prudential measures restricting		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	ownership, operation, and juridical form of foreign financial institutions, including on internal branching and licenses are eliminated. Foreign financial institutions who meet the following condition are permitted to establish a subsidiary of a foreign bank or a foreign finance company in China: - total assets of more than US $10 billion at the end of the year prior to filing the application. Foreign financial institutions who meet the following condition are permitted to establish a branch of a foreign bank in China: - total assets of more than US $20 billion at the end of the year prior to filing the application. Foreign financial institutions who meet the following condition are permitted to establish a Chinese-foreign joint bank or a Chinese-foreign	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	joint finance company in China: - total assets of more than US $10 billion at the end of the year prior to filing the application. Qualifications for foreign financial institutions to engage in local currency business are as follows: - three years business operation in China and being profitable for two consecutive years prior to the application, otherwise, none. (4) Unbound except as indicated in horizontal commitments.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Motor vehicle financing by non-bank financial institutions	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Other financial services as listed below: (k) Provision and transfer of financial information, and	(1) None (2) None (3) None. Criteria for authorization	(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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
financial data processing and related software by supplier of other financial services; (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Branches of foreign institutions are permitted. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Securities	(1) Unbound except for the following: - Foreign securities institutions may engage directly (without Chinese intermediary) in B share business (2) None (3) (a) Unbound, except for the following: - Representative offices in China of foreign securities institutions may become Special Members of all Chinese stock exchanges. - Foreign service suppliers are permitted to establish joint ventures with foreign investment up to 49 per cent to conduct domestic securities investment fund management business. Foreign securities institutions are permitted to establish joint ventures, with foreign minority ownership not exceeding 1/3, to engage (without Chinese intermediary) in underwriting A shares and in underwriting and trading of	(1) None (2) None (3) None	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	B and H shares as well as government and corporate debts, launching of funds. (b) Criteria for authorization to deal in China's financial industry are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels (including apartment buildings) and Restaurants (CPC 641-643)	(1) None (2) None (3) Foreign services suppliers may construct, renovate and operate hotel and restaurant establishments in China. Wholly foreign-owned subsidiaries are permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: - Foreign managers, specialists including chefs and senior executives who have signed contracts with joint venture hotels and restaurants in China are permitted to provide services in China.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal commitments.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Travel Agency and Tour Operator (CPC 7471)	(1) None (2) None (3) Foreign services suppliers who meet the following conditions are permitted to provide services in the form of joint venture travel agencies and tour operators in the holiday resorts designated by the Chinese government and in the cities of Beijing, Shanghai, Guangzhou and Xi'an: (a) a travel agency and tour operator mainly engaged in travel business; (b) Annual world-wide turnover exceeds US$ 40 million. The registered capital of joint venture travel agency/tour operator shall be no less than RMB 2.5 million. Foreign majority ownership are permitted Wholly foreign-owned subsidiaries are permitted and geographic restrictions are removed.	(1) None (2) None (3) None except that joint ventures or wholly Foreign-owned travel agencies and tour operators are not permitted to engage in the activities of Chinese travelling abroad and to Hong Kong China, Macao China and Chinese Taipei.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The business scope of the travel agency/ tour operator is as follows: (a) travel and hotel accommodation services for foreign travellers which can be made directly with transportation and hotel operators in China covering such operations; (b) travel services and hotel accommodation services for domestic travellers which can be made directly with transportation and hotel operators in China covering such operations; (c) conducting of tours within China for both domestic and foreign travellers, and (d) travellers check cashing services within China. There will be no restriction on the establishment of branches of the joint venture travel agency/tour operator and the requirement on registered capital of foreign-invested travel agency/tour operator will be the same as that of Chinese travel agency/tour operator.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
D. Sporting and other recreational services (Only limited to CPC 96411, 96412, 96413, **including training of badminton,** excluding golf)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services - International transport (freight and passengers) (CPC 7211 and 7212 less cabotage transport services)	(1) (a) Liner shipping (including passenger transportation): None (b) Bulk, tramp and other international shipping (including passenger transportation): None (2) None (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of the People's Republic of China: - Foreign service suppliers are permitted to establish joint venture shipping companies. - Foreign investment shall not exceed 49 per cent of the total registered capital of the joint venture. - The chairman of board of directors and the general manager of the joint venture shall be appointed by the Chinese side. (b) Other forms of commercial presence for the	(1) None (2) None (3) (a) None (b) Unbound	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	supply of international maritime transport services: Unbound (4) (a) Ship's crew: Unbound except as indicated in horizontal commitments. (b) Key personnel employed by Commercial Presence as defined under mode (3) (b) above: Unbound except as indicated in horizontal commitments.	(4) (a) Unbound except as indicated in horizontal commitments. (b) Unbound except as indicated in horizontal commitments.	
H. Auxiliary Services (a) Maritime cargo-handling services (CPC 741) (c) Customs clearance services for maritime transport	(1) Unbound* (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Container station and depot services	(1) Unbound* (2) None (3) Only in forms of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(e) Maritime agency services	(1) None (2) None (3) Only in forms of joint ventures, with foreign equity share no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* 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 Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport (b) Freight transport (CPC 7222)	(1) Only international shipping in ports open to foreign vessels shall be permitted. (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) Limitations as indicated under market access column (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
C. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) Unbound* (2) None (3) Foreign service suppliers are permitted to establish joint venture aircraft repair and maintenance enterprises in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) The joint ventures have the obligation to undertake business in the international market. (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Computer Reservation System (CRS) services	(1) (a) Foreign computer reservation systems may provide services to Chinese aviation enterprises and aviation agents by connecting through a Chinese computer reservation system. (b) Foreign Computer Reservation System may provide services to representative offices and sales offices established in the destination cities in China by foreign aviation enterprises which have the right to engage in business according to the bilateral aviation agreements. (c) Direct access to and use of foreign computer reservation systems by aviation agents are subject to approval of the General Administration of Civil Aviation of China (CAAC). (2) None (3) Foreign service suppliers are permitted to establish joint venture enterprises with Chinese Computer Reservation System	(1) (1) None (2) None (3) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. Licenses for the establishment of joint ventures are subject to economic needs test. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
E. Rail Transport Services F. Road Transport Services - Freight transportation by rail (CPC 7112) - Freight transportation by road in trucks or cars (CPC 7123)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Passenger Transportation - Urban and suburban regular transportation (CPC 71211) - Urban and suburban special transportation (CPC 71212) - Interurban regular transportation (CPC 71213) - Interurban special transportation (CPC 71214)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign investment not to exceed 49 per cent. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in horizontal commitments.	
H. Services Auxiliary to all Modes of Transport - Storage and warehousing services (CPC 742)	(1) Unbound (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Freight forwarding agency services (CPC 748 and 749 excluding freight inspection)	(1) None (2) None (3) Foreign freight forwarding agencies which have at least three consecutive years experience are permitted to set up freight forwarding agency joint ventures in China, with wholly foreign-owned subsidiaries permitted. Operation term of the joint ventures shall not exceed 20 years. After one year operating in China, the joint venture can set up branches. A foreign freight forwarding agency may set up a second joint venture after its first joint venture has been in operation for two years. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

Appendix 1

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.

WORLD TRADE ORGANIZATION

S/GBT/W/2/Rev.1
16 January 1997

(97-0173)

Group on Basic Telecommunications

Note by the Chairman

Revision

It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.

NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS

1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:

(a) encompasses local, long distance and international services for public and non-public use;

(b) may be provided on a facilities-basis or by resale; and

(c) may be provided through any means of technology (e.g., cable[9], wireless, satellites).

2. Subsector (g) --private leased circuit services -- involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.

3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

[9]Including all types of cable.

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16 January 1997

(97-0173)

Original: English

Group on Basic Telecommunications

CHAIRMAN'S NOTE

Market Access Limitations on Spectrum Availability

Many Members have entries in the market access column of their schedules indicating that commitments are "subject to availability of spectrum/frequency" or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as "subject to availability of spectrum/frequency" as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, *per se*, a measure which needs to be listed under Article XVI. Furthermore under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of service suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitment in line with the Reference Paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as "subject to availability of spectrum/frequency" are unnecessary and should be deleted from Members' schedules.

Appendix 2

Distribution Services

Distribution trade services are comprised of four main sub-sectors:

- commission agents services;
- wholesaling;
- retailing; and
- franchising.

The principal services rendered in each subsector can be characterized as reselling merchandise, accompanied by a variety of related subordinated services, including inventory management; assembly, sorting and grading of bulk lots; breaking bulk lots and redistributing into smaller lots; delivery services; refrigeration, storage, warehousing and garage services; sales promotion, marketing and advertising, installation and after sales services including maintenance and repair and training services. Distribution services are generally covered by CPC 61, 62, 63 and 8929.

Commission Agents' Services consist of sales on a fee or contract basis by an agent, broker or auctioneer or other wholesalers of goods/merchandise and related subordinated services.

Wholesaling consist of the sale of goods/merchandise to retailers to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Retailing services consist of the sale of goods/merchandise for personal or household consumption either from a fixed location (e.g., store, kiosk, etc.) or away from a fixed location and related subordinated services.

Franchising services consist of the sale of the use of a product, trade name or particular business format system in exchange for fees or royalties. Product and trade name franchising involves the use of a trade name in exchange for fees or royalties and may include an obligation for exclusive sale of trade name products. Business format franchising involves the use of an entire business concept in exchange for fees and royalties, and may include the use of a trade name, business plan, and training materials and related subordinated services.

Appendix 3

Insurance: Definition of "Master Policy"

Master policy is the policy that provides blanket coverage for the same legal person's property and liabilities located in different places. Master policy may only be issued by the business department of an insurer's head office or that of its authorized province-level branch offices. Other branches are not allowed to issue master policy.

Master policy business with the state key construction projects as its subject-matter insured. If investors on the state key construction projects (i.e., projects that are so listed and annually announced by the State Development and Planning Commission) meet either of the following requirements, they may purchase master policy from insurers that are located in the same place as the investors' legal persons do.

The investment on the subject-matter insured is all from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the investor accounts for over 15 per cent of the total investment.

The investment is partially from abroad, and partially from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the Chinese investor accounts for over 15 per cent for the total domestic investment.

For those projects that draw investment all from abroad, every insurer may provide coverage in the form of master policies.

Master policy covering different subjects-matter insured of the same legal person. For those subjects-matter insured located in different places and owned by the same legal person (excluding financial, railway, and post and telecommunications industries and enterprises), master policy may be issued on the basis of either of the following conditions.

For the sake of payment of premium tax, insurance companies incorporated where the legal person or accounting unit of the insurance applicant is located are allowed to issue master policy.

If over 50 per cent of insurance amount of the subject-matter insured is from a larger or medium sized city, then insurers in that city are allowed to issue master policy, no matter whether the insurance applicant's legal person or accounting unit is located in the city.

Motor insurance, credit insurance, employer liabilities insurance, statutory insurance, and other insurance business excluded by the CIRC can not be underwritten or co-insured by insurers located other than where the subject-insured are located, or covered under a master policy.

ANNEX

SCHEDULE OF SPECIFIC COMMITMENTS

ANNEX

SCHEDULE OF SPECIFIC COMMITMENTS

Headnote to the Annex

1. The Second Package of Services commitments constitute a consolidated package of commitments together with the First Package and WTO commitments as decided by the Twenty-Fourth Meeting of the ASEAN-China Trade Negotiating Committee – Working Group on Services (24th ACTNC-WGS) held on 29-30 July 2008, in Hangzhou, China.

2. This Annex to the "*Protocol to Implement the Second Package of Specific Commitments under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China*" supersedes Annex 1 of the "*Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China*".

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PROTOKOL UNTUK MELAKSANAKAN PAKET KEDUA KOMITMEN SPESIFIK DI BAWAH PERSETUJUAN PERDAGANGAN JASA DALAM PERSETUJUAN KERANGKA KERJA MENGENAI KERJA SAMA EKONOMI MENYELURUH ANTARA NEGARA-NEGARA ANGGOTA ASOSIASI BANGSA-BANGSA ASIA TENGGARA DAN REPUBLIK RAKYAT CHINA

Pemerintah-pemerintah Brunei Darussalam, Kerajaan Kamboja, Republik Indonesia, Republik Demokratik Rakyat Laos, Malaysia, Republik Uni Myanmar, Republik Filipina, Republik Singapura, Kerajaan Thailand, Republik Sosialis Viet Nam, Negara-negara Anggota Asosiasi Bangsa-Bangsa Asia Tenggara (selanjutnya disebut secara bersama-sama sebagai "ASEAN" atau "Negara-negara Anggota ASEAN" atau secara sendiri-sendiri sebagai Negara Anggota ASEAN), dan Republik Rakyat China (selanjutnya disebut sebagai "China"), (selanjutnya disebut secara sendiri-sendiri sebagai "Pihak" dan secara bersama-sama sebagai "para Pihak"),

MENGINGAT Persetujuan Perdagangan Jasa dari Persetujuan Kerangka Kerja mengenai Kerja Sama Ekonomi Menyeluruh antara Pemerintah Negara-negara Anggota ASEAN dan Republik Rakyat China (selanjutnya disebut sebagai "Persetujuan") yang ditandatangani pada tanggal 14 Januari 2007 di Cebu, Filipina;

MENGINGAT bertujuan untuk melakukan peningkatan komitmen-komitmen spesifik setiap pihak dari paket pertama;

MENEGASKAN komitmen antar Pihak untuk meliberalisasikan perdagangan jasa secara progresif; dan

MENGAKUI persetujuan untuk menyelesaikan paket kedua komitmen spesifik dalam satu tahun sejak tanggal mulai berlakunya Persetujuan ini,

TELAH MENYETUJUI hal-hal sebagai berikut:

PASAL 1
KETENTUAN UMUM

1. Sesuai dengan Pasal 23 ayat (2) Persetujuan ini, paket kedua komitmen spesifik setiap pihak dilampirkan dalam Protokol ini. Protokol beserta lampirannya merupakan bagian yang tidak terpisahkan dari Persetujuan.
2. Protokol ini berlaku untuk Pihak yang telah menandatangani Protokol ini dan menyampaikan masing-masing komitmen spesifiknya kepada Sekretaris Jenderal ASEAN[1].

1. Kamboja merupakan negara yang dikecualikan dari Ketentuan untuk menyampaikan paket kedua komitmen spesifik (Konsultasi 8th AEM-MOFCOM)

PASAL 2
MULAI BERLAKU

1. Protokol ini mulai berlaku pada tanggal 1 Januari 2012.
2. Para Pihak menyelesaikan prosedur internalnya untuk dapat memberlakukan Protokol ini sejak tanggal 1 Januari 2012.
3. Apabila suatu Pihak tidak mampu menyelesaikan prosedur internalnya untuk dapat memberlakukan Protokol ini mulai tanggal 1 Januari 2012, maka hak dan kewajiban Pihak dalam Protokol ini mulai berlaku pada tanggal penyelesaian prosedur internalnya.
4. Setiap Pihak yang telah menyelesaikan prosedur internalnya wajib menyampaikan notifikasi secara tertulis kepada para Pihak.

PASAL 3
LEMBAGA PENYIMPAN

Untuk Negara-negara Anggota ASEAN, Protokol ini wajib disimpan oleh Sekretaris Jenderal ASEAN, dan Sekretaris Jenderal ASEAN segera menerbitkan salinan naskah resminya untuk setiap Negara Anggota ASEAN.

SEBAGAI BUKTI, yang bertanda tangan di bawah ini**,** yang diberi kuasa oleh Pemerintahnya masing-masing, telah menandatangani Protokol untuk Melaksanakan Paket Kedua Komitmen Spesifik di bawah Persetujuan Perdagangan Jasa Dalam Persetujuan Kerangka Kerja Mengenai Kerja Sama Ekonomi Menyeluruh Antara Negara-Negara Anggota Asosiasi Bangsa-Bangsa Asia Tenggara Dan Republik Rakyat China.

DIBUAT di Bali, Indonesia, tanggal 16 November 2011, rangkap dua dalam bahasa Inggris.

Untuk Pemerintah
Brunei Darussalam:

LIM JOCK SENG
Menteri Kedua Bidang Hubungan Luar Negeri dan Perdagangan

Untuk Pemerintah
Republik Rakyat China:

CHEN DEMING
Menteri Perdagangan

Untuk Pemerintah
Kerajaan Kamboja:

CHAM PRASIDH
Menteri Senior dan Menteri Perdagangan

Untuk Pemerintah
Republik Indonesia:

GITA IRAWAN WIRJAWAN
Menteri Perdagangan

Untuk Pemerintah
Republik Demokratik Rakyat Laos:

NAM VIYAKETH
Menteri Industri dan Perdagangan

Untuk Pemerintah
Malaysia:

MUSTAPA MOHAMED
Menteri Perdagangan Internasional
dan Industri

Untuk Pemerintah
Uni Myanmar:

U TIN NAING THEIN
Menteri, Kementerian Perencanaan
Nasional dan Pembangunan
Ekonomi

Untuk Pemerintah
Republik Filipina:

GREGORY L. DOMINGO
Menteri Perdagangan dan Industri

Untuk Pemerintah
Republik Singapura:

LIM HNG KIANG
Menteri Perdagangan dan Industri

Untuk Pemerintah
Kerajaan Thailand:

KITTIRATT NA-RANONG
Wakil Perdana Menteri dan Menteri
Perdagangan

Untuk Pemerintah
Republik Sosialis Viet Nam:

VU HUY HOANG
Menteri Industri dan Perdagangan